

MEETING OF THE PARLIAMENT

Thursday 12 December 2002

Session 1

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Col.

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Scottish Parliament

Thursday 12 December 2002

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

Children and Young People (Services)

The Presiding Officer (Sir David Steel): Good morning. Our first item of business is a debate on motion S1M-3698, in the name of Irene McGugan, on children's and young people's services in Scotland. I invite members who want to take part in the debate to indicate that now.

09:30

Irene McGugan (North-East Scotland) (SNP): I start with a quotation that is at the heart of the Executive's programme:

"Ensuring every young person gets the best possible start in life."

I am sure no one in the chamber disagrees with that worthy aspiration. However, we are concerned that too many of Scotland's vulnerable young people are being failed. We consider it to be such a serious issue that we have committed the entire morning to debating services for children and young people.

Huge numbers of children are in need of such services. Last year, 310,000 of Scotland's children were living in poverty—an increase of 2 per cent on the previous year. The most recent report by the Joseph Rowntree Foundation, "Monitoring poverty and social exclusion in Scotland", was published this month. It concluded that, during the seven years from 1994 to 2001,

"the overall sense is one of little change".

There are many more children in need: the number of referrals to the children's hearings system on the ground of care and protection increased by 93 per cent between 1995 and 2001. There are still more children in need: the number of looked-after children increased by 3 per cent from the previous year, to 11,200 in 2001-02. There are even more children in need: the latest figures show that 1,942 children were in residential accommodation as of 31 March last year—only 14 fewer children than in the previous year.

Contrary to the Executive's plan, for the past three years there has been a net, year-on-year increase in the number of looked-after children in some local authorities. The majority of those authorities report severe difficulties finding and

paying for placements for children who require substitute family care. Indeed, the fostering network estimates that we need about 650 more placements if we are to provide suitable families for all looked-after children.

We know that tackling the underlying social problems that face many families, of which poverty is the most significant, would immediately improve the life chances of those children. Poverty and disadvantage are common features in the family histories of most children who are referred to the children's hearings system. We know the proportion of looked-after children in the population varies considerably between local authority areas. East Renfrewshire has the fewest and Glasgow City has the most—the figures are, respectively, 3.2 and 21.5 per 1,000 of the population aged 0 to 17. That is another clear link to poverty, which denies children in Scotland their basic rights as citizens and often means physical, emotional or intellectual impairment and a lifetime of lost opportunity.

I remind members of some Labour promises. Chancellor Gordon Brown promised on 26 March 1999 that there would be a £500 million strategy to reduce the number of children in poverty in Scotland by 60,000. Also in 1999, the Prime Minister committed the United Kingdom Government to halving child poverty over the next 10 years and abolishing it within a generation. The following year, the Scottish Executive asserted in its "Programme for Government" that it would reduce the number of children in poverty by 100,000. We have had a promise, a commitment and an assertion—but that is all we have had.

Poverty on such a scale in this country is no less than a scandal. Eradication of poverty is not only a moral imperative; it should be a practical and affordable possibility for a modern Scotland that values its young people.

The continuing problems of youth crime and the expanding need for child protection services that I will go on to discuss are also symptomatic of the wider social justice issues of rising poverty and the growing opportunity gap.

Robert Brown (Glasgow) (LD): If Irene McGugan accepts that there is a link between poverty and children in need, would she care to comment on the difference between absolute poverty, which is reducing in Scotland, and relative poverty, the figures for which she has been using? During the years between the wars, crime figures were lower, although poverty levels were obviously much higher than they are now. Will she also comment on the difference between those figures and the figures for the post-war world generally? The issue may be more complex than she suggests.

Irene McGugan: Robert Brown should be aware that redefining poverty does not make the least bit of difference. All those children are in poverty in Scotland today and little has been done to alleviate the situation.

It seemed appropriate to focus on youth justice and child protection in the debate, following the publication of three recent reports—the child protection review, the youth justice audit and the report into children’s hearings. Those are well-researched, evidence-based documents, and I am pleased that the Executive’s amendment seems to indicate that it will take on board the recommendations that have been made. That is perhaps a more gracious and considered response than that of the First Minister to the child protection review.

Both of the substantial reports that deal with youth offending call for a specific commitment of resources to supply services to tackle offending behaviour—we have been calling for that since 1997. Less than 40 per cent of youth justice spend is directed at tackling offending behaviour; the remainder is spent on prosecution and the decision-making process. I agree with the recommendation that the Executive should review whether there should be a shift in that balance. As with poverty, the Scottish Executive has promised much but delivered little. We have had an advisory group report on youth crime, but we never got the promised national strategy on youth crime. We now have an action plan on youth crime, but there has not been much action so far.

Some of my colleagues will discuss youth justice further, but I want to move on to mention child protection services, where there is clear evidence of increased need and pressure on diminished resources. Ever-increasing numbers of children are being placed on child protection registers. Last year, about 7,000 cases were referred to social workers, resulting in 2,018 children being placed on child protection registers—an increase on the previous year. The findings of the child protection audit and review confirmed that some children were indeed falling through the net. Half of all children at risk of abuse or neglect were not properly protected, and of the 188 cases examined, 40 children were not protected and a further 62 were only partially protected. Children’s needs were judged to have been met well in just 24 cases. No one can be satisfied with that.

I welcome the reports’ recommendations and hope that the Executive will move speedily to implement them. Although a number of the recommendations refer to child protection committees and make various suggestions for improvement, I would like to add one more suggestion for the minister’s consideration. I suggest that those committees should have a

statutory basis. That would instantly award them increased status and would be much more reflective of the important role that they play in child protection. It would also mean that they would be better resourced and would deliver a uniformly high-quality service throughout the country. That is something that we all want, and I would be interested to hear the minister’s views on that.

At the launch of the child protection review, the First Minister decided to act tough—not tough on the causes of the crisis, but tough only on child protection social workers. The review offers substantial evidence that good and effective work is being done by the agencies involved. However, rather than acknowledge their achievement and encourage them to build on and improve it, the First Minister attempted to shift the blame for the acute crisis in children’s services on to the services. At a time when professionals urgently need support from the Government, his response was to pass the buck, deride the front-line professionals and undermine his Executive’s recruitment campaign.

I will briefly consider that recruitment campaign, which was called “care in Scotland” and billed as a major investment by the Executive to raise the profile of social care and attract people into the sector. The campaign lasted for four weeks and probably passed unnoticed by most MSPs. Four weeks is a short time to turn round a situation that has been developing for the best part of a decade, during which staffing has collapsed from 40,000 to 34,000 and many have opted to leave the sector entirely or to switch to work in the voluntary sector to escape bureaucracy and crushing work loads. The advertisements focused on social care in general, although the pressing need is to attract people into front-line children’s services. Perhaps resources could have been better targeted.

Tackling the poor public image of social work goes only part of the way to solving the problems. The British Association of Social Workers has said that many potential recruits are deterred by the lack of an attractive career structure, enormous work loads and a lack of financial recognition for demanding work. As yet, there has been no action to tackle those issues.

Regardless of the success or otherwise of the campaign—even with those flaws—the First Minister’s derisory and threatening comments to those in child protection damaged the campaign and further demoralised those who are trying to protect children in increasingly difficult circumstances. Such an approach completely negates the serious staffing and resource issues that exist. The child protection review found that outcomes for children were highly dependent on social work doing well and maintained that social

work plays the most instrumental role in child protection. Unfortunately, there is nothing in the recommendations of the child protection audit and review that will tackle head-on, or even indirectly, the appalling lack of resources—particularly staffing—that departments are experiencing.

I want to consider funding. While the Executive increases ring-fenced spending on the changing children's services fund, for example, to promote better integration of services—a perfectly commendable aim that the SNP supports—core funding for children and families services is grossly neglected. The Association of Directors of Social Work undertook an analysis of the budget spend on children's services in social work in Scotland for 1999-2000, which indicated that local authorities planned to spend £324 million on children's services. That was more than a third more—36 per cent, in fact, or £85 million—than the total provided in grant-aided expenditure. Average spend above GAE on children's services by local authorities in 2001-02 was 45 per cent, with 10 local authorities spending more than 100 per cent above GAE. That issue was also mentioned in the Audit Scotland report, which recommended that the Executive should address the inconsistencies between GAE and budgets.

I now turn to recruitment and retention. The latest Executive statistics show that an average of 10.7 per cent of children and families social work posts throughout Scotland are vacant. In the year 2000-01, when Jack McConnell was in charge of children's issues, there was an 8 per cent rise in the number of children referred to local authorities for child protection. At the same time, the number of vacancies for field social workers working with children more than doubled.

An SNP survey of local authorities in the summer of 2001 highlighted the recruitment issues and called for a McCrone-style review of pay and conditions. We carried out a quick update of the situation for this debate and received 18 responses within days. The minister will be interested to know that 17 of the 18 local authorities that responded think that the situation has worsened in the past 15 to 18 months. Current vacancies within child care teams are as high as 50 per cent in some areas; in many cases, no applications are received for advertised vacant posts. Teams that have achieved their full staffing complement think that doing so is a short-term solution at the expense of other local authorities. All are forced into a bidding war for graduates. One local authority stated that

“any council's success is another council's deepening problem.”

Many authorities think that the move to integrated services, although welcome, resulted in staff leaving the front line, as pay and conditions

are better in initiatives such as the community schools initiative and sure start. The Executive needs to appreciate that it is relatively easy to put resources into children's services, but that staff are needed if services are to continue to be delivered. In some local authority areas, there are hundreds of unallocated cases.

Most local authorities think that the introduction of the four-year degree would exacerbate the staffing problem in the medium term and would reduce options for mature students who wish to enter the profession. Many local authorities call for Executive-funded training places for existing staff. Most important, there are calls for a clear national strategy and for better recognition from the Executive.

I will quote some comments that we received. One local authority said:

“in the absence of a national strategy, the current problems are being exacerbated by local authorities competing against each other for scarce resources”.

Another noted:

“I feel the Executive missed an opportunity to begin to address this at the publication of the recent child protection review. Instead it emphasised the failings of the system and in effect was a catalogue of reasons why childcare”

social work

“is a job you would not recommend”.

Another said:

“we know from speaking to students and graduates that the final remuneration for”

social workers,

“the perceived lack of status and media criticism of the work, make it an unattractive option compared with other professions”.

Finally, one authority said:

“the lengthy time-scale taken to provide new opportunities for training in social work has caused major confusion and a lack of confidence in the profession”.

It should be remembered that those are not the SNP's criticisms of the Executive and the lack of progress, although plenty of grounds for such criticism exist. Those are comments from the workers who are most affected.

It is patent that the roll-out of the Executive's action plan for social services must step up a gear and be more targeted if it is to begin to address the severe recruitment and retention problems in child care and in social work as a whole. One of the plan's flaws is that it does not address pay and conditions. Hardly anybody wants to do front-line child protection work. We must make it more attractive, and conditions of service are key to achieving that.

It is interesting that both youth justice reports confirm the staffing crisis in criminal justice and

children's services social work and note a lack of staff to deal with young offenders. Many children are not allocated a social worker and do not receive the supervision that they need to stop them offending. That is the issue. I am not just making a plea for better wages for social workers; every one of the hundreds of unallocated cases means that a vulnerable child is not receiving the support that he or she needs when he or she is most in need.

We need more urgent action and supportive leadership from the Executive to help to solve the acute crisis in the recruitment and retention of social workers for children and families. We suggest a review of pay and conditions and proper resourcing of integrated children's services to halt the drain of workers from the front line of child protection to the other initiatives that have more funding or better conditions.

The BASW recommends a career structure that keeps good-quality, front-line staff at the front line; strategic planning in the short and long term following the introduction of the new degree; and political and economic backing for a work force that is asked to work on some of society's most difficult issues.

The question for the Executive is whether enough has been done to prevent people from leaving the work force early and to attract young people into a rewarding and challenging career. To achieve a confident and competent work force, more is needed than tinkering, golden hellos and career grades that are linked to greater work loads. Staff need to feel valued and rewarded for their work.

I turn to the two amendments to the motion. The Executive does not like to take on board ideas and suggestions from other parties, but simply rewording the SNP's motion and presenting that as the Executive's amendment is a bit of a discredit to the Parliament. It is much to be regretted that the Tories cannot rise above the hang-'em-and-flog-'em mentality that lost them much ground when they were last in power and which will continue to lose them friends and voters now.

Services for children and young people are struggling to cope, so they are not meeting their young clients' needs. The common features are a failure to deal with poverty and disadvantage and a shortage of resources—particularly staffing. Until those matters are adequately addressed, services will remain unsatisfactory.

The First Minister said recently:

"If, in the twenty-first century, government in Scotland cannot protect children who are in the most vulnerable of circumstances then government in Scotland does not deserve to exist."

If he meant that, he ought to recognise his own and his Government's abject failure and step down.

I move,

That the Parliament commends the recent reports into children's services of the Child Protection Audit and Review, *It's everyone's job to make sure I'm alright*, Audit Scotland, *Dealing with offending by young people* and the Scottish Committee of the Council on Tribunals, *Special Report on the Children's Hearings System*; notes in particular the references to the need to address urgently the crisis in the recruitment and retention of social workers; urges the Scottish Executive to give serious consideration to this matter and to the other recommendations in the reports and to act upon them; agrees that, when implemented, the recommendations would offer substantial improvements to the services for our most vulnerable children and young people; recommends bringing forward legislation to provide a statutory basis for child protection committees thereby ensuring increased status and resources and uniformly high quality services across the country, and recognises the need for the Scottish Executive to tackle once and for all the underlying social problems which disfigure our nation by limiting the chances of Scottish children, too many of whom continue to live in poverty.

09:49

The Minister for Education and Young People (Cathy Jamieson): I acknowledge that, although the Scottish National Party motion and our amendment are not identical, they cover a lot of the same ground. That was meant to highlight the fact that no one party or individual has a monopoly on caring about children and young people. Indeed, there were many points in Irene McGugan's speech with which I could agree.

I wish to concentrate on one main theme: focusing on the needs of the child, not those of the services involved. As is highlighted in the various reports that have been referred to—both in the motion and in our amendment—we need to spend less time satisfying the needs of bureaucracy and more time working with the most vulnerable and disadvantaged children, their families and communities. We need to continue to work to close the opportunity gap.

I have no difficulty with the fact that the SNP motion and Irene McGugan's speech commented on child poverty. Children living in poverty and disadvantage risk missing out on the opportunities and the quality of life that they deserve and they might achieve less as they grow up and later in life, which sustains cycles of poverty.

That is why we have nailed our colours to the mast on this issue. We are committed to tackling child poverty and its effects. To end child poverty in a generation was indeed an ambitious and courageous target for any Government to set, but I would rather that we had that aspiration than that we just sit back and do nothing.

The social justice annual report shows how we are working towards our long-term targets and milestones. In 1997, 34 per cent, or one in three of the population, was in poverty. That proportion has been reduced to 21 per cent in 2002, which is one in five—a 40 per cent reduction. That may be an achievement, but it is still one in five too many, and we have a long way to go.

Every Executive minister, in every portfolio, is contributing to closing that opportunity gap through the Scottish budget. The best route out of poverty, as those of us who have lived and worked in disadvantaged areas all our lives know very well, is through education and getting into employment. The new deal is helping lone parents to work if they want to do so. Through the child care tax credit, families on low incomes are now getting financial support for their child care costs, which helps parents to get into employment or training. By 2006 we will be providing £54.9 million through the child care strategy and sure start Scotland. We are expanding on existing provision, building on our commitment to pre-school places, and supporting out-of-school care.

Much of what is in the recently published reports echoes what was contained in “For Scotland’s children: Better integrated children’s services”, including the need to join up services and work across departments and agencies. That is why I want there to be better integration of children’s services among local authorities, national health service boards and the voluntary sector. We have set a target to be achieved by 2006: 15,000 vulnerable children under the age of five, every looked-after child, every pupil with special educational needs and every child on the child protection register will have an integrated package of health, care and education support that meets their needs. That is another challenging target, but it is absolutely the right aspiration to have.

Michael Russell (South of Scotland) (SNP): I take the minister back to the issue of child poverty. Given what she has said, the minister presumably rebuts entirely the report of the Joseph Rowntree Foundation, “Monitoring poverty and social exclusion in Scotland”, which concludes that, over the seven years from 1994 to 2000-01,

“the overall sense is one of little change”.

She is therefore setting herself against the Joseph Rowntree Foundation on that matter. And before the minister starts on about absolute and relative poverty, she should perhaps also note the point made by the Scottish poverty information unit:

“Debates about poverty should not obscure the fact that the distinctions between ‘absolute’ and ‘relative’ poverty are largely irrelevant”.

Cathy Jamieson: I will not set myself against the Joseph Rowntree Foundation. As Michael

Russell will know, another report was published by the foundation this morning, which examines the picture across the United Kingdom. I am sure that during the debate and in summing up we will consider that in more detail.

Let us remember some of the other initiatives that are going on. There are the new community schools, free fruit schemes and breakfast clubs, which are all delivering for the children who most need our support. The educational maintenance allowance, which is to be rolled out, will allow more young people from low-income families to stay on at school and get the qualifications that they need for a better chance in life. Our children, particularly the most disadvantaged children, need a better start in life in their early years. They need better opportunities as they enter school and throughout adolescence, and they need better futures as they enter adulthood.

I do not accept that we are not making any progress; we are making progress, but we know that there is still more to do. I recognise that and do not shy away from it. However uncomfortable that is for us as politicians, it is critical for the children and families who have been failed in the past.

The recent child protection review and the recent reports by Audit Scotland and the Scottish Committee of the Council on Tribunals into youth justice and children’s hearings highlight some clear lessons. They emphasise the impact of child poverty; the need to continue to focus on the most disadvantaged children; the need for services to work better together; the need for services to focus on what children really need; the importance of listening to children; and the need to concentrate on face-to-face work with children and families, rather than processes and the needs of the bureaucracy.

The Executive is trying to practise what it preaches. We have set up a new Cabinet sub-committee to oversee children’s services. We have established the changing children’s services fund—not to add to what is already being done, but to help to reform fundamentally services at local level. Following the most recent spending review, we will double the resources that are available to the fund.

We have brought together social work, schools, police inspectorates and others to work on the interagency audit and review of child protection. We will ensure they continue to work together. Irene McGugan spoke about placing child protection committees on a statutory basis. We should consider that proposal seriously and examine how it may best be done in the future. I want to explore a number of issues related to that.

The child protection review made painful reading. As a former social worker, I felt a sense

of déjà vu. We have taken immediate action. We have introduced a three-year reform programme for child protection services. The First Minister has not attacked child protection services, as has been suggested. He has sent out the clear message that every agency—not just social work—has a role to play and must deliver. An expert team will oversee reform and tackle poor performance. If people are not improving services, it is right that we should tackle that problem, because children's lives are at risk. There will be a tough new inspection system to ensure that reform is delivered and a children's charter that sets out the support that every child has the right to expect. There will be additional investment in helplines such as ChildLine Scotland and ParentLine Scotland to allow them to reach more people.

I want to say something about social workers and, in particular, about the number of social work vacancies. I emphasise that this debate is not solely about social work services—it is about every service and agency. Everyone must find solutions, rather than assuming that child protection is a problem only for social work or for someone else.

In several authorities the level of social work vacancies is unacceptable. However, let us remember the facts. In 1999, there were 1,552 qualified social workers in local authorities working with children and families, but in 2001 there were 1,749 such workers. That represents an increase of about 13 per cent. Between 1999 and 2001, the number of fieldwork staff for children and families rose. Many people have moved from area teams to specialised projects, sometimes in the voluntary sector. It is ironic that additional funding that has been invested to expand services has not been matched by the necessary work-force planning. I want to address that problem.

Each year since 1999, the number of people entering social work training in Scotland has risen. In 2002 there were more than 200 more new students than in 1998. Between 1998 and 2002, the number of students completing courses has increased by 35 per cent—from 339 to 518. The number of people applying for social work training has also increased each year.

The early response to the recruitment campaign has been promising. Some people will say that the campaign is too little, too late. However, like many social workers—a number of members of the Parliament have worked in front-line social work—I believe that, when we face a problem, it is better to find a solution, to draw up a plan and to do something, rather than simply to complain. That is what we have done.

Scott Barrie (Dunfermline West) (Lab): Does the minister agree that, although in some local authorities the number of vacancies for social work

is unacceptably high, there was never a golden era of social work? Problems of recruitment and retention have been a recurring theme in social work in Scotland for the past 20 years. After I obtained my certificate of qualification in social work, I took a placement in West Lothian, under the Tory-controlled Lothian Regional Council. At that time there were vacancies and unallocated case loads.

Cathy Jamieson: A number of other members worked in the same area of social work in which I worked. None of us would recall that time as a golden age of social work. We recall the same kind of hard work, dilemmas and decisions that social workers face today. We had to work very hard to ensure that the quality of life of the people with whom we were working was improved. None of that has changed.

I want to return briefly to the recruitment campaign. The care in Scotland website has already attracted more than 21,000 visits. Early results from the System 3 surveys before and after the campaign show that we are beginning to get across the message that social care workers do a worthwhile job. Perhaps we are getting across the message that social work is life-changing work, but we still have to do more. We will build on the success of the first phase of the campaign. We will run something else early in the new year and we will re-examine what needs to be done in the future. I know that there is no short-term fix. We have to have a sustained programme of activity.

We are also giving £225,000 over three years to the ADSW to help to develop its supporting front-line staff programme. I am confident that that will make a difference in ensuring that the needs of front-line staff and care professionals are addressed.

Irene McGugan: I accept all of what the minister said about the number of people on courses increasing and the number of social workers increasing, but why then did 17 of the 18 local authorities that responded to us this week say that the situation is still getting worse?

Cathy Jamieson: In a sense, Irene McGugan answered that question in her speech. She will know that the situation has not arisen overnight. There has been a lack of work-force planning over a number of years and there have been additional legislative requirements. We are now putting in place a programme that begins to address the situation.

I turn to one of the things that I hope will address the problem. Earlier this year, I announced an additional £400,000 for postgraduate bursaries to enable an immediate increase in the number of social work students. That enabled 45 additional places to be taken up. We will double that funding

for next year to £800,000 to support 45 additional postgraduate students on social work courses. There is no instant solution. If anyone had a magic wand they would have waved it before now. We need a sustained programme to ensure that, over time, we get people trained and into the jobs.

I want to talk about youth justice for a couple of minutes. Of course social workers have a crucial role to play in youth justice. It is in the interests of everyone that the small proportion of young people who get caught up in persistent offending behaviour stop offending and do so quickly.

We know that for many young offenders the shock and intervention of getting caught the first time are enough to make a change. Let us be clear that for many referred to hearings, the support will be available. The Audit Scotland and Scottish Committee of the Council on Tribunals reports acknowledged that. We also know that we need to do more to tackle effectively the persistent offenders who cause misery for many communities. The programmes need to be in place to deal with them, and those programmes must be effective.

We have done a lot of work on trying to reduce the length of time to disposal in the children's hearings system. We know that we have to do more to reduce that. The Audit Scotland report highlighted the matter, and we are still some way off our targets. However, we also know that the intervention needs to tackle the particular needs and behaviour of the young person.

We have listened to those who have asked for a greater range of programmes to support the supervision requirement at children's hearings. That is why we have invested in setting up youth justice teams in every local authority area. More than £25 million is provided to support targeted intervention aimed at doing exactly what the Audit Scotland report wants to see—less process, more delivery on the ground.

The programmes will challenge young people's behaviour, provide intensive community support and set up the mediation and reparation schemes to ensure that young offenders face up to the effect of their actions on their victims.

We are also moving to implement quickly the action plan on youth crime. I do not accept that nothing has happened. We have a feasibility group to examine youth courts, which is due to report later this month. We have a commitment to an increase in secure provision—the right kind in the right place—and we are now considering proposals put forward by potential providers. That is a big step forward from where we were a few months ago. Three pilot areas already have fast-track children's hearings. They will be supported with funding and work is due to start early in 2003.

The rate of progress over the past few months has been rapid and it has involved a lot of work by partners throughout the youth justice system. I have made it very clear that that pace must continue. I will bring forward national standards in the very near future to ensure that we continue the progress. I acknowledge that we need to improve the services that we offer our children. Second best is not good enough for anybody's child.

We need to focus on the whole child. I hope that this morning's debate is constructive and that we do not resort to soundbites and slogans. We should seek to continue the work to integrate and improve services and to deliver for children.

I want to end on a positive note. I look forward to continuing to work with members on the Commissioner for Children and Young People (Scotland) Bill, which was introduced last week and on which Jackie Baillie, Irene McGugan and others have worked so hard. I hope that that bill will also bring us closer to the goal of delivering quality services for every child in Scotland.

I move amendment S1M-3698.2, to leave out from "commends" to end and insert:

"welcomes the constructive recommendation of the recent reports into children's services, the Child Protection Review, *It's Everyone's Job to make Sure I'm Alright*, the Audit Scotland report, *Dealing with Offending by Young People* and the Scottish Committee of the Council on Tribunals' report into Children's Hearings; notes the need to address recruitment and retention of social workers and welcomes progress in the Executive's Action Plan for Social Services; notes that the reports highlight a need to continue to focus on delivery which improves outcomes for Scotland's children, and agrees that the Executive should continue to address the problems of poverty and exclusion and close the opportunity gap."

10:05

Bill Aitken (Glasgow) (Con): In many respects, the Executive is failing Scotland's children and the Scottish National Party has suggested few reasoned or reasonable alternatives.

In a thoughtful speech, Irene McGugan dealt with child poverty. She narrated the increase in the number of care and protection orders that are being issued and indicated that residential care for an increased number of children was a significant problem.

Cathy Jamieson: Will the member take an intervention?

Bill Aitken: Give me a minute. In an intervention, Mr Russell highlighted the content of some of the reports that have been produced. It might have been advantageous for Ms McGugan and the minister to examine the reports in a little more detail.

"Poverty in Scotland 2002: People, places and policies", which was published by the Child

Poverty Action Group in Scotland, indicated that one in five Scots of working age receives benefit. That impinges on children. The social justice annual report to which the minister referred shows “data moving in the wrong direction”

in relation to 13 of the Scottish Government’s 29 milestones. The report entitled “Monitoring poverty and social exclusion in Scotland”, which was published by the Joseph Rowntree Foundation, stated that 1.2 million Scots live in poverty, which is defined as living on below 60 per cent of the median income after housing costs.

What are the answers to the difficulties of child poverty? I acknowledge that there is no shortage of care and compassion among members of the Scottish Parliament. I have no doubt that the minister wants to make things better and I have no doubt that the SNP spokesperson has similar ambitions. However, the fact of the matter is that things are not getting better and that, where progress is being made, it is being made at a snail’s pace.

The minister must realise that she and her colleagues have governed this country, in different guises, for well nigh six years and that progress is not being made. To some extent, she was honest in recognising that the level of progress is not satisfactory from her perspective. I acknowledge her recognition of the situation.

To assess how we can make life better for Scottish children, we must look under a number of headings. The left-wing alliance of the Scottish Government and the SNP is running out of excuses. There has to be a radical rethink.

Michael Russell: I do not know in which parallel universe the member is living. Although we hope and expect to be in government, we are not in alliance at the moment. The Labour party and the Liberal Democrats are in alliance. Although I like the idea of being in government, I am not responsible. Cathy Jamieson is responsible.

Bill Aitken: Mr Russell might not be responsible, but I assure him that I do not live in another universe. The fact that I live in the real world is sometimes a disadvantage in the Parliament. Nevertheless, I attempt to get on with things.

What is Mr Russell’s solution to child poverty? Let us consider some of his recent utterances as the SNP’s education spokesman. He believes in reducing class sizes. That is a proper and sensible approach. However, in all his speeches on the subject, he has religiously avoided saying how he intends to achieve that. On the basis of Mr Russell’s position—

Michael Russell: Will the member give way?

Bill Aitken: I will finish this point before I again give way.

The only way in which Mr Russell would be able to achieve a reduction in class sizes would be by filling the schools that are at present half-empty because parents have absolutely no wish to send their children to them.

Michael Russell: I am sorry that Bill Aitken did not accept my intervention earlier because I frankly do not understand that last point, which was nonsensical. I am happy to refer—*[Interruption.]* There appear to be noises off. One would want them to remain off, so to speak, but I will go no further down that line of thinking.

I would be happy to send to Mr Aitken voluminous copies of speeches that I have made even in this chamber on that matter. Those speeches give chapter and verse. I see that Mr Brown is indicating that he does not want them, but I know that Mr Aitken, being of a more inquiring mind, is sure to read them.

Bill Aitken: I assure Mr Russell that I will read with considerable interest whatever he sends me. Of course, I suffer from insomnia but I am sure that such reading will significantly improve that condition.

The SNP’s answer to any problem is to say basically that things would get better in an independent Scotland. Frankly, if the thought process that is so manifest on the SNP benches is indicative of what is likely to happen, things will not get better. The SNP shares the Labour party’s belief that things can be improved only by throwing money at the problem. It is demonstrable that over many years that approach has simply not worked. For example, the Labour party has spent record sums on the national health service, but is the NHS getting better? Of course it is not.

Johann Lamont (Glasgow Pollok) (Lab): Is Bill Aitken saying that we should not invest £700 million in Glasgow’s acute services?

Bill Aitken: I do not suggest that for a moment. We need to spend the money in a much more efficient and effective manner so as to improve patient care.

Mr John Swinney (North Tayside) (SNP): Will the member explain how?

Bill Aitken: This is not a health debate. If members want to debate health, I will be delighted to do so on a suitable occasion.

Cathy Jamieson: Bill Aitken said that today’s debate is not on health, but I am sure that he would recognise that the health of our children is important. Does he recognise that the substantial investment in sure start Scotland and in the changing children’s services fund is about

fundamentally changing the way in which we deliver services. Is that not money well spent?

Bill Aitken: I agree with the minister that the health of our children is a vital issue that should be addressed cogently and seriously. Where I take issue with the Executive is that, by any reasonable and objective standard, so much money has been spent to such little benefit. That is the issue.

However, children suffer in other areas also. They suffer from poverty of education. Some of the figures released recently were very depressing, especially those on the number of youngsters leaving school without any formal qualification. The comprehensive system, over which the minister and I have previously argued, has demonstrably failed. The system has failed because so many parents are in some respects having to opt out.

Cathy Peattie (Falkirk East) (Lab): Why then did so many of those who contributed to both the national debate on education and the Education, Culture and Sport Committee's inquiry into education feel that the comprehensive system was one that worked?

Bill Aitken: The usual suspects of course came up with that result. We must realise that the comprehensive education system needs to be looked at carefully. That realisation, which has taken place down south, should eventually permeate up here.

Children are also victims in other ways. On crime, the minister was quite right to point out that only a small proportion of children get into trouble, but there is a difficulty with that small proportion. In fairness, that issue has been recognised, but I am sure that the minister would accept that young people are themselves the victims of crime, as they are the ones who are assaulted and who have their property stolen.

In that respect, it is essential that if the children's hearings system is to continue—as I personally hope that it will—it must be beefed up so that it can cope with the hard core of offending. I recognise that the number of secure places for the tiny minority who need to be locked up has increased. At one stage the minister resisted the provision of that number of secure places. We also have to consider the disposals that are available to the children's hearings system so that they can work more effectively. We are not talking about the hanging and flogging that Irene McGugan referred to in her intemperate contribution. We do not want to do anything to those children, but we do want them to stop committing crimes and offences. That is only likely to happen if there is an increased degree of realism around.

It might well be that, in the fullness of time, the minister will accept the suggestions that she and

others are mocking at the moment. The Executive has followed up some of our other ideas. There was the nonsense proposal to send 16 and 17-year-olds to the children's hearings system that was dropped when wiser counsel—not exclusively Conservative, I acknowledge—prevailed.

There will have to be a close and rigorous appraisal of the children's hearings system in due course because at the moment it is simply not working. In some respects, there is a lack of resources. In Glasgow, for example, very few cases actually go before a children's hearing. The depressing aspect of that is that the children's hearings system in Glasgow is overloaded because it has to deal with the obviously more important issue of children at risk. There is obviously a difficulty with resources in Glasgow; I think the minister recognises that and I hope that she will address it.

With respect to criminality, we have to show the degree of realism that I seek to introduce through my amendment.

Cathy Jamieson: I go back to the member's first point about the rise in the number of young people who are looked after in residential accommodation. Does the member recognise that the number of looked-after children takes account of young people on supervision orders and that, in some cases, that suggests that appropriate action is being taken?

Bill Aitken: Yes, I freely concede that point. Nevertheless, it is depressing that there are so many looked-after youngsters in residential accommodation and that must be addressed in a wider sense.

It must be recognised that we need more realism. The Executive's economic policies have to be examined to see where we can reduce child poverty in Scotland. As for the SNP, believe it or not, with that party's current attitude, things can only get worse.

I move amendment S1M-3698.1, to leave out from "in particular" to end and insert:

"the concern expressed within reports about the pressures facing children's hearings and the inadequate nature of the resources and disposals available; acknowledges that the problems of youth disorder must be given high priority if the right to peace and security at home and in the community is to be protected; calls upon the Scottish Executive to introduce an increased range of disposals for children's hearings, including weekend and evening detention, restriction of liberty orders and expansion of supervised attendance orders and community service orders along with an increase in secure accommodation and a substantial increase in police officers visible in our communities, and recognises that, while much material poverty has been alleviated, 21st Century forms of vulnerability require policies that create wealth and provide economic opportunity and security for all, which can only happen within a framework of public order in which people

have the security of strong families, communities and high quality public services.”

10:17

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I welcome today's debate. The subject is important and I welcome the terms of the motion and of the amendment, which seem to cover important ground.

I contend that the Parliament has placed children high on its agenda and that no one who considers the Parliament's work of the past four years could say that we have neglected children and young people and their services in any way. I pay tribute to the contributions of Fiona McLeod and Irene McGugan on listening to children. The Executive has a good record in working for children.

Michael Russell: I am interested in the member's remark that he agrees with the motion and the amendment. With a sweep of his hand, he has indicated that there is unity on the matter. Which will the member support? Irene McGugan has indicated very strongly that the Executive amendment is simply a rewording of what I think is a better statement of the situation. Will the member support the motion or the Executive's amendment?

Ian Jenkins: I will support the Executive's amendment.

Michael Russell: So the member does not agree with them both.

Ian Jenkins: The Executive's record includes such things as the Standards in Scotland's Schools etc Act 2000, the Regulation of Care (Scotland) Act 2001, and the debates that the Parliament has had on adoption and fostering and children who are looked after by local authorities.

The Protection of Children (Scotland) Bill is going through Parliament now, and has a lot of cross-party support. The Commissioner for Children and Young People (Scotland) Bill is also going through, and I might talk about that later.

The Parliament has debated reports about children with special educational needs and members' debates have covered issues such as autism spectrum disorder, with all its implications for children and their interests.

There is not only talking in the Parliament; on the ground, we have the sure start initiative which, as Cathy Jamieson said, is working well and is helping young mothers to give their youngsters the best start in life. Cathy Jamieson mentioned poverty-reduction measures. Pre-school education has been expanded for three and four-year-olds in a way that was not possible before, which will have benefits for children. We also have early

intervention and clubs before and after school—out-of-school clubs. All those measures mean that the authorities have a better chance of recognising the needs of children and catering for them.

We have classroom assistants in primary schools. I was in a primary school yesterday and the headmistress spoke warmly about the difference that classroom assistants have made to the school's ability to deal with youngsters and their individual problems early on. As Cathy Jamieson said, we have the changing children's services fund, which tries to ensure that health, education and other agencies can work together. In every way, we are doing a great deal for children.

We now come to the three reports that are mentioned in the motion: the child protection audit and review report, the Audit Scotland paper on "Dealing with offending by young people", and the report on the children's hearings system. Taken together, those important documents give us a benchmark and a clearer picture of how things stand in those areas. They outline good practice in child social work, and they make recommendations on youth justice and so on.

Irene McGugan's motion refers to the problems of recruitment and retention in social work. Indeed, all three reports recognise the importance and value of qualified and well-resourced social workers and declare them to be central to the progress that the documents hope to promote. We must recognise that there is a problem. We cannot blink away that fact. Only a few days ago, a lady came into my constituency surgery who is a worker in children's services. She came not because of her own difficulties, but because she was worried about the situation that she saw developing in the service to which she belongs. She spoke of extensive vacancies and of workers who are over-stressed and overstretched, with case loads that are too big to allow them to do the job properly. She spoke of colleagues who take their jobs seriously, but who find it hard to live with the knowledge that they are in a position in which they can scarcely do their job properly. The problem is that there is a downward spiral, as people who are in post have to cover for the case loads of absent or unappointed workers.

We must do something urgently to tackle the problem. We put tremendous responsibility on our children's social workers. They find themselves in no-win situations, in which action can be interpreted as unwarranted interference and lack of action can be construed as negligence. Children's safety can be at risk. If mistakes or misjudgments are made, the press are ready to pounce and to allocate blame. It is little wonder that serious-minded people think twice or more before exposing themselves to such difficulties.

Somehow, we must give a higher profile and more respect to the life-saving work that those workers do—day in, day out. They go into tense family situations where they can encounter everything from ineffectual fecklessness in families to hostility, lack of co-operation and even violence.

Irene McGugan: I welcome the member's comments about the reality of social workers' jobs. Does he associate himself with the First Minister's remarks, when he blamed

"professional defensiveness, professional jealousies and barriers between different agencies"

for the system's failings?

Ian Jenkins: I am sure that such tensions exist, but I would not blame them for the system's failings. I am pleased that, in her remarks, the Minister for Education and Young People showed that the figures are not all gloom and doom and that there are areas where increased recruitment is taking place. I welcome her announcement about the postgraduate bursary. Things are moving positively in some ways.

The situation that I was outlining before Irene McGugan intervened is put into less emotive language in a paper issued by the Association of Directors of Social Work, which says:

"Vacancy levels for children's services are running in some places at levels of 25% and above. For a number of years, social workers working in child protection have been leaving this emotionally demanding, highly complex ... area of social work."

That has led to the existing work force relying on what it describes as

"inexperienced yet overloaded social workers".

The briefing talks about people moving out of child protection into intervention and other projects, which were mentioned by Irene McGugan. The situation is not good, and vacancies and the image of social work need to be addressed. I know that the minister wants to do that. The advertising campaign is a start, and I hope that it goes on to address the issues.

Members throughout the chamber recognise that there are not easy solutions to the problems. If other people were in government, I think that it would be a case of, "There but for the grace of God go you". The problems will not be solved easily.

I hope that we can recognise the problems that face us, including anti-social behaviour among our young people, problems with drugs and alcohol and other aspects of youth crime. The Audit Scotland report makes it clear that we must make our youth justice system more nimble, agile and responsive to individual needs. The reports show that the children's hearings system is essentially a good one. However, we must help it to work more

effectively, through a wider variety of disposals that help to divert young people from anti-social behaviour and better resources to support the treatment of those who come before the hearings.

I also welcome the pilots on fast tracking, which the minister mentioned. They aim to address the problems of repeat offenders more efficiently and ensure that youngsters are dealt with earlier.

I will return briefly to the briefing from the Association of Directors of Social Work and Irene McGugan's motion. It seems clear that the child protection committees do good work, but there is concern about the evenness of performance across the local authority spectrum. Whether or not we need to go as far as Irene McGugan suggests, it seems sensible to examine ways of levelling out the protection committees' performance. I would be perfectly happy if that led to their embodiment in statute.

The Parliament has done much good work on behalf of children, but much of our work has been groundwork. As I said, the reports to which the motion refers give us good material on which to base further policies. I know that the Executive is committed to further improvement and is in no way complacent, and I know that the Parliament will keep children's interests high on the agenda.

The children's commissioner was mentioned at the beginning. The establishment of such a post will be an important element in our future planning, because a commissioner who is independent of the Parliament and without party-political baggage will be a strong voice for the interests and rights of children. That will ensure that there is moral pressure on the Parliament to deliver positive policies for the children of Scotland. The commissioner will not allow the reports to be put on a shelf to gather dust. We will have to pay attention to the issues and to their implications; and we will not be able to ignore Opposition complaints just because we think that the Opposition exists only to complain. The children's commissioner, who will be outside the Parliament and the party-political system, will have a moral authority that we will have given him or her. I hope that that will be an agent for good.

The Deputy Presiding Officer (Mr George Reid): We move now to the open debate. We have some time in hand this morning, so I will allow the first four members up to six minutes plus time for interventions.

10:29

Michael Russell (South of Scotland) (SNP): I say at the outset that nobody in this debate is asserting that nothing has been done. Of course things are being done, but the tremendously authoritative and knowledgeable speech by my

colleague Irene McGugan described the situation accurately. There has been serial failure on the key indicators, the areas that matter and how we measure what has been done. No matter what the minister says, things are not getting better. Indeed, the survey of social work departments that Irene McGugan and her colleagues undertook proves that.

Let us focus on the reality of the situation. I am quite certain that in the best of all possible worlds, Mr Jenkins, the minister and many of their colleagues would want to wish things better. However, it is not enough to do that, nor is it enough simply to make announcements about making another bit of money available here or there. Those who are elected to govern and who are appointed with responsibility for certain areas must achieve what they set out to achieve, or they should not be in their posts.

Since 1997, the Labour Government has had responsibility for taking on this task. Indeed, it even welcomed that responsibility; it saw it as one of the big aims that it had to achieve. However, the stark reality is that the Government has failed. As a result, we should be debating the ways in which we can succeed. Again and again, the minister used the word “challenging” in her speech. She said that she was setting a particular target, but it was challenging. Of course it is challenging, but it has to be achieved or we need to know why it has not been achieved. We do not want people simply to say, “Well, we did our best; we’ll go on doing our best; and we all believe the same things anyway.” Scotland’s children deserve achievement in this area. Frankly, if the minister cannot achieve in this area, she should move out of her post and let someone else do it.

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

Michael Russell: I am not giving way to Mr Fitzpatrick. Some hard things need to be said about the reality of the situation.

The minister’s speech contained promises, commitments and assertions, and references to reports and action plans. What we did not get—and must get at the very least—is an acknowledgement that things have not happened and targets have not been met. Instead, the reality lies in Irene McGugan’s comments. As a result, whether to do or go needs to be determined.

What lies at the heart of the difficulty of realising this important aim is the Executive’s obsession with getting headlines and not actually telling us the reality of the situation. I will refer to one set of statistics—although almost any set of Government statistics would do—that indicates the problem with speaking the truth about what is happening.

Last week, the Executive issued statistics on truancy in schools with a press release entitled,

“Minister welcomes improvement in attendance”. The figures are important in this debate because, as the minister knows, issues such as failure to attend school and unauthorised absence are often symptomatic of considerable problems. Indeed, they are at the heart of some of the problems that are faced by the children we are talking about.

The Executive press release goes on to state that things are getting better, but things are not getting better. If we break down the figures and analyse them without spinning them or changing the base year for measuring purposes, it becomes clear that between 1998-99—the base year set by the Executive—and 2001-02, the average unauthorised absence in primary schools has risen from 0.91 to 1.22 half-days per pupil, which is a 34 per cent increase. In secondary schools, the increase is 24 per cent. How can the minister welcome an “improvement in attendance” when there has been no such improvement?

Cathy Jamieson: If anyone is trying to spin, it has to be Mike Russell. My comments were made in the context of the overall figures for authorised and unauthorised absence that were published. I have made it clear that I do not think that the improvement is good enough and that we need to take action, particularly on truancy. It is not helpful that some headlines have misreported the situation by suggesting that 50,000 pupils are playing truant each day. That is simply not the case. The figures that have been published relate to all forms of absence. As Mike Russell well knows, I have put on record that we need to do more to ensure that people who are playing truant attend school and to reduce the number of school exclusions.

Michael Russell: The reality is that the improvement has not been good enough because there has been no improvement. The minister cannot get round the facts. The situation has got worse. Cathy Jamieson said in her speech that when we face a problem, it is better to face up to it—I thought the remark was a good one. It is better to say, “This is getting worse. We must do something about it,” than to issue releases that state, “Minister welcomes improvement in attendance”, when there has not been an improvement. The reality of the situation that faces the chamber and the Executive is that, in the key areas in which the Executive wanted to attain things—pupil attainment, eradicating poverty, youth justice and truancy—it has failed.

The Deputy Minister for Social Justice (Des McNulty): Rubbish.

Michael Russell: Mr McNulty is sitting in the front row as a minister for one of the first times. We look forward keenly to his summing up of the debate. However, he has already fallen into the trap, because he is shouting out, “Rubbish.” The

figures prove what the situation is. I want to see honest Government in Scotland. I want to see Government that lives up to its responsibilities and which, when it has failed, accepts that it has failed and comes forward with ideas to overcome that failure. What none of us should tolerate in Scotland is dishonesty, because the victims of that are the children whom Irene McGugan talked about.

10:36

Scott Barrie (Dunfermline West) (Lab): Although, as usual, Mike Russell gave a barnstorming oppositional speech, it was disappointing that, even though he got an extra two minutes—

The Deputy Presiding Officer: As Mr Barrie will.

Scott Barrie: It is disappointing that he congratulated Irene McGugan on her speech and said nothing about children's services in Scotland, which we are supposed to be discussing.

When the minister spoke, she talked about one of the things that we have got wrong, which is that we are much more process driven than outcome driven—a mismatch exists in our current provision. If we could turn that round, that would be a step in the right direction, in particular in respect of some of the retention difficulties in social work. I do not think that there is a difficulty in recruitment in social work, but there is a difficulty in retaining front-line social work child and family staff. We must give those staff the opportunity to see as their goal improved outcomes rather than the need to satisfy the bureaucratic system that we have had to put in place.

The minister said that there was a sense of déjà vu about the recent report by the child protection audit and review. I certainly got a sense of déjà vu when I read it. It could have been written 10 or 15 years ago, because the same issues existed then as we have now.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Does Scott Barrie agree that something that has changed over the past 10 to 15 years—for well-intentioned reasons—is the amount of bureaucracy that surrounds child protection and adoption? As he said, that has meant that, increasingly, social workers are serving the system rather than the children.

Scott Barrie: I whole-heartedly agree with Alasdair Morgan. I know his wife very well and know that that is probably also her view. We must change the situation if we are serious about making the job of key front-line social workers satisfying and if we want to give them purpose.

The report of the child protection audit and review states:

“Outcomes for children were found to be highly dependent on social work doing well. Where social work performed well outcomes were generally good and when they performed less well outcomes were generally poor.”

That says to me that social workers are still the main people who are expected to carry out what is, in all honesty, a joint child protection plan, which is agreed by a case conference.

I do not want to blame other agencies unnecessarily, but, in difficult and complex cases, it is sometimes too easy for other agencies to say, “Social work can always deal with it.” The statistics in the report about who attends case conferences show that the list is depressingly familiar: general practitioners or paediatricians hardly ever attend; the police attend occasionally; a representative of the school will often attend; the health visitor will almost always attend; and, of course, the social worker will have to be there because it is their case conference and, at the end of the day, everyone else can walk away and they will be left to carry out the child protection plan. If we are serious about protecting children, we must see the process as being much more jointly owned.

One of Irene McGugan's points that I endorse and ask the minister to consider was about changing the statutory basis of child protection committees. I served on Fife's child protection committee for around five years and I found it incredibly frustrating that, although Fife Council and I paid a great deal of attention to the committee, other agencies did not see it in quite the same way.

Cathy Jamieson: For the record, I repeat the assurance that I gave to Irene McGugan that I am interested in the notion of putting child protection committees on a statutory basis. I assure the member that the idea will be considered.

Scott Barrie: I thank the minister for clarifying that.

I will turn briefly from child protection to Audit Scotland's report on youth justice. Bill Aitken suggested that the children's hearings system in Glasgow does not deal with anyone who commits offences and that the system is totally overloaded and over-burdened. I do not pretend to be an expert on the situation in Glasgow—other members are more qualified than I am to discuss that—but from what I have heard Bill Aitken and others say at the Justice 2 Committee, it seems that the courts in Glasgow are also over-burdened and overworked. We must consider both those issues. It is unfair to single out children's hearings in Glasgow without acknowledging the issues in the rest of the criminal justice system.

Over the years, members have called for an increase in secure accommodation places and there is good evidence to suggest that we should

consider the matter. However, there has always been a shortage of secure accommodation places. When I was a basic-grade social worker in the late 1980s, I had to phone Plymouth to try to find secure accommodation places. The phenomenon is not new. I am not sure whether this still applies, but when I was a practising social worker, some of the young people in secure accommodation should never have been there and took up places that could have been used more valuably by someone else. We must be careful not to treat the issue as a numbers game by simply continuing to increase the number of places. As with adult prisons, the solution is not always to create more places.

10:43

Mrs Lyndsay McIntosh (Central Scotland) (Con): Another day, another SNP debate, although thankfully today's motion does not proclaim that everything will be better in that land of milk and honey that is the SNP's independent Scotland. It is a relief not to debate constitutional questions.

I support Bill Aitken's amendment because there is no doubt that chaos abounds in social work services and the youth justice system. That situation serves neither justice nor children and young people. Time and again, the Executive parties have heard from their back benchers about the havoc that is created in communities up and down the country, be they urban or rural, and about the fact that youth disorder has become a problem of such proportions that something must be done. The Scottish Government's response has been a variety of reviews, projects and campaigns with woolly objectives that the back benchers have derided. I pay tribute to those souls who have been brave enough to vote with my colleague on the Justice 2 Committee and to tell the Government how it is, not what it wants to hear.

Youth issues cropped up at a recent Scottish Parliament education service visit that I attended. Members from throughout the chamber will bear witness to the fact that law-abiding youngsters—the weel daein folk who would be described as a credit to their families and schools—are becoming vocal about the services that are provided for them. The minister will be less than pleased to hear about youngsters complaining that children who have behavioural problems and who are so disruptive in class that special arrangements must be made appear to be depriving them of resources and opportunities. The youngsters genuinely feel aggrieved.

Michael Russell: Many of us are familiar with the difficulties that are caused in schools by disruptive children and others. I hope that the

member is not suggesting that, in some sense, expending resources on ensuring the future of those children is a waste of money that should be spent on other young people. If the member went down that road, she would be going back to a time when children were put up chimneys.

Mrs McIntosh: I certainly am not. I am merely reporting what a back-bench SNP member and Mr Gorrie, who will speak next, heard from the children themselves.

Cathy Jamieson: Given that Bill Aitken has recognised the disadvantage that exists, surely Lyndsay McIntosh accepts that to deal with that, it is appropriate that resources be targeted to change the behaviours of some young people and to support the most vulnerable.

Mrs McIntosh: I am not suggesting otherwise; I am merely telling members what the children themselves told us last Thursday at an education service visit.

We have reached a stage at which the child is deemed to know better than the adult. We must hope that early intervention will be effective; otherwise we will simply maintain the number of hard-core repeat offenders who regularly attend the children's hearings panels. In 1997-98, 732 children committed 10 or more offences. In 1999-2000, that figure jumped to 890, although thankfully, it fell to 785 in 2000-01. Let us leave aside the mini-crime wave youngsters, who have a considerably longer history of coming to the attention of the local constabulary, for they are a minority.

Those who must decide the appropriate disposals for challenging—Mr Russell's favourite word—youngsters should be equipped with a better armoury. It is simply not good enough that an older generation feels that the children's panel can give nothing more than a slap on the wrist. A more varied range of options should be available to those who sit in judgment on the next generation—disposals that would be meaningful to the youngsters and address society's need to see justice being done. What is wrong with weekend or evening detention, community services orders and supervised attendance orders? I do not mean children going along and playing with one of those Sega mega-box things or whatever they are called—my own children are past that stage and I do not know the terminology. It seems entirely sensible that, if youngsters do not learn from their mistakes, a more realistic lesson could be learned from a wider range of disposals.

Cathy Jamieson: Does the member accept that the children's hearings system currently has the power to attach any condition that it likes to a supervision requirement order, to enable young people to attend programmes? Does she accept

that the Executive has taken action in setting up a new intensive support fund to deliver exactly those kinds of programmes?

Mrs McIntosh: Yes. I fully accept what the minister says; however, my experience and my reading on the matter lead me to believe that the policy is not being followed through.

In her opening remarks, the minister highlighted the fact that the child should be the centre of our attention. No one would disagree with that. To that end, the Executive has to tackle the critical problems in social work, some of which Irene McGugan mentioned in detail. We always hear about the disasters and never get to celebrate the triumphs. Those looked-after children who are at risk and who do not have a stable family background—the victims of cruelty and neglect—are our collective responsibility. We owe them our best effort to give them the opportunities that so many others take for granted.

10:49

Donald Gorrie (Central Scotland) (LD): Irene McGugan has a strong personal commitment to this issue and knows a lot about it. She deserves great commendation. Because she is slightly less strident than some of her colleagues, she is far more effective. Cathy Jamieson has also had a strong personal commitment to the subject for a long time, and I am sure that she struggles womanfully with a system that, over many years, has failed to deliver. She has made some definite improvements but, as she acknowledges, there is a lot more to do.

Bill Aitken has a talent for proposing some extraordinarily unacceptable views in quite a pleasant and acceptable fashion.

Ian Jenkins was particularly strong on the problems of social workers and the blame culture that they face. That is a big problem, which we cannot turn around immediately, but it is a big minus for the public services that employees are blamed if anything goes wrong. That must deter people from going into those services. The problem must be addressed in the context of keeping social workers and recruiting more of them.

As a part-time pedant, I point out that it is wrong for a Government document—especially one that relates to education—to spell “all right” as one word and not as two words.

Mike Russell accidentally raised an important point when he discussed with Ian Jenkins whether he would vote for the motion or the amendment. The way in which we deal with such matters is often wrong and it would be much better if we just had a debate on children’s services and did not

have such wordy motions and amendments. Members could say what they felt and not feel obligated to defend the wording of their line and rubbish the other line. I do not mean that there should be a cosy, uniform consensus, but such a debate would make it possible for supporters of the governing parties to make constructive criticisms and for the Opposition parties to admit occasionally that the Government was getting something right.

We are erring in one way. It is as if we are dealing with a group of children who have breathing problems. We try earnestly to improve their breathing through medicine, but the problem is that they are living in a bad atmosphere, which causes them to have those breathing problems. Although excellent measures are detailed in the reports and the Executive is trying to do good things, we must investigate more widely how to create better communities for our young people to grow up in.

We must give people hope, which is an essential human ingredient. Most of us are here in the chamber because of hope. We got involved in politics because we hoped to improve life in some way. We hoped to become a councillor or a trade union official, then we hoped to become a member of this establishment or the Westminster establishment. Mike Russell hopes to become First Minister or, at least, leader of the Opposition. We all have our hopes. If we have no hope, we are in serious trouble.

The question of helping families to deal with their children better at an earlier stage is not dealt with adequately. Many public and voluntary organisations try to help parents to deal with children when they have serious problems. We must give far more support to the organisations that try to prevent families from breaking up. There is a question about how well local councils support some of those organisations. We must support local councils’ independence to pursue their wishes and policies, but if a national policy exists, it should be funded nationally. It is not acceptable for the two Lanarkshire councils together to give less than £2,000 to couple counselling when their services frequently send people to such counselling for support. We must also support, with national funding, the youth organisations that create a better society for our young people.

We must develop communities in ways that we are not doing. The social inclusion partnerships do not work as well as they should do. We should consider ways of beefing up credit unions and other local organisations that will help to build up small local businesses.

We have to address the fact that there is a serious shortage in the building industry of plumbers, electricians and other tradesmen. We

are not progressing as well as we should be because of that and we are not putting enough money into training. We must attract people and show them that there is hope for them to have a really good career.

10:55

Kay Ullrich (West of Scotland) (SNP): When Cathy Jamieson was appointed Minister for Education and Young People, her appointment was much welcomed by social workers in Scotland. At last we had a minister with first-hand knowledge of the problems of delivering social work services. Most of all, we had a minister who understood that those problems resulted in needs being unmet and cases being unallocated. The minister has demonstrated that understanding in her speeches to the Parliament, and not least in her concern over our failure as a society to fulfil our obligations to looked-after children. However, in spite of the minister's obvious understanding of what needs to be done, the irony is that she is presiding over the biggest crisis to affect social work in at least 20 years, and that is just as far as I can go back. That irony is not lost on many of the minister's former colleagues.

We are 500 social workers short all over Scotland. Child protection services in particular are straining at the seams, unable to adequately provide protection for our most vulnerable and disadvantaged children. The shortage of qualified social workers is most acute in child protection, and the reasons are obvious. Quite simply, those workers feel undervalued and under pressure and, most of all, they themselves feel unprotected. Why should professional qualified child care workers worry themselves sick over the children in their case loads, and worry even more about those cases that they know remain unallocated? Those workers are very much aware that, should something go wrong, which is often due to constraints on resources, they are the ones who will be thrown to the wolves. For that risk and constant worry they are likely to have a take-home pay of around £1,100 a month.

Let us make no mistake: child care workers are deserting in their droves. Some stay within local authority social work, but more and more are leaving to work on specific projects, where the conditions, and often the salaries, are more rewarding than in local authorities. The answer obviously lies in recruitment and retention. Irene McGugan mentioned the media campaign, which was a somewhat half-hearted attempt to recruit social workers. I would like to be able to tell the minister that the campaign is being welcomed by her former colleagues, but it is not. It is simply damaging morale further. The advertisements were seen as patronising and belittling to the

professionalism of highly qualified social workers. Their message to me, loud and clear, which I pass on to the minister, was that social work is not a vocation but a profession.

Cathy Jamieson: Does Kay Ullrich accept that people who are involved in the social care and social work professions were consulted on and involved in drawing up that campaign? Despite the fact that the SNP has chosen to criticise the advertisements, does she recognise that they were the first step in the campaign, and that the Convention of Scottish Local Authorities, the ADSW, Unison and a range of other people called for such a campaign and welcomed it?

Kay Ullrich: Cathy Jamieson obviously mixes in more exalted circles than I do. The people who I am hearing from are the very front-line workers whom we are trying to retain in that important service.

I suggest that, to recruit a professional work force, the minister should start by looking at the wage structure. Many social workers take on additional responsibilities for no extra reward or recognition. I am talking of people such as mental health officers or student supervisors. Financial recognition of the intensive training that is involved would go some way towards assisting with the retention of those particularly highly motivated workers. Money is being put into social services to tackle drugs and youth crime, for example, and I am happy that it is. However, there is no point in throwing money at projects that can be staffed only from the already diminishing pool of social workers.

I mentioned that the minister's former social work colleagues were delighted when one of their own finally achieved a position in which, with her full knowledge of the profession's needs, she would have the power to make a difference not just to social workers, but—more important—to all those whom we seek to serve. That delight has turned to despair. Much needs to be done, but the minister has done little. She should hang her head in shame.

11:01

Cathy Peattie (Falkirk East) (Lab): It is clear that a joined-up, holistic approach to children's services is needed. In the short time that is available to me, I cannot do justice to all the policy initiatives that are contributing to improvements in those services, but I will concentrate on some education issues.

Education is, in many ways, a key component of our strategy. Education helps children to realise their potential. It must fit the child, rather than the other way round. We welcome new ways of supporting children staying at school when they

have problems and we recognise that, for some kids, such support needs to be done on a one-to-one basis. I welcome the excellent partnerships between local authorities and voluntary organisations such as Save the Children and Barnardo's. A Barnardo's project in my area works closely and on a one-to-one basis with youngsters who have been excluded from school. The project brings them back to school, tries to get them back into their studies and has been very successful.

The new community school approach brings together services for children and families. Education, health and social work services, the police, the voluntary sector and others can work together to break down the old professional barriers and provide joined-up services for children and their families. Over the next five years, the approach is being extended to all schools, which we all welcome.

We are committed to closing the opportunity gap and have introduced reforms to facilitate that. Nearly £500,000 is being invested in our pre-school education child care strategy. Between 2001 and 2004, there will be guaranteed places for all three and four-year-olds—I have campaigned for that for at least the past 20 years and we must welcome it. Some 38,000 children have been provided with out-of-school places, using new opportunities fund support. A further £24 million has been spent on child care, which helps lone parents in full-time education. Some £8 million is being spent on access and curriculum support for special educational needs pupils.

Our approach to children's services recognises the particular needs of the most vulnerable children. The Protection of Children (Scotland) Bill introduces a raft of measures to safeguard our children and is backed up by our commitment to children's rights, which is embodied in the establishment of a commissioner for children and young people. The commissioner will work to ensure recognition and enhancement of the rights of all children. Clearly, that work will benefit the most vulnerable young people, because they are the young people whose rights are most abused.

It is sad that, for too many of our children and young people, life is full of barriers that we can only imagine. It is our task to ensure that we put in place the support that is necessary to ensure that every young person reaches his or her potential and that we find ways of breaking down the barriers that they face.

11:04

Mr Kenny MacAskill (Lothians) (SNP): Resources and not rhetoric are at the heart of the debate—that will be realised if one considers the children's panel system, which is much maligned,

although I believe in it. The Scottish Committee of the Council on Tribunals has focused on that issue and indicated that resourcing, rather than structures, is the problem.

The Tory amendment highlights youth disorder. I do not seek to make light of youth disorder—all members accept that it is a serious problem—but the amendment does not mention the other equally valid and important aspect of child welfare. What is involved is not just retribution, but reform, and not just punishment, but pastoral care. The children's panel system is strong and is to be valued because it is holistic, not a glorified youth court. We should never forget that the children who are involved are in the majority; offenders are the small minority. The children whom we are discussing might be less demanding, but we ignore them at our peril.

The debate is all about resources. There is consensus in the chamber about the system and the structures that we need and about what needs to be done, but what matters is not the rhetoric, but the reality. It is universally accepted in the chamber that the issue needs to be raised up the league of political priorities. That is part of politics, which is the art of the possible and involves balancing needs, whether conflicting or otherwise.

I accept the argument that "It's the economy, stupid." No one owes us a living. No economic growth equals no funds for services, whether they are for children or for anyone else. Less national income would mean that the Parliament, its committees and the Executive were presiding over the diminishing stock and balancing cuts, rather than spreading the bounties. However, what is important is interlinking social and economic matters—we must all get that across. We live in a knowledge age. The economic driver and dynamo of our society is not ownership of the means of production, but the knowledge that individuals generate. Andrew Carnegie's steel mills could have been nationalised, but Bill Gates's brain or inventions could not be.

Scotland faces demographic time bombs, a shrinking labour force and immigration arguments. At the same time, we preside over tens of thousands of youngsters who are marginalised, alienated or excluded—or whatever adjective we care to use—from our society economically, socially and in other ways. Those youngsters leave school lacking not only qualifications in basic matters, but social skills. We must address that collectively.

Some youngsters are born to fail and to a life of delinquency, drug dependency and early pregnancy. The cycle will continue generation after generation into the millennium. That is a loss not only to those individuals, who fail to achieve their potential, but to the nation, as we fail to

realise our potential. We badly need those individuals' skills and talents. We must address that matter. Those people come from the same stock that left Scotland's shores generations ago, often in penal servitude. They were branded surplus to our nation's needs and wants, but the old world's loss was the new world's gain.

We need to build the consensus that we require to bring on board all the marginalised children. That is not about being preoccupied—although that is appropriate at the moment—with dealing with the small minority who are involved in a considerable amount of crime and delinquency. We must deal with the greater number of children who are being marginalised and alienated, but who have much to offer. Their loss is our loss. We must have consensus on that.

I do not consider that a partisan matter, but I differ from the Tories, who fail to acknowledge that the children's panel system is intended not simply to dispense punishment, but to address the individual child's needs and wants. That is why we need consensus. The consensus is being built, but the rhetoric must be matched by the resources. We must get that across not to members who are in the chamber now, whose participation in the debate shows that they accept the social necessity, but to society, which must be shown the economic benefits.

The present situation cannot continue, because it is a drain on resources in policing, prisons and elsewhere. The benefit of extending and supporting the existing structures and of resourcing them properly is that we would gain and make substantial savings in other aspects of our lives. The chamber must get the message across that we are not balancing social needs with economic drive. It must be recognised that the two matters are fundamentally interlinked and that we must harmonise and unite them.

11:09

Mr Kenneth Macintosh (Eastwood) (Lab): I was troubled by Kenny MacAskill's comments on consensus. I was even more troubled by the fact that I found myself agreeing with virtually everything that he said, which is possibly a first—and possibly a last.

Like others, I wish to concentrate on concerns over the children's hearings system, in particular on the problems facing social work services in their work with children and families. Comments in the newspapers about children's panels veer between two extremes. There are those who talk about a system that is widely admired, and which has been copied in many other countries; and there are those who focus on the difficulties of dealing with young persistent offenders and the

criticism that the hearings system represents a soft option.

I am in the former camp: I think that we are fortunate to have in place a process that focuses on young people's needs as well as on their deeds. For the most part, the system succeeds in keeping children out of the courts and the criminal justice system. The Executive has made it a political priority to tackle the way in which we deal with young people at the serious and persistent offending end of the spectrum. However, the system as a whole is in danger of being undermined by a lack of support services for some of the most needy and vulnerable members of our community.

Children's panels exist to deal with care and protection issues as well as with offending behaviour. In fact, protecting children from abuse and neglect occupies more of their time. Whether it is in relation to social work or to education, we know that the younger the age at which we can identify need and intervene to offer support, the more we can help children. Even some pre-school cases, however, do not get the help and support that they need.

I should state for the record that my wife sits on a children's panel in Glasgow. I know that there is wide variation between the experiences of and difficulties faced by the panel and social work services in east Glasgow, compared with East Renfrewshire. However, I praise the report of the Auditor General for Scotland and the Accounts Commission for Scotland, "Dealing with offending by young people", for the evidence and analysis that it provides and as a basis for improving current services.

It is clear that many of the problems that are experienced in east Glasgow stem from the fact that there are not enough social workers to fill the available posts. The positions exist because there is a job to be done, but no one wants to do that job. That is not really surprising. In every second case, the family has a drug or alcohol problem, and the job is not safe or easy. The impact on the children's hearings system and on young people is clear. Young people have been put on supervision orders only to come back a year later not having been seen by anybody.

Panel members, who are volunteers, mainly drawn from local communities, and who devote a huge amount of time and effort to running the hearings, are resigning because they feel that their time is being wasted. Panels have been cancelled at the last minute because of social work reports not being drawn up, and because no one knows what is going on in the child's family.

I am glad that we are tackling those problems in a range of ways. Drugs and the misery that they

bring are at the root of many family difficulties, and significant amounts of extra resources are being provided to tackle cases in which there are drug problems, which represent the front line. As with the high-priority cases that come before children's panels, social work departments allocate staff to tackle such cases. The children who are involved in low-priority cases—children who have not attended school or who have been reported to social services because the neighbours are worried about them—are those to whom we are not giving sufficient help and support. They are today's worry, but they could be tomorrow's Victoria Climbié or Kennedy McFarlane.

The Auditor General's summary report identifies a problem. Paragraph 56 states:

"The consistent message from those we spoke to during the study was that there is a need for more and better services in community settings so that children and young adults could be diverted from the repeated and serious offending which can lead eventually to custodial sentences."

Young offenders need adult supervision, because they are not getting that at home. They need some direction to give some meaning to their lives. They do not need to be locked up and told at the age of 14 that they are bad people. I know that the Minister for Education and Young People is acutely aware of those issues, and takes a personal interest in making progress in improving social work services.

The answer does not lie in demonising social workers, as so often happens when cases go badly wrong, but in the steps that the Government is already taking. We are recruiting more social workers; we are improving training; and we are providing more resources to local authorities. I welcome in particular this morning's announcement of the doubling of the number of postgraduate bursaries for social work students.

The minister is absolutely right to say that this is about far more than social work. However, it is social work services, particularly those that serve children and families, that most need our attention and support. I commend the amendment in the name of the Minister for Education and Young People.

11:14

Colin Campbell (West of Scotland) (SNP): We are all roughly on the same side in this debate, in that we agree that every child whose life is wasted and every child who does not grow up to have a fulfilled life is a loss to every one of us. Poverty lies at the heart of the matter, and as long as poverty is unaddressed, it will be very difficult to address the rest of the problem.

Mention has been made of the number of looked-after children, which has increased by 3

per cent over the past couple of years. That 3 per cent represents more than 4,000 children becoming looked-after children. None of us would want that fate for our children.

The link between looked-after children and poverty has been proved statistically. Irene McGugan noted the difference between the number of children in East Renfrewshire and the number of children in Glasgow who are looked after. All those who have worked at the coalface in education or social work know perfectly well that statistics are not required to prove the issues that have been raised—many of them are staring us in the face.

Individuals carry their childhood experiences into adult life. When youngsters cease to be looked after, their situation does not improve. "A Study of Throughcare and Aftercare Services in Scotland" by Dixon and Stein, published in 2002, suggests that between 20 per cent and 50 per cent of young homeless persons have been in the care of local authorities. That is a wide-ranging statistic, but the figure of 20 per cent is bad enough. Forty-five per cent of young offenders held in custody have been in residential care at some point. Only 25 per cent of looked-after children will obtain educational qualifications, compared with 96 per cent of children as a whole. Those are dreadful statistics and we must face up to them. I am sure that the minister is doing so. However, the statistics that I have cited are an appalling comment on life for many youngsters in 21st century Scotland.

Together, poverty, social disruption and being a cared-for child are a recipe for failure. Further proof of that is the 8 per cent rise in the number of kids who left school last year without achieving any standard grades. The gap between the best 80 per cent and the worst-performing 20 per cent of pupils is widening. That is a sad message.

Truancy has been mentioned. I recall the police rounding up from Woolworths truants from a school in Paisley at which I was teaching. The pupils came in the front door, were processed and probably disappeared again shortly afterwards. We were not running a prison camp, but a school. Children had the mindset that they would not come to school, because they found it challenging or difficult or did not like individuals in the school. Every truant is a potential criminal.

Education is part of the process that we are discussing. Alarming, the incidence of violence against school staff has risen by 137 per cent since 1998-99. The number of temporary exclusions has risen by 4 per cent. Every year 20,000 pupils are excluded, and about 30 per cent of those are excluded more than once. I do not have the statistics for that group, but from my previous existence I know that a number of pupils are excluded almost perpetually while people struggle to come to terms with them.

Cathy Jamieson: Does the member welcome the work that was done by the discipline task group and the additional resources that have been made available to ensure that there are pupil support bases and home link teachers to help to keep disadvantaged young people in school?

Colin Campbell: Absolutely. I have no problem with resources being invested to keep children in school and to expose them to the benefits that education can give them daily. I refer not only to formal education, but to the social education that pupils receive from being in the school milieu.

The problem of ill-discipline in schools has not yet been solved. Last night I phoned a teacher—who will remain nameless—who gave me a vivid impression of the difficulties that are being experienced. That teacher described how two part-time teachers who were covering 0.3 of a timetable had fled the school within a fortnight because they could not stand the disciplinary strains to which they were subjected. The pupils in question were nine-year-olds, rather than difficult teenagers. Inclusion comes at a price. The price is smaller class sizes—a point to which the SNP always returns but one that I can justify—and better professional back-up.

I have good professional experience of case conferences in which all agencies are brought together to address the problems of particular children in particular situations. I look back with affection on the education social workers who worked in some of the schools where I worked, who did a great job for us. I hope that enough people will be recruited to allow such specialists to be put back in post.

Cathy Peattie mentioned new community schools, in which interagency activity will be available to support children, but as yet there are very few such schools. The problem is that while we plan such things, children are slipping through the net and have slipped through the net. That is a terrible legacy left by all Administrations to date.

11:20

Trish Godman (West Renfrewshire) (Lab): In some ways I was slightly surprised by the choice of the SNP debate today. That was not because we are debating a motion on children and young people because, as Ian Jenkins said, we have done so in the past and it is right and proper that we continue to do so. Part of the SNP motion asks the Parliament to note

“in particular the references to the need to address urgently the crisis in the recruitment and retention of social workers”

and

“urges the Scottish Executive to give serious consideration to this matter”.

I remember that we had this debate in April or May this year; indeed, the minister moved a motion on recruitment and retraining. If the Executive had done nothing, as some allege, it would be right to have a debate today and to challenge the Executive. However, I believe that the Executive has moved considerably.

The child protection audit and review identified that the shortage of social workers was endemic. The 12-point action plan for social services included £13.3 million for social work training and child protection measures. There is an additional £3.5 million for local authorities for training and support of social work in their areas. That was a good decision by the minister, because training was always a soft budget line and it could be removed if there were problems with the budget with regard to local authorities. The plan also included pump priming for the Association of Directors of Social Work to develop additional support for front-line staff.

The first phase of the recruitment and awareness campaign was called, “care in Scotland, life changing work”. There have been 21,000 visits to the website and 1,000 calls to the two helplines. Just as important, colleges and universities are reporting increases in inquiries about social work courses. We all agree that there is still a need for more social workers; indeed, last night there was a report in the *Evening Times* that Glasgow is considering the possibility of training social work assistants. In my team, some social work assistants were much better social workers than were the qualified social workers.

I am interested in the response from the colleges and universities and I ask the minister to consider the course on which I qualified, which was a change-of-career course at Jordanhill College of Education. At the time, I was a wages clerk. I had seen an advert in the paper, but I had no qualifications at all, having left school at 15. At that point I had considerable life experience—I will not take an intervention on what that was. Do not get me wrong; I believe that young people have much to contribute to social work and we see that clearly when young people deal with youngsters who are misusing drugs and alcohol and kids who are having difficulty with school. However, I believe that life experience plays a large part in social work. The oldest person on my course was 50 and she contributed extremely well both to the course and to her job when she qualified.

As I said, the course was advertised in local and national papers and no qualifications were necessary for entry to it. Many people nowadays lose their jobs in their late 40s or early 50s—or even before that—or have been in a job for 20 years and think, “I want to do something totally different.” There should be an opportunity for them

at least to be assessed to see whether they could do the job.

As the minister said, the Executive has responded to the child protection review and audit report, "It's everyone's job to make sure I'm alright". Among other things, it has provided extra support for helplines that provide counselling and support for children. I launched one last week in Inverclyde that covers my constituency and Duncan McNeil's constituency.

Social work is fundamental to the delivery of social justice and the anti-poverty strategies of the Executive; indeed, the Deputy Minister for Social Justice will sum up for the Executive. It is very clear that there are difficulties and problems in recruitment for social work and we have heard about the difficulties that the children's hearings system faces. The welfare of our children should be paramount and every child, no matter what their background, should have the best possible start in life. That should be our goal and all our public services should link to contribute to it.

Of course we recognise that there is much more to do, but it is my honest belief that we have made an encouraging start. No one denies that we must continue to address recruitment and retention and the minister reiterated that point in her opening remarks. We must focus on delivery to improve outcomes for Scotland's children. No child should miss out on any opportunity to enhance their quality of life. As the minister said, second best is not good enough. I urge members to support amendment S1M-3698.2.

The Deputy Presiding Officer: We will be able to have speeches of five minutes, plus interventions, right to the end of the debate. I encourage interventions.

11:25

Linda Fabiani (Central Scotland) (SNP): The last sentence of the SNP motion notes that too many of our children continue to live in poverty. The most recent SNP debate in which I spoke focused directly on that fact. Therefore, I will not repeat all the stark statistics about poverty in this country; I will merely restate the findings of the Joseph Rowntree Foundation report that was published this month, which concluded that there is an overall sense that there has, over seven years, been little change. That is set to continue under the devolved settlement, in spite of the Executive's decision to change the measurement of poverty from a relative to an absolute measure.

Jackie Baillie (Dumbarton) (Lab): Will the member take an intervention?

Linda Fabiani: No, it is too soon.

I want to make a plea for the children who live in Scotland who are the poorest by any

measurement—the children of asylum seekers. Those children are very much a minority. We all know that the Scottish Parliament is denied control over asylum, immigration and nationality, and that the Nationality, Immigration and Asylum Act 2002, which will soon be operative, will discriminate against the children of people who seek asylum in our country.

Mr Lloyd Quinan (West of Scotland) (SNP): Does the member agree that the use of the term "asylum seeker" rather than "refugee" is pejorative and that we should therefore work hard to avoid it? The term "asylum seeker" implies that people who are so designated wish to be given something. That is in contrast to the historical perspective of refugees as people who need support and help.

Linda Fabiani: I agree that it is sad that that terminology is used in a legal context. Some of the statements that have been made by members of the Government—who should know better—by the media and by the press simply exacerbate the problem.

The new act will set up accommodation centres for refugees and asylum seekers. Sections of the act will remove refugee children in accommodation centres from the application of key sections of the Scottish education service. We are talking about segregated education—possibly for a period of months. Surely that is both regressive and discriminatory; it could contravene not only the United Nations Convention on the Rights of the Child, but also the Race Relations (Amendment) Act 2000.

I will quote from section 36(1) of the Nationality, Immigration and Asylum Act 2002, which states:

"a resident of an accommodation centre shall not be treated as part of the population of a local education authority's area."

It is sad that children in Scotland are already being educated outwith the mainstream education system in Dungavel detention centre in the East Kilbride constituency. In that regard, I have concerns about Scottish legislation. The Children (Scotland) Act 1995 lays out local authority duties towards children. A parliamentary answer about those duties, which I received in May 2002, states:

"The Home Office has taken responsibility for ensuring that the needs of the children are met and may work with local authorities to do so."—[*Official Report, Written Answers*, 13 May 2002; p 652.]

Surely it is not good enough that the Home Office "may work" with local authorities. We should insist that it is for Scotland to look after any children in this country. The fact that we have legislation that safeguards the rights of children and the responsibilities of our elected local authorities means that those rights and responsibilities should be respected and honoured.

We should not just lie down and accept what the Home Secretary is doing. He is prepared not only to discriminate against people who must already be at their lowest ebb, as they have had to flee their homelands, but to deny asylum seekers' children rights to the same basic services that our children can expect. As the minister said, second best is not good enough for anyone's child.

I do not think that the Scottish Executive's ministers who have responsibility in this area think like their London colleagues and I have faith that a good number of coalition members do not think like their London colleagues, either. I ask the ministers to give a commitment that they will fight to prevent asylum seeker children in Scotland from being treated in that way.

The Home Secretary is required to consult Scottish ministers before establishing accommodation centres in Scotland. I ask ministers please to use that consultation to insist on rights for refugee children. I guarantee that the SNP will join ministers in any campaign to stop or reverse the relentless rightward drift of policy on asylum seekers and refugees. As a Parliament, we should make it clear to anyone who will listen that Scotland is a nation that can and will play its part in helping to alleviate the problems that are faced by immigrants, refugees and asylum seekers, but that we can do so only if we are allowed to.

11:30

Mr Jamie McGrigor (Highlands and Islands) (Con): I agree with Irene McGugan's opening remarks about the need to give children the best possible start in life. I only hope that the SNP offers some new ideas rather than more of the same failed policies that Labour has promoted. Those have not dealt with Scotland's social problems and have therefore not dealt with the problems that face our children and young people.

If the lot of children in the 21st century is to improve, that will be brought about only by policies that create wealth and opportunity and therefore security. Those things can be achieved only in an atmosphere of peaceful public order. Everyone agrees that there has been an explosion of youth crime, an increase in truancy and that there is among our youth apathy towards society that is dangerous for the future.

Our institutions are failing young people, but the SNP blames parents. In 2001, the SNP proposed that parents should be fined when their children commit crimes—I question whether that would be helpful. Individual families might be made up of badly behaved and well-behaved children, so it seems to me to be wrong that those who are well behaved should suffer because their parents

would be made poorer by fines that result from the actions of their brothers and sisters.

Unfortunately, the Scottish Executive's 10-point plan to combat youth crime seems, as usual, to be spin rather than substance. It is devoted to creating good media coverage for the Executive rather than to addressing the causes of youth crime and tackling those causes head on. Why will the Executive's campaign of high-visibility policing end after December? That is like telling the horse when the stable door will be left open.

All the reviews and feasibility projects that we hear about from the Executive simply fill in time on Scottish television when there is no other news.

Cathy Jamieson: Does Jamie McGrigor accept that the feasibility study on youth courts is a positive thing, in that it will bring about one of the most radical changes in the way in which we deal with youth justice in Scotland? Does he accept that not only have we made significant progress on all the points in the action plan, but we have put in the resources to back that up?

Mr McGrigor: That demonstrates the spectacular U-turn that the Executive has made.

Why does not the Executive do something about the causes of youth crime and the detection of such crime? We need more high-visibility community police officers who get to know local people and work with parents, schools and community groups to encourage good behaviour among children and young people. Police officers, social workers and, above all, parents must instil in children a sense of responsibility to members of their own family, because that in turn breeds responsibility among individuals for their respective communities. Those communities then feel a responsibility to the nation as a whole. That is how good civil society is achieved.

Michael Russell: I welcome the developments in Tory thinking that the member has suggested. Mr McGrigor's heroine, Margaret Thatcher, said in this very assembly hall that there was no such thing as society. I welcome Mr McGrigor's recognition that there is such a thing and I hope that his thinking will continue to progress at least into the 20th century and possibly into the 21st.

Mr McGrigor: I am glad that Michael Russell at least admits that child poverty was a lot better under Margaret Thatcher than it is now.

It is encouraging that the Executive has given up on its idea of sending 16 and 17-year-olds to children's panels. That was common sense, because such panels should deal with the vulnerable and those at risk.

Unfortunately, the Scottish Government's targets for eliminating child poverty within a generation are not being met. Although the SNP offers no

alternative policies other than independence, it at least admits that child poverty is worse now than when the Conservatives were in power. That was reiterated in Michael Russell's words this morning.

It is left-wing socialist policies that have failed and are failing Scots children. One in five Scots of working age is on benefits. That is shameful. The figure has been brought about by years of a dependency culture. The way to end poverty is to allow wealth-creation policies that provide economic opportunity and security for all, and to find solutions that pull everyone up rather than pull more people down and which pull the vulnerable in our society backwards.

Cathy Jamieson: Will the member give way?

Mr McGrigor: No.

It is essential that the causes of the 21st century poverty that affects children, which has been brought about by increased fragility of family and community, be identified, acknowledged and addressed urgently. We believe that every child's individuality is important and that a diverse education system will better suit the needs of all our country's children. The best way in which to achieve that is to provide real choice in education and to give head teachers the flexibility to cater for that choice.

11:36

Jackie Baillie (Dumbarton) (Lab): I am at a loss as to how to follow that, Presiding Officer. In his usual fashion, Jamie McGrigor dismisses entirely his party's historical responsibility for where we are now. Let us be quite clear: child poverty was a driver of social policy for the Conservatives. I remind the member that there were 1.3 million more children in poverty under the Conservatives' regime than there are now.

Our vision is quite clear. Unlike under the Conservatives, every child should have the best possible start in life irrespective of their social and economic background. There is a clear relationship between a poor start in life and a life of poverty. People who experience that kind of disadvantage in childhood are often unable to overcome the obstacles to achievement of their potential that they face. That is particularly true for the most vulnerable children; for those who are most at risk of abuse or neglect. I therefore welcome the Executive's initiative in setting up the child protection review.

The child protection review report makes grim reading. Half of the children who are at risk of abuse or neglect are not being adequately protected or cared for. I stress that we are not talking about negligence on the part of workers; the problem is more to do with the strain that the

child protection system is under. The net result is that children can get lost between the competing demands. There are myriad reasons why that happens and I do not have sufficient time to go into them all. Probably one of the most significant factors is the shortage of social workers. I am pleased that the minister has acted quickly in response to the review's recommendations. We need to provide support to social workers to ensure that children do not continue to slip through the net.

Although the main burden undoubtedly falls on social workers, there are many other professionals involved in child protection, such as health visitors, general practitioners, the police, voluntary organisations and teachers. We need to draw on all that expertise and better co-ordinate our efforts.

Michael Russell: Will the member give way?

Jackie Baillie: No, I do not have time.

The three-year programme of activity to reform child protection services will deliver much-needed change in the form of clear practice standards, development of the role of child protection committees and, above all, enhancement of the system's capacity to deliver better results. That, coupled with the interagency implementation team and a robust new inspection framework, will ensure that reform is delivered.

Capacity is probably the key constraint that we face. Despite an increase in the past decade of 20 per cent in the number of social workers, there is still a shortage of social workers throughout the country. That is due partly to the unprecedented—but welcome—scale of development of social care services. Services such as child care, community care and criminal justice have far outstripped the supply of professionals. The shortage of social workers is particularly evident in children's services where case loads can be huge and unmanageable and where the lives and circumstances of the children the services seek to protect can be harrowing and stressful.

We need a competent work force that is able to work to the highest possible standards, and we need sufficient numbers in that work force so that the work load is manageable, so that support is provided and so that decisions are appropriate. As Trish Godman does, I recognise that the Minister for Education and Young People has done much already and that she is committed to doing more: from the current recruitment campaign "care in Scotland, life changing work", which is a good start; to the £3 million of additional funding for local authorities to train and support existing social workers; to the £13 million of new resources for social work training and child-protection measures.

I know that the minister will continue to take concerted and sustained action to make

necessary improvements, not just in the context of the child protection audit and review, but in child protection overall. I also know that she will not only ensure that there are a policy framework and resources, but will ensure that the legislative framework is right. The Protection of Children (Scotland) Bill has been extended to cover voluntary organisations as well as public authorities and will, for the first time, create a register of people who are unsuitable to work with children. The Commissioner for Children and Young People (Scotland) Bill, which was developed by the Education, Culture and Sport Committee, will promote awareness of children's rights and will ensure that we mainstream the consideration of children into what we do as a society.

In conclusion, I pick up on the theme that Ian Jenkins started, which is society's responsibilities. We need public education so that individuals feel that they are able to raise with public services their concerns about children and that they feel confident doing so, so that communities are in turn encouraged to play a much more active role. We need to improve public understanding of the role of social work and of those who are involved in child protection in order to remove the old negative perceptions about social workers, and to promote the much more positive work that is done to protect children from neglect and abuse.

The safety of children is everyone's responsibility. It is not just about Government or local government or voluntary organisations; it is about all of us. It is about people in communities and neighbourhoods throughout Scotland having the confidence to act where there are concerns about a child's safety. Society is judged by how it treats its young, its old and its most vulnerable. The children who we are talking about are some of the most vulnerable people in our communities today. Let our society not be judged to be found wanting.

11:42

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

The Scottish Executive has made the laudable pledge that every young person will get the best possible start in life but, without doubt, that is not being achieved for the vast majority of children and young people with autism or Asperger's syndrome. It is clear that there is a growing body of evidence that children with autism or Asperger's syndrome have specific needs that require a different focus and a different approach from what is appropriate for children who have other disabilities. Indeed, there is now a body of evidence that recognises that 50 per cent of children who have autistic spectrum disorder do not have a learning disability, therefore we require

a complete rethink of service provision for those who have ASD.

Autism and Asperger's are described as hidden disabilities. They are characterised by difficulty in communicating, difficulty in thinking and difficulty in interacting in a manner that we would term "normal". That makes the disorders difficult to recognise. However, ASD is a communication disorder and we have to understand it. That disability is not as obvious as learning disabilities or physical disabilities and that, in effect, makes it possible for authorities to ignore the condition. Also, as a result of the lack of up-to-date knowledge—I mean the lack that exists today—of diagnosis and treatment, children and young people with autism suffer greatly from social exclusion and they will continue to do so into their adulthood if there is not a quantum change in service provision. More important, an autism-specific strategy must be initiated at the earliest possible date.

Cathy Jamieson: I know that Lloyd Quinan takes a close interest in the matter, which I welcome. Does he agree that the proposals on additional support for learning on which we are currently consulting have the potential to cover some of the young people who he feels are not getting the services that they should, and that the proposals will help to change the way that conditions such as autism and ASD are viewed? Does he welcome the continuation of the consultation?

Mr Quinan: I welcome any consultation. As the minister knows, as well as the disabilities' being hidden, the parents and carers of children who have the conditions have been hidden away and not consulted. There have been consultations during the past couple of years, which have been effective and useful, but I see them only as introducing something into the marketplace that was not there previously. It would be niggardly of me not to welcome any initiatives, but I want to emphasise the necessity of the Executive's using consultation to move to somewhere else, which would be a quantum leap.

I want to talk specifically about misdiagnosis and, more important, mistreatment. That is a new concept—people with autism can be treated. Treatments are available and come in many forms: educational, medical interventions or simply a change in diet. Those are treatments, but they are not commonly seen as such. Misdiagnosis and inappropriate treatment, particularly inappropriate use of drugs, is happening to this day throughout Scotland. In many cases, that can create grave circumstances in which young people, who do not know what is wrong with them or why they cannot communicate and appear to be different from everyone else, descend into severe depression

and a sense of hopelessness.

The statistics for self-injury and attempted suicide among young people with ASD and Asperger's syndrome are horrific. Feelings, emotions and troubles clearly increase during times of transition, such as from primary to secondary school and from youth into adulthood. Those can be challenging times for anyone, never mind someone with Asperger's syndrome or ASD. Because there are so few opportunities for young people to become what we would term a "normal" adult—who can earn a living, get a home of their own and form relationships—those feelings of helplessness only increase. Moreover, the frustration and depression that that creates for parents and carers is exacerbated. There is an urgent need for more transitional services and for more research on outcomes for young people with autism. Because the services do not exist, many people do not enter the system and go missing completely.

Having a child with ASD has a major impact on a whole family. Emotional stress is extremely damaging and depression and marriage breakdowns can occur. Siblings leave home or are excluded from school, and they can exhibit erratic and violent behaviour. I have heard about such examples in stories that I have heard from parents in the past few days and it is important that each example provides grounds for legal action against local authorities, health boards and the Executive for their failure to provide appropriate services. If anyone wants a reminder, article 13 of the European convention on human rights covers the right to an effective remedy, article 14 prohibits discrimination and article 17 prohibits abuse of rights. There are also the rights to education and family life. The minister and local authorities should know that there is no shortage of parents in this country who are preparing to take action. It is not a situation in which those families want to find themselves, but they are preparing to take action and they will do so.

As many members know, ASD is a challenging and complex disorder. It is not recognised adequately by the statutory agencies that are responsible for providing diagnosis or services. Whether that is by ignorance or design, only history will tell us. Deteriorating mental health through non-diagnosis or misdiagnosis can lead to the need for acute services. Inappropriate drug treatments frequently result in creation of new problems and symptoms, which in turn create pressure on acute services.

Autism and Asperger's do not fit easily into the eligibility criteria that are operated by many of our local authorities, and many people are being discriminated against. They fall through the gaps in the system, which—

The Deputy Presiding Officer (Mr Murray Tosh): Order. You are well over time, and I would appreciate it if you drew to a conclusion.

Mr Quinan: Okay.

The matter is quite straightforward. We need to be aware that this is not simply a problem for health or for education, but that it requires an entirely new national strategy that combines those elements. Information is available in this country about treatment that will improve the situation and create less pressure on services. We have to put into practice the joined-up thinking that we keep talking about. The problem that we must address is not that ASD is a learning disability, but that we have an inability to allow people who have it to be educated.

11:50

Robert Brown (Glasgow) (LD): I am grateful to the SNP for giving the Parliament the opportunity to debate this vital subject and for giving the debate the full three-hour slot. As the morning has progressed, the usual party-political bickering has died away a little and several members have made good and welcome speeches.

The future of Scotland's young people is hugely significant, given their enormous potential for contributing positively to our society and the dislocation that the failure to deal with some young people can cause to local communities. Indeed, Jackie Baillie highlighted the importance of the aspirational objective of giving every child the best start in life.

At the centre of the debate are the important reports from the child protection audit and review and from Audit Scotland, which identify the scale of the challenge and the shortcomings in the current provision. I will focus my comments on the youth justice system and begin by stating categorically that the children's panel system and its care and support approach remain—and should remain—the centrepiece of how we deal with children in trouble. Frankly, it is time that ill-informed people stopped knocking the children's panels.

I experienced a flash of light while Lyndsay McIntosh was outlining the Conservative approach to the issue. Although the Conservatives have been at pains to say frequently that they do not want to get rid of children's panels, they have also talked about ending the slap-on-the-wrist approach. It is quite clear that the Conservatives want to turn the children's panels, which they recognise are popular and respected, into something more like the youth courts that they want to be introduced. Given some of the comments that have been made this morning, Conservative members seem to be moving away

from the policy of the need to protect children—the cuddly-child image and so on—towards the different approach that is apparently required to deal with teenage thugs.

However, in a sense, we are dealing with the same people. Almost every index of failure—greater homelessness, greater crime, greater mental health problems, poorer educational attainment and, crucially, the extent of the violence and abuse that is perpetrated against many children in early childhood—relates most particularly to looked-after children. Any social worker, youth worker or policeman will point out that they can spot children at the age of five or six who are likely to cause trouble and come before the panel or the courts in their teenage years, because those young people are the ones who have been abused and have been in trouble at that earlier stage of their lives. Several members have covered that central point.

There is an increasing consensus among those involved at the coalface that, although institutional provision is sometimes necessary for the protection of the public, it is the most expensive and often the most unsuccessful option. That observation applies right across the system, from residential provision for children through secure places to the prison system. It is trite but true to say that, despite the best intentions, such institutions can be universities for criminals.

The European Association for Research into Residential Child Care took a research sample of case studies across Scotland, Ireland, Finland and Spain and found that more than 60 per cent of the children who had been in care had clinically significant emotional and behavioural problems. It observed that the greater the number of changes of placement, the worse the psychological outcome would be, and it found that responding to the needs of traumatised children required multiprofessional teamwork.

Those observations are borne out by the Audit Scotland report, which recommends a shift from residential and custodial sentences to community-based services. By the way, that conclusion shoots down the contention so often voiced by the Conservatives and the SNP that the key thing is to increase the number of secure places and, as David McLetchie said, to

“get persistent offenders off the streets”

to

“have any chance of reforming their criminal behaviour”.

That sounds good, but it does not work.

Audit Scotland acknowledges that the Scottish Executive has recognised and is acting on the issues that its report covers. Nevertheless, there is a massive challenge for us all. As Ian Jenkins

said—in what I, perhaps partially, thought was an excellent and knowledgeable speech—there is a problem and we cannot ignore the facts. We have done the groundwork and we have put in place some of the necessary resources, but there is still a long way to go.

People are key. There is a 13 per cent shortfall in children’s service social workers. The shortfall is much higher in Glasgow, where, as Irene McGugan said, needs are much greater. The child protection audit and review found that outcomes for children were

“highly dependent on social work doing well.”

In Glasgow, panels are meeting again after three months to see whether anybody, anywhere has had any contact at all with the child in need. That is a bureaucratic nonsense and a damning indictment of the current situation.

It will take time to turn the social work crisis around, as it takes time to recruit social workers and social work assistants. However, there are some things that we can do. We must adopt a joined-up approach to make best use of professional social workers and greater use of social work assistants. Social workers could be better supported. The British Association of Social Workers briefing that members have received mentions transport support. I know from representations made to me that many social work staff get a mileage allowance if they use their own car—that is a loss leader for poorly paid staff. There should be a better career structure, proper tools—such as mobile phones and computers—payments for extra responsibilities and a thorough review of pay and conditions. Social workers need to feel valued, just as the damaged children in their care do.

We must speed up the system. It is not acceptable that it takes five and a half months for a case to reach a children’s hearing. Systems that are under stress breed bureaucracy and lead to a rationing of resources. As Audit Scotland says, 60 per cent of resources are spent on prosecuting and reaching decisions on young offenders and there must be a shift towards providing services that tackle and prevent offending behaviour.

These complex issues arise from complex and deep-seated trends in our society. We all have a vital interest in tackling them. Let us build on the extensive work that is being done. I am sure that the minister will wish to act with increased urgency to take on board the full implications of the two important reports.

11:57

Murdo Fraser (Mid Scotland and Fife) (Con): The debate has been enlightening, because we have heard how Labour and the Executive are

failing Scotland's children. There is no shortage of rhetoric or glossy publications from the Executive, but delivery is sadly lacking. Anyone who listened to the members representing the Executive parties would not believe that Labour has been in power, at one level or another, for getting on for six years.

I am sorry to say that we have heard no new ideas from the SNP, either. All that it is offering is yet more of the same. As was recognised earlier in the debate, what the Executive amendment proposes is similar to what the SNP is saying. There is, once again, a left-of-centre consensus that has nothing new to offer.

In his opening remarks, Bill Aitken spoke about child poverty. According to some indicators, child poverty is on the increase in Scotland. The recent social justice annual report showed that there has been an increase in the percentage of children who live in low-income households. We take issue with many of the measures that are used but, on the Executive's own measures, the statistics are going in the wrong direction. That is despite all the Executive initiatives that we have heard about.

We cannot talk about poverty, or child poverty, without considering its root causes: lack of educational opportunities; lack of access to skills training; lack of employment; family breakdown; crime and disorder; and the effect of drugs. All those things impact much more on disadvantaged communities than they do on society as a whole. We must have an economy that spreads wealth and creates wealth. We must use that money to create high-quality public services that help the vulnerable. Too often, the current system acts against the most vulnerable and those living in disadvantaged communities.

We must work in partnership with voluntary groups. The state and its agents do not deliver everything. I have visited social projects that help the most vulnerable. The most successful are often those that are run by voluntary—perhaps faith-based—groups. We must consider removing barriers that affect the way in which those groups operate.

I turn to the issue of education, because it is through our schools that we can have the greatest impact on child poverty and the way in which children are treated. We have made the point before and it has been made again today—the present education system fails the most vulnerable in society. Colin Campbell, in a typically thoughtful speech, mentioned the widening gap between pupil performance in the best schools and that in the poorest schools. The increase in the past year in the number of pupils who leave school with no qualifications shows that the present system does not deliver.

Cathy Jamieson: Does the member accept that the new community school approach is one method of ensuring that the most disadvantaged areas receive extra resources? Does he agree that, to tackle the opportunity gap, it is right to continue to target resources at the most disadvantaged young people? Does he welcome the fact that we will introduce education maintenance allowances to ensure that young people from low-income families stay on at school and get the benefit of education?

Murdo Fraser: We will judge community schools and the other initiatives that the minister mentioned on their results. It remains to be seen how successful they will be. I question whether the money is best spent in those ways. It would be better to give the money directly to schools and to let them decide how best to use it. Schools are best equipped to take local decisions.

We want high-quality education for everyone, not only for the favoured few whose parents are fortunate enough to own a house in the catchment area of one of the better schools. We also want those who become disengaged from the education process at 14 or 15 to have access to vocational training at further education colleges. We have talked about that issue before.

In the time remaining to me, I turn to the issue of justice. Again, those who live in the poorest communities—the most disadvantaged—suffer the most from crime and disorder. Bill Aitken mentioned youth justice, particularly in relation to anti-social behaviour among young people. All members know of communities of people whose lives are made miserable by youth offenders, especially persistent offenders. I agree with Kenny MacAskill's point that we need an holistic approach. The issue is not only about crime and punishment, but about encouraging diversionary activities such as youth clubs to give young people an interest so that they are not simply out on the streets. Jamie McGrigor referred to community police officers. In Tayside, there has been a welcome move towards getting police on the streets, rather than in cars. We will see what impact that measure has.

In speaking about young offenders, we always come back to children's panels. As Robert Brown said, there is a problem with children's panels. The Audit Scotland "Dealing with offending by young people" report strongly criticises the way in which the current system operates. Robert Brown referred to various delays. I am delighted that the Executive's ludicrous plan to send 16 and 17-year-olds to children's panels was defeated by the Justice 2 Committee. I commend Bill Aitken and the more sensible members of the other parties who supported the overturning of that measure.

Bill Aitken mentioned the moves to extend available disposals to include weekend and evening detentions, tagging, community service orders and supervised attendance orders. Those ideas are sensible, but other parties, including the SNP, voted against them. We have heard many fine words, but there has not been much about delivery.

We have heard that Labour is failing. Labour has had five and a half years to deal with the issues, but there has been a lack of delivery and a failure to take hard decisions. All that we heard from SNP members was yet more of the same. They say that they would spend more money, but they do not say where it would come from. Only the Conservative party challenges the failed consensus. The Executive and the SNP do not have a monopoly of care; the only monopoly that they have is on a poverty of ambition for the most vulnerable in Scotland. I support Bill Aitken's amendment.

12:04

The Deputy Minister for Social Justice (Des McNulty): There is a serious debate to be had on children's services and child poverty. Although there have been some excellent speeches, unfortunately, as Murdo Fraser demonstrated, we are sometimes far from having such a debate.

Irene McGugan mentioned the "Monitoring poverty and social exclusion in Scotland" report, which provides a good synopsis of some of the issues with which we are dealing. The report highlights the complexities involved in providing a better deal for children and in dealing with child poverty. It is not the case that government in general can simply get all its policy ducks in a line and automatically get a resolution of the problem through the sausage machine. Many of the causes of child poverty are deep seated and concern family behaviour, social circumstances and so on. It will take time to change those things.

I was around when the first two versions of the report were produced. I used to trip over them regularly, because for about 10 years I shared an office with Gill Scott, who is the driving force behind the Scottish poverty information unit. Looking at the four versions of the report, I find it interesting to note that the Executive is now employing a much more systematic range of tools to tackle the range of issues surrounding child poverty and to improve children's services. Those mechanisms can be improved—I am not saying that they are perfect. Nonetheless, the Executive is systematically attempting to resolve the issue of child poverty, to deal with its underlying causes and to provide better-targeted services.

Michael Russell: I accept that the Executive is undertaking a range of actions, as I acknowledged

in my speech. However, according to the local authorities that Irene McGugan quoted, the situation is getting worse. That is the key issue. If all those mechanisms are in place and the work is being done, why are things getting worse?

Des McNulty: Michael Russell is completely wrong in that assertion. The Executive's social justice annual report shows that, in respect of the 29 social justice milestones, the figures are moving in the reverse direction for only two, whereas the figures relating to more than half are getting better. That is the reality.

Let us go back to the early 1990s, as there is an important issue to address in the context of the Conservatives' position. As I have said, tackling child poverty and delivering effective children's services is not an easy task. Society is changing and a series of processes are going on that affect family structure and people's situations, which must be taken into account and which we, the local authorities and everybody else concerned must address. In the 1980s and 1990s, Strathclyde Regional Council tried to deal with some of those wider issues in the context of its social strategy. It sought to deal with the consequences of the almost deliberate impoverishment of hundreds of thousands of Scottish families through the de-industrialisation and scorch-and-burn policies of the Thatcher Government.

We are in a better situation now than Strathclyde was in the 1980s and 1990s to begin to roll back some of the effects of the economic circumstances of that time. We have a Parliament and we can legislate to change things. We have sound economic management and substantial additional resources, which are being dedicated, pushed and targeted to dealing with child poverty and children's services. Irene McGugan attacked the First Minister over his priorities. I respond by saying that the First Minister has repeatedly made it clear to Parliament that his priorities rest with improving things for Scotland's children. We see our task as being to deal with the underlying causes of child poverty and disadvantage. That is what we are trying to do and that is where the resources are being spent.

I contrast that with the SNP's perspective. Even if we were to accept for a minute, which I do not, the SNP's argument that somehow there would be economic improvement in Scotland following independence—an argument for which the SNP cannot find support from reputable people—there is virtually unanimous support among reputable commentators that the process of separation would be profoundly disruptive, not just to our economy, but to key public services. The issue is not just whether the current levels of spending on health, education and other services that are vital

to families and children can be sustained; equally damaging would be the loss of focus on social justice priorities, which are our priorities and, I believe, Scotland's priorities.

Mr Quinan: If it is true that the situation is improving, can the minister tell me how many local authorities in Scotland have an integrated strategy to deal with children with autism or Asperger's syndrome? How many further or higher education colleges in Scotland run programmes for children with Asperger's syndrome and autistic spectrum disorder?

Des McNulty: In his speech, Lloyd Quinan made some valid points about how we should deal with the situation. We want to address the issue that he mentions; indeed, the minister has already agreed to speak to the cross-party group on those matters.

Our vision is of a Scotland in which every child matters and where every child—regardless of their family background—has the best possible start in life. That means that we need to deliver better opportunities, a better start and a better future for Scotland's children. We can do that by providing appropriate and integrated services for families and children in health, education, housing and a range of other areas.

We need a detailed understanding of how best to target those services. That is what the focus of the debate should be. The issue is not necessarily whether things are getting generally better or worse; it is how policies are delivering improvements for the targeted groups. We must narrow the gap so that everyone can share in Scotland's prosperity. That is why the Scottish budget is investing in areas such as health, education, homelessness and regeneration, which are especially relevant to the needs of children and families; we are targeting resources to those in greatest need of a hand up the opportunity ladder.

The outcomes of the spending review and the "Closing the Opportunity Gap" document, which was published in October, show that the Executive is committed to that approach. The social justice annual report gives us a framework for advancing the objectives and it sets out milestones that will allow us to mark the progress that we make.

The role of Margaret Curran and me is to try to co-ordinate some of that work to ensure that all the ministerial portfolios contribute to eradicating child poverty and to the Executive's goal of closing the opportunity gap. In practice, that means working with colleagues to ensure that the mainstream programmes give priority to meeting the needs of children and families, especially the most disadvantaged. That cross-cutting role is also about identifying gaps in services, examining

what works and helping to find new approaches where problems are identified. Jackie Baillie made a number of important points highlighting the different strands in the strategies that we are proposing.

Trish Godman and Kay Ullrich talked about the commitment to social work. The child protection review report demonstrates that good social workers make a unique contribution and change lives for the better. The efforts that have been made to address the image of social work, to recruit and retain people, are vital. The minister will respond to the COSLA task force's report on recruitment and retention.

On youth justice, the Scottish Executive will consider the recommendations that are being made in the "Dealing with offending by young people" report. We will consider whether there should be a shift in the balance of resources in the decision-making process towards services to tackle offending behaviour. We will consider whether the spend on residential and custodial services should be shifted in favour of community-based services. We will consider how places in secure care and residential schools are commissioned. We will consider the inconsistencies between grant-aided expenditure and budgets so that local authorities have a clearer idea of what expenditure should be targeted at children's services. Across the full range of activities, I believe that we are setting a framework for action.

Michael Russell: But things are getting worse.

Des McNulty: We will develop that action over the next period when we are returned to power and Mr Russell remains seated where he is.

12:14

Roseanna Cunningham (Perth) (SNP): It is a shame that Des McNulty chose to lower the tone of the debate. I suggest to him that his speech was nothing other than a carefully crafted waste of everybody's time. He might want to rethink his speeches in future.

The subject of today's debate crosses portfolios, as we have discovered only too graphically this morning. Obviously, we have talked mostly about social work and there were times when I thought that the debate was more like death by buzzword—when one is not accustomed to the jargon, it can be impenetrable. I will speak about youth justice, because that is what I am most concerned about. Some members touched on the issue, but only Ken Macintosh chose to highlight it as the main subject of his speech.

Although we recognise that only a minority of young people are involved in offending, youth

crime and youth disorder rank extremely high on the list of things that people come to see me about in my surgeries. On Monday night, I was at a local meeting in Perth where the issue was raised. It is raised by communities right across my constituency and I know that that is the experience of other members in their constituencies.

Of nearly a million crimes and offences committed in Scotland, somewhere between 40 and 66 per cent are committed by under 21-year-olds. That is a huge percentage. In 2000, 34 per cent of young people owned up to having committed an offence in the previous year. That is up from 22 per cent in 1993 and 28 per cent in 1996. Even if we allow for some macho bravado, the figures are still way too high. The number of offenders under 16 who have committed 10 offences or more rose between 1998-99 and 2000-01. Vandalism is at a 25-year record level and 42 per cent of vandalism offences last year were committed by 16 to 20-year-olds. There is clearly a problem that needs to be tackled.

The motion refers to the Audit Scotland report, which was published only within the past week. The report shows that a problem has been identified but is not being tackled. Courtesy of Nicol Stephen and his leaked media plan, we already had a fair idea of what would be in the report. Nevertheless, it makes grim reading for the Executive. It highlights the failure so far to deal with offending by young people and reveals the system as being slow, uneven, lacking in proper monitoring and starved of resources.

Let us look at some of the report's findings. It takes too long for young people to proceed through the children's hearings system and the criminal justice system. We in the SNP have certainly asked about time intervals for persistent young offenders both in children's hearings and in the criminal justice system as a whole, but we cannot get the answers because there is no centrally held information that allows us even to assess what the problem is. There are significant variations in the decisions reached on young people accused of offences.

The report praises the quality of social inquiry reports in the criminal justice system and we should acknowledge that praise. However, that high quality now appears to be under threat from the lack of social workers. Just last Friday, Sheriff James Farrell was reported in *The Herald* to have spoken of the growing credibility gap between what the Scottish Executive is introducing and the ability of local authority social work departments to deliver on the ground. The day before, apparently, he was forced to continue six cases because social inquiry reports were unavailable. He was told in three instances that there would be a delay of two to three months in the implementation of community service orders.

We have spent a lot of time this morning talking about problems in social work, but that is the end result on the ground of the wider problems. Because of the difficulties, many young offenders do not get the services that they need to tackle their offending behaviour. There is a lack of specialist services and social workers to deal with young offenders, as we have been saying over the months as well as this morning. There are some good projects, such as Matrix and Freagarrach, which members from all parties support, but the minister must accept that delivery is patchy.

Cathy Jamieson: Will Roseanna Cunningham acknowledge that I made it clear in my response to the Audit Scotland report that that patchiness was not acceptable? Will she also acknowledge that we have ensured that local authorities get additional resources so that projects such as the ones that she referred to can be replicated?

The Deputy Presiding Officer: Before Roseanna Cunningham answers, I suggest to other members that, as we are not going to have a vote in the next two or three minutes, some of their more exuberant conversations could take place outside.

Roseanna Cunningham: I hear what the minister is saying, but we must recognise that we are a number of years down the line of a Labour Administration—since 1997 at Westminster and since 1999 here. We seem constantly to have the same debate and we constantly hear reassurances, but we do not see results.

Michael Russell: Will Roseanna Cunningham confirm the truth of Sheriff Farrell's reported view? He directly blamed the lack of resources from the Executive for failures in the court system, which led to what happened last week. That answers the minister's point.

Roseanna Cunningham: When a sheriff talks openly in court about a credibility gap, that is a serious matter and the Executive must take it on board.

The problem is that the Executive's main concern was how to spin its way out of the indictment that it knew was coming rather than how to implement the recommendations that were made in the report. Words are fine, but the problem is that they have not resulted in action that makes a difference.

The Scottish Committee of the Council on Tribunals report on the children's hearings system in Scotland has also highlighted poor resourcing of the system for dealing with young offenders. The report found that the shortage of resources led to poor accommodation—even new purpose-built accommodation was found to be cramped and there was not always suitable access to it—and to reports not being received until hearings took

place, which led to delays and inconvenience to panel members and families. Sheriff James Farrell's comments may have arisen in the context of the sheriff court, but the same criticisms could equally apply in respect of children's panels.

The shortage of resources has led to the delayed allocation of social workers, which in turn has led to a lack of support for vulnerable families. Problems are still not addressed long after necessary support should have been in place. In addition, the shortage has led to a scarcity of locally available programmes or placements to provide early help for children and to a lack of secure residential places. There is real concern that, in certain circumstances, a hearing might have to tailor its decision to fit the resources that are available within the local authority rather than reaching a decision that might be in the best interests of the child. No member would agree that that is a satisfactory way of proceeding.

Both reports call for a specific commitment of resources, particularly to supply services to tackle offending behaviour. The Government has promised resources, but has so far failed to deliver, even by its own yardstick. As for progress on the so-called 10-point action plan that was announced in June, the Government scores nothing out of 10.

The Audit Scotland report specifically mentions the crisis in criminal justice social work. There has been much discussion of social work this morning. Alternatives to custody cannot be expanded without social workers to provide those alternatives. Social workers are an absolutely integral part of the entire system. According to last year's statistical bulletin, there were vacancies for 10 per cent of criminal justice social work jobs. Three years ago, the ADSW asked the Executive to upgrade training for social workers, but the Executive has only just promised to do so—whether it will get round to fulfilling that promise is another matter.

Another confession in the leaked spin document that I mentioned is that the extra secure accommodation places that the Executive announced will be nowhere near enough, even if we knew when and where they were to become available, which we do not. I am sure that we all agree that the priority for youth justice is to ensure that we address offending behaviour before it sets the pattern for a youngster's adult life. However, less than 40 per cent of youth justice spend is directed at tackling such behaviour.

At the start of the debate, the minister made a thoughtful speech and I accept much of what she said. However, she dodged a number of issues. She skirted around the issue of poverty by acknowledging that there were problems but pretending that the damning reports on poverty

levels in Scotland did not apply in the way that they said they did. She did not address the collapse of social work morale, which was exacerbated by the First Minister's comments. Those comments are on the record and were widely reported, but he has not repudiated them.

Like her colleague Jackie Baillie, the minister is right to say that the problems in question are everyone's problems, but there is a difficulty with that line of argument. The problems must be someone's responsibility; something that is everyone's responsibility ends up being no one's responsibility. We must be careful not to fall into that big trap.

I listened with care to Bill Aitken. It was seven minutes and 35 seconds before he got anywhere near a substantive point, which was—in the context of this debate—a rather misplaced attack on comprehensive education. He then called for the children's hearings system to be beefed up—I suspect that the chamber is in unanimous agreement about that—and for more realism. After that, he sat down. He did not make much use of the 12 minutes that he was allocated. The best that can be said is that perhaps he was not quite as well prepared as he usually is. However, I listened carefully to Murdo Fraser's summing up, so perhaps all that the members did was confirm that the Tories have nothing to offer the debate.

Some members made interesting comments. I say to Donald Gorrie that my colleague Irene McGugan is still reeling from the damage that he did to her political career in the SNP. I do not doubt that she will need counselling to get over that.

The SNP would deal with the youth justice crisis by increasing police numbers, providing 100 new secure accommodation places and introducing parental compensation orders. I say to Jamie McGrigor that that idea was drawn from other jurisdictions that have far better youth justice records than Scotland's. However, I welcome the clarity that he gave to the Conservative party's opposition to the proposal. He can be sure that every voter to whom I speak will know of the Tories' opposition. I also mention the developing idea of family courts, which would deal with some of the issues that relate to the mid-teen range and which are beginning to cause concern.

Members have heard Irene McGugan's comments about child protection services. We want more urgent action and supportive leadership from the Executive to help to resolve the acute recruitment crisis; consideration of and action on the recommendations of the child protection audit and review as a minimum measure; and legislation to provide a statutory basis for child protection committees—I welcome the minister's positive response to that. The SNP supports more

integrated children's services, provided that they are properly resourced and that we do not have another credibility gap of the sort that sheriffs on the bench are recognising.

Perhaps more generally, we should consider how to make Scotland more child friendly. We cannot escape the fact that child poverty is at a scandalous level. It is impacting on young people's physical, emotional and intellectual development and is clearly linked with youth crime. The Executive has failed to turn that around. Whether serious inroads will be made as long as the Parliament lacks the powers that it needs to tackle the core problem is a moot point. Perhaps the governing coalition could at least acknowledge that truth, but I will not hold my breath.

Business Motion

12:27

The Presiding Officer (Sir David Steel): The next item of business is business motion S1M-3694, which is set out in the business bulletin.

Motion moved,

That the Parliament agrees—

(a) as a revision to the business programme agreed on 5 December 2002—

Thursday 12 December 2002

after Business Motion, insert

followed by Motion on appointment of Scottish Information Commissioner

followed by Parliamentary Bureau Motions

(b) the following programme of business—

Wednesday 18 December 2002

2:30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 1 Debate on Homelessness etc. (Scotland) Bill

followed by Financial Resolution in respect of Homelessness etc. (Scotland) Bill

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business—debate on the subject of S1M-3526 Marilyn Livingstone: Solvent Abuse

Thursday 19 December 2002

9:30 am Finance Committee Debate on its 7th Report on Stage 2 of the 2003-04 Budget Process

followed by Business Motion

2:30 pm Question Time

3:10 pm First Minister's Question Time

3:30 pm Stage 1 Debate on Agricultural Holdings (Scotland) Bill

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business—debate on the subject of S1M-3393 Alex Neil: Firefighters and Fire Control Staff

Wednesday 8 January 2003

2:30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 of Local Government in Scotland Bill

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business

Thursday 9 January 2003

9:30 am Debate on the draft Scottish Parliament (Disqualification) Order 2003

followed by Stage 1 Debate on the Council of the Law Society of Scotland Bill

followed by Preliminary Stage Debate on Robin Rigg Offshore Wind Farm (Navigation and Fishing) (Scotland) Bill

followed by Business Motion

2:30 pm Question Time

3:10 pm First Minister's Question Time

3:30 pm Executive Debate on the Review of Child Protection

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business

and (c) that Stage 2 of the Building (Scotland) Bill be completed by 22 January 2003.—[*Euan Robson.*]

Motion agreed to.

Motion without Notice

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): On a point of order, Presiding Officer. I seek your agreement to move that a motion without notice be taken, to allow the Parliament to consider motion S1M-3706 now.

The Presiding Officer (Sir David Steel): I agree that the Parliament should consider the motion without notice.

12:28

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): This week, the Rural Development Committee created a precedent. For the first time, a committee's approval of a statutory instrument that comes before the Parliament was subject to an amendment that expressed a clear view that that statutory instrument has a serious defect.

It was the committee's majority view, by nine votes to two, that the draft Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 wrongly excludes highland Perthshire. The committee expressed its view on the basis of all-party agreement. Every party agreed that highland Perthshire should be in the park. I should mention that the newly emerged minority group of two comprised Rhoda Grant and Alasdair Morrison, and we must always respect the interests of minorities in the Parliament.

There are five reasons why I believe that the clear consensus is that a serious mistake has been made, which I hope can be corrected. That consensus is built on the advice that was obtained from Scottish Natural Heritage, which recommended clearly that highland Perthshire should be in the park.

That advice cost £250,000 and was sought by the Executive. The Executive chose to seek that advice, rather than dealing with the matter itself. SNH engaged 30 people to come up with the proposals. What happened to that advice? I believe that it was disregarded. Never can there have been such a monumental waste of money if we asked SNH to undertake a task and the Scottish Executive ignored its recommendations.

The four other elements of the consensus were as follows. First, the respondents to the process, who gave evidence to the Parliament, believed that their evidence would be taken into account and carefully weighed up and considered, as I believe it was by the Rural Development Committee.

Secondly, non-governmental organisations, including the National Trust for Scotland,

expressed carefully argued concerns that the exclusion of highland Perthshire may imperil the attainment of world heritage site status by the proposed national park. I believe that the National Trust's view, and those of the other NGOs concerned, deserves to be taken seriously. The Rural Development Committee took them seriously; the Scottish Executive did not.

The third strand involved Perth and Kinross Council. We achieved the somewhat remarkable—and, I believe, unique—feat of achieving unanimity among the rainbow forces on that council.

Fourthly, and most important, we had consensus on the Rural Development Committee, which was at first unanimous. In a letter dated 12 October, every single member agreed that highland Perthshire should be included in the national park. It was only later that the two members whose names I mentioned suddenly decided—as they were entitled to—to conduct a U-turn. That is not an illegal manoeuvre, but I would say to the particular lady concerned: “You turn if you want to—this lady is for turning.”

The issue at stake now is whether the Scottish Executive will listen to the Parliament or not. Will it have regard to the work of the Parliament's Rural Development Committee, or will it snub that committee?

I move,

That motion S1M-3706 be taken at this meeting of the Parliament.

12:32

The Deputy Minister for Parliamentary Business (Euan Robson): It is perhaps unfortunate that we find ourselves in the position of having to debate a motion without notice on an issue that the Parliament unanimously agreed should be dealt with in committee, and which has already been fully considered in committee.

The background is that the Parliament took a unanimous decision on 20 November to refer the Scottish statutory instrument in question to the Rural Development Committee. The time to raise concerns about where to hold the debate on the instrument was when the motion to refer that SSI to the Rural Development Committee was moved. If the Rural Development Committee, or indeed any member, had any concerns about where the debate on the instrument should be held, the appropriate place and time to make that known was when that referral was proposed.

It does not make sense to duplicate in the chamber work already undertaken by a committee. By doing so, we risk negating the work of the committees and diminishing their standing. By agreeing time to debate the matter now—*[Interruption.]*

The Presiding Officer: Order. Mr Ewing was heard in silence; Mr Robson should be heard in silence too.

Euan Robson: By agreeing to debate the matter now, we would simply be repeating work that the committee has already undertaken, and we would, in my view, be implying criticism of the committee system by sending out a message that the Rural Development Committee is not capable of thoroughly scrutinising subordinate legislation. The committee has already had a full, detailed debate on the issue.

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

The Presiding Officer: Order. Technically, Mr Robson is addressing a point of order. Members cannot give way during consideration of a point of order.

Euan Robson: The committee has considered the matter on at least four occasions, with the Deputy Minister for Environment and Rural Development attending, giving evidence and answering the committee's questions at two of its meetings.

In addition to participating in the committee's debates, the Executive responded to a letter from the Rural Development Committee, setting out comments on the committee's views on the draft Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003. Furthermore, the Executive responded to the committee's request for detailed information about the nature of the responses to the Executive's consultation exercise on the draft designation order.

In total, the Rural Development Committee has spent around 10 hours debating the issue. As recently as Tuesday, it questioned the Deputy Minister for Environment and Rural Development for 90 minutes before then debating the first of the two SSIs concerned for 90 minutes. It was open to the committee to take a further hour and a half to debate the draft Cairngorms National Park Elections (Scotland) Order 2003, but it chose not to do so.

It is correct that we should have a procedure that allows members to explain why they want to oppose an SSI after it has been considered in committee. However, it is completely unnecessary for us to have a further lengthy debate. That would undermine the Parliament's committee system. It is difficult to see what can be gained from having a further debate so soon after the debate in committee, especially when there appears to be a substantial majority in favour of the order.

At its meeting on Tuesday, the Rural Development Committee had the opportunity to

oppose the approval of the SSI, but chose not to do so. I understand that only two members of the committee opposed the approval of the SSI.

If we agree the motion without notice, we would simply rerun the arguments that have already been made during the committee's consideration of the issue. In my view, that would be a misuse of the Parliament's procedures and time. I invite members to oppose the motion.

Fiona Hyslop (Lothians) (SNP): On a point of order, Presiding Officer. I have never heard such nonsense so well scripted and so well read—*[Interruption.]*

The Presiding Officer: Order. I am being addressed on a point of order. I want to hear it.

Fiona Hyslop: Presiding Officer, will you confirm that when the SSI was first referred, no evidence had yet been heard by the Rural Development Committee or any part of the Parliament? Tuesday's meeting of the Parliamentary Bureau timetabled the approval of the SSI, but only yesterday did we hear of the committee's concern and of the vote that took place at Tuesday's meeting, the *Official Report* of which has not yet been published. When a committee has serious concerns about the evidence that it has heard, should that not be enough to enable it to ask the Parliament for extra time to debate that? Will you confirm that evidence had not been heard when the SSI was referred to the committee?

The Presiding Officer: That is factually correct. However, it does not alter the argument that the chamber has heard on both sides.

The question is, that motion S1M-3706, in the name of Fergus Ewing, on the suspension of standing orders for the consideration of motion S1M-3702, be taken at this meeting of the Parliament. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Brown, Robert (Glasgow) (LD)
 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)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)

Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 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)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 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)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (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)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 52, Against 54, Abstentions 0.

Motion disagreed to.

The Presiding Officer: We will return to the statutory instrument after the next item of business.

The next item of business is consideration of motion S1M-3701, in the name of Jackie Baillie—*[Interruption.]* Members must allow me to proceed with today's business. We will return to the statutory instrument in a moment. In the meantime, we must deal with motion S1M-3701.

Ms Margo MacDonald (Lothians) (SNP): On a point of order, Presiding Officer. I apologise for taking a minute or two to think about the ruling that you have just made. Have you created a precedent? If a committee requests that the Parliament consider a motion, can that be ruled out of order because the issue was not dealt with at the correct time?

The Presiding Officer: I do not understand the point of order. It is not for me to decide these matters. The Parliament has just decided that it does not want to take a motion without notice.

Ms MacDonald: Presiding Officer, had you believed that Mr Robertson—I mean Mr Robinson—

The Presiding Officer: Mr Robson.

Ms MacDonald: From as far back as I am, they all look the same. Presiding Officer, had you decided that Mr Robson was in error in arguing the case in the way in which he did, he would have been out of order.

The Presiding Officer: He was not out of order.

Ms MacDonald: You have created a precedent.

Scottish Information Commissioner

The Presiding Officer (Sir David Steel): I ask Jackie Baillie to move motion S1M-3701, on behalf of the selection panel, on the appointment of the Scottish information commissioner.

12:39

Jackie Baillie (Dumbarton) (Lab): As a member of the selection panel, it gives me great pleasure to speak to the motion in my name and to invite the Parliament to nominate Kevin Dunion as the first Scottish information commissioner.

I will say a few words about the background and the process before I turn to the proposed nomination. The Freedom of Information (Scotland) Act 2002, which the Parliament passed before the summer, makes clear provision for a Scottish information commissioner to be appointed by Her Majesty the Queen on the nomination of the Parliament. Independent of both the Parliament and the Executive, the commissioner will have responsibility for promoting good practice and ensuring compliance with the act. He will have a key role to play in the implementation of the freedom of information regime in Scotland, providing both general guidance on the legislation and specific guidance on publication schemes. The commissioner's work will be critical in ensuring that the people of Scotland have access to the information that they want and need and in making public authorities more open and accountable to the people whom they serve.

As members will be aware, under our standing orders, a selection panel, chaired by the Presiding Officer, was set up on behalf of the Parliament to consider the appointment. The interview panel consisted of Bill Aitken, Christine Grahame, Cathie Craigie, Duncan Hamilton, Iain Smith and me. A recruitment process was conducted with advertisements placed in the national press, which attracted a wide range of applications. Following a blind sift of those applications, we proceeded to interview.

I take the opportunity, on behalf of the interview panel, to thank Sir Michael Buckley, the former UK ombudsman, who assisted us as an external adviser in the recruitment process. As with many interviews, the calibre of candidates was high and the panel decided to conduct a second round of interviews, inviting back some of the candidates to ensure that we appointed the right one.

At the conclusion of the process, the majority view of the panel was quite clear that Kevin Dunion should be nominated by the Parliament for appointment. As many members will be aware,

Kevin Dunion is currently the chief executive of Friends of the Earth Scotland—a position that he has held for 10 years. He has extensive national and international experience of dealing with people, often at the highest levels, and is skilled in helping to influence the kind of positive change that I think we need. Throughout his career he has been involved actively in campaigning issues and there is no doubt that, under his leadership, the profile of Friends of the Earth Scotland has risen considerably. Its loss is quite clearly the Parliament's and Scotland's gain.

It was also clear to me from Kevin Dunion's interview that he has considerable commitment to and enthusiasm for freedom of information and, above all, a strong desire to ensure that it is firmly embedded in the culture of public authorities in Scotland. The task that he faces is challenging to say the least, but I am in absolutely no doubt that he will meet the challenge most effectively.

I believe that Kevin Dunion will prove to be a formidable information commissioner and, as the first commissioner in post, he has a particularly responsible role in helping to shape a freedom of information culture in Scotland. I am sure that the Parliament will wish him every success for the future.

I move,

That the Parliament nominates Kevin Dunion to Her Majesty The Queen for appointment as the Scottish Information Commissioner.

The Presiding Officer: Five members have requested to speak in this short debate. I call Duncan Hamilton first.

12:44

Mr Duncan Hamilton (Highlands and Islands) (SNP): I rise as a member of the selection panel and as a concerned back bencher to oppose the motion on the basis that I do not think that the right person will be appointed to the role. There are those who have criticised us for intimating that we would oppose the motion. I want to set out for those people the reasons why we do so. When we were appointed to the selection panel, we were appointed to do a job on behalf of the Parliament; we were not there to fight party corners or seek party advantage. Equally, we are here today to make a recommendation to the Parliament about the suitability of one candidate to fill the role of Scottish information commissioner. It is not just my right as an MSP to question that decision; I would argue that it is my obligation to report to the Parliament on the concerns of half the panel about the appointment.

Let us be clear that half the panel was not convinced. It is important that the Parliament takes that into account when it votes on the motion. The Parliament has the right to choose to ignore that

evidence. If the Parliament rejects my recommendation—it is also the recommendation of other members—and decides that Mr Dunion is the best person for the job, I will have lost the vote but I will be satisfied that I have discharged my duty. We will be able to move on to ensuring that the office of the new information commissioner is supported and augmented in its work.

I cannot be part of a false consensus around the appointment.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Will the member take an intervention?

Mr Hamilton: I will not do so at the moment.

As the interview panel could not agree whether to appoint Mr Dunion or have a confirmatory vote on the appointment in a room of seven people, I suggest that it is right and proper for the Parliament to look again at the appointment.

Cathie Craigie: On a point of order, Presiding Officer. The member seeks to mislead the Parliament. I ask you to confirm how the panel was made up and whether it is true that it was divided equally on the appointment.

The Presiding Officer: That is not a point of order. In her opening speech, Jackie Baillie said what the panel was.

Mr Hamilton: It is not appropriate for me to share with the Parliament details of the other candidates. Suffice it to say that another candidate had instant credibility, as well as experience and a proven track record in freedom of information.

Jackie Baillie: On a point of order, Presiding Officer. It is not appropriate for us to discuss the details of the candidates involved. To do so would be a gross discourtesy to them and would constitute a clear breach of the interview process.

The Presiding Officer: Although I share some of Jackie Baillie's concerns, Mr Hamilton is just within the bounds of what is proper. No names should be mentioned.

Mr Hamilton: I hope that I am within the bounds of what is proper. I have made it clear to the Parliament that I will not name the other candidates. I repeat that one candidate had experience, a proven track record in freedom of information, instant credibility and a core commitment to the independence of the role.

Jackie Baillie: On a point of order, Presiding Officer—a legitimate point of order. The member may not have named the alternative candidate in the chamber, but members of the Scottish National Party have named that alternative candidate to the press. [*Interruption.*]

The Presiding Officer: Order. My task is simply to preserve order in the chamber. There is nothing

out of order in what Mr Hamilton says. I trust that he will proceed cautiously.

Mr Hamilton: I hope that we can have an end to bogus points of order from the Government benches. I want to put it on record that no member of the SNP has revealed anything about the identity of those involved in the interview process. It is ridiculous for Jackie Baillie to make such a suggestion.

I suggest that the decision to reject one particular candidate was a mistake. In opposing the motion, I seek to give the Parliament the chance to rectify that mistake. It is right and consistent for me to express in public the reservations that, as I am sure Jackie Baillie will be keen to confirm, I made in private as a member of the selection panel on behalf of members of the Parliament.

The alternative would be to pretend that divisions did not exist and that the panel was united. It would be factually wrong to give the Parliament that impression. It would be most ironic if the process to appoint the first freedom of information commissioner under the historic Freedom of Information (Scotland) Act 2002 was carried out in a climate in which MSPs did not have access to all the relevant information.

If Mr Dunion is successful today, I wish him every success in his post. If the Parliament decides to appoint him to that new role, he will have my support. The question that we must deal with is whether we have confidence in that appointment. We must also ask whether it is the best appointment that could have been made—it is my sincere view that it is not.

My final point is procedural. I hope that, in relation to future interview panels, the Parliament and the Presiding Officer will consider the need for unanimity when panels come to decisions. The present situation is damaging to the Parliament's reputation, and unanimity would prevent similar situations from arising in future. That would avoid putting the present Presiding Officer, or a future Presiding Officer, in the potentially invidious position of having to use a casting vote.

I oppose the motion.

The Presiding Officer: Let me respond to the last point that Mr Hamilton made. Of the three or four panels that I have conducted, this was the first time that the panel did not reach a unanimous decision. There is nothing in our proceedings to say that a person cannot be appointed on a majority decision, which is what happened in this case, as Jackie Baillie made clear when she moved the motion and as the chamber already knows. Short of tearing up the whole thing and starting again, one cannot always guarantee unanimity. Let me also say that there was no

question of a casting vote; I had a deliberative vote, like every other member of the panel.

12:50

Bill Aitken (Glasgow) (Con): It is unfortunate that this matter is being debated on the floor of the chamber today, although I acknowledge that there are certain issues attaching to the appointment. For the sake of fairness and clarity, I want to underline the point that there was no question of a casting vote being used. By my arithmetic, where there are seven people voting, it is rather impossible to achieve a situation in which a casting vote is necessary.

Having said that, I think the points that Mr Hamilton raised have some merit. I speak as a panel member who was one of the three who voted against the appointment—I do not think that I breach any confidentiality by saying that the vote was four in favour and three against. I lost the vote—which is not, I must say, highly unusual in this forum. Nevertheless, I feel that I must abide by that result.

There are definite lessons to be learned for future interviews of this type. We should not pretend that unanimity existed where it did not but, nonetheless, the decision has been taken. The majority on the panel took the view that Mr Dunion was the preferred candidate. Although I may disagree with that—indeed, I do disagree with it—the matter before the Parliament today is whether we are to accept the majority vote of the panel. I suggest that we must adhere to the panel's decision, on the basis that it was reached by majority vote.

12:52

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): It is regrettable that we find ourselves in this predicament. I want to pose one question. How do we expect good candidates, of whatever hue or of none, to come forward and subject themselves to the Nolan procedures if they are then to find the SNP making such highly charged remarks? That shower has today shown itself to be unfit for Opposition, so God help us in the event that it ever comprises the Government of this country. We will see whether no attempts have been made outside the chamber to make clear who was its preferred candidate.

What we are doing today is disgusting. People are dissecting what went on in an independent procedure for which candidates came forward. MSPs, mindful of their duties to the Parliament, reached a view on those candidates. Good grief, but that view was reached by there being a majority and a minority. For people then to go on a witch hunt against the candidate because they are

not happy about forming part of that minority is truly disgraceful.

When I sat on a parliamentary selection panel, which was chaired by the Presiding Officer, I was impressed by the efforts that were made by its members to ensure that we arrived at a decision that we could support and that got the best candidate for the job. It is unfortunate that Bill Aitken, despite having sat on the panel, should say that the best candidate did not get the job. It may be Bill Aitken's view that the candidate who did not get the job was the best candidate, but there is a clear difference between those two positions.

We must be careful about what we are doing today because of the effect that it will have on our ability to get people to come forward and take jobs that we want them to take. This place really needs to grow up; I suggest that some Opposition members must start growing up fast.

Mr Andrew Welsh (Angus) (SNP): On a point of order, Presiding Officer. In your response to Mr Hamilton, you said that, of the panels that you have conducted, this was the first time that the panel did not reach a unanimous decision. Will you reflect on that statement in the interests of accuracy?

The Presiding Officer: That was correct to the best of my recollection. If I am wrong—perhaps you could pass me a note—I will be happy to correct myself. I do not remember that any previous vote was non-unanimous.

12:54

Christine Grahame (South of Scotland) (SNP): Brian Fitzpatrick's misguided and spiteful remarks are worthy of no more response than that which I have just given them.

I have been in touch with no members of the press; no members of the press have been in touch with me. I assure members that the decision was watertight. However, as my colleague, Duncan Hamilton, said, it is for the Parliament to decide who should be the Scottish information commissioner. That is why the decision is being brought back to the Parliament.

It is with great regret that I find myself speaking against the appointment of Kevin Dunion as Scotland's first information commissioner. I like Mr Dunion; he is affable and enthusiastic. However, he is not the man for the job.

I had the benefit of convening the Justice 1 Committee, which heard all the evidence on the Freedom of Information (Scotland) Bill and on the role of the Scottish information commissioner. I took part in all the debates. It is against that background, and against the background of

reading the CVs and hearing all the interviews, that I have come to the view that he is not the best man for the job.

Johann Lamont (Glasgow Pollok) (Lab): On a point of order, Presiding Officer. I am concerned about equal opportunities issues in relation to this matter. Could you clarify whether the people who participated in the interview panel understood beforehand what the process was and that, in involving themselves in that process, they would accept the result, whatever it was? If the SNP was not content with that procedure, it should not have become involved with it in the first place. I presume that, before the process started, it was explained to the SNP members of the panel but that, as they did not get their own way and were party to the discussions, they decided to bring the issue to an interview panel of 129.

The Presiding Officer: I am sorry, but I could not listen to what Ms Grahame was saying and deal with Mr Welsh's point of order. I did not quite hear what Ms Grahame was saying, but I do not think that she said anything out of order. Ms Grahame, if you would like to continue, I will respond to Mr Welsh shortly.

Christine Grahame: Presiding Officer, I assure you that I am being very circumspect and know that this is a delicate area—

The Presiding Officer: I have another point of order.

Christine Grahame: This is filibustering.

Johann Lamont: On a point of order Presiding Officer. Can I have clarification on whether everyone who was involved in the interview process understood before they went into that process how it would work?

The Presiding Officer: Yes.

If Ms Grahame will excuse me for a moment, I will deal with Andrew Welsh's point. We are both correct, Mr Welsh.

Mr Welsh: Could you give me some further information?

The Presiding Officer: In a previous case, there was a division in the interview panel. After that division, there was a majority and the panel agreed to make a firm and united recommendation to the Parliament. The difference in this case is that the panel did not so agree. That is why Jackie Baillie was quite correct to make it clear that a majority recommendation was involved when she moved the motion. Mr Welsh will agree that, in the previous case, the recommendation did not come to the Parliament as a majority recommendation; it came as a recommendation that the panel had accepted. I hope that is clear.

I advise Johann Lamont that, certainly, the panel procedure was accepted by all its members. I

underline another of Jackie Baillie's points: because the panel did not reach agreement the first time, we held—unusually—a second round of interviews in a genuine, all-round effort to reach agreement, but we still did not do so. The Parliament therefore knows that the verdict is a majority verdict.

Christine Grahame: It should be made clear that, after that second interview, there was no confirmation of the candidate; the meeting simply broke up and did not come to a conclusion.

I refer back to the stage 1 debate on the Freedom of Information (Scotland) Bill. During that debate, the Minister for Justice made an important point about the role of the Scottish information commissioner. He said:

"The bill provides that the commissioner be appointed by the Queen, on the nomination not of ministers, but of the Parliament."

That is why we are debating the issue. He then went on to say that it was the

"third, and perhaps the most important, feature of the bill ... that the commissioner should be fully independent."—
[*Official Report*, 17 January 2002; c 5458.]

The key to the success of the job is not simply its independence but the perceived—I emphasise the word perceived—independence of the commissioner. If we add to that track record of perceived independence the authority of recognised and tested independence of spirit, we would have the ideal candidate. In my view, the interview panel had that candidate before it and he narrowly lost out to Mr Dunion. As I have said, the panel did not endorse the decision.

Jackie Baillie *rose—*

Trish Godman (West Renfrewshire) (Lab) *rose—*

Iain Smith (North-East Fife) (LD) *rose—*

Cathie Craigie *rose—*

The Minister for Parliamentary Business (Patricia Ferguson): On a point of order, Presiding Officer.

Christine Grahame: I like Mr Dunion. He has excellent presentation qualities and would be a good manager.

The Presiding Officer: Order.

Patricia Ferguson: I had not intended to raise a point of order because I hoped that, if we had to have a debate at all, we would have a civilised debate.

My experience of interviewing people outwith the Parliament leads me to regret what has been said in the debate and to worry about what else is going to be said. The chamber must uphold the

confidentiality of the appointment process. The prospect of people ever wanting to apply for such posts is being called into question. I also make the point, which seems to have escaped some members in the chamber, that the very reason for having an interview panel of seven people and not six people is to allow for a situation in which there might be a difference of opinion.

The Presiding Officer: On that last point, panels are sometimes five people and they are sometimes seven, but Patricia Ferguson is right to say that it is always possible that there will be a majority verdict.

Tricia Marwick (Mid Scotland and Fife) (SNP): On a point of order.

The Presiding Officer: Let us have no more points of order; let us get on with the debate—
[*Interruption.*] All right, but the debate has to finish at 11 minutes past.

Tricia Marwick: On a point of order, Presiding Officer. Can you confirm that this appointment is a parliamentary appointment?

The Presiding Officer: It is a parliamentary appointment. The panel was set up and has made a majority recommendation to the chamber. I do not think that it is in order to debate what went on inside the panel. Ms Grahame, I invite you to conclude—please be very careful.

Christine Grahame: I am concluding, Presiding Officer.

It is obvious that Scotland's first information commissioner must command the confidence of Scotland's public and the entire chamber. He or she must have that confidence from the moment that the appointment is confirmed. I do not think that I can support the nomination. I put these serious comments, which are not made on a party-political basis—
[*Interruption.*] How dare members. I heard all the evidence on the Freedom of Information (Scotland) Bill in committee. I heard the candidates. I was asked to put my honest opinion to the chamber, and I am doing that. I will not be put down for that.

I ask members to consider seriously the reservations that have been expressed by members of the panel. The issue is not hostility to one candidate; we have serious reservations that the wrong appointment is being made. I ask members to weigh up those reservations and to vote freely and independently—for once—on this issue.

13:02

Iain Smith (North-East Fife) (LD): I regret that this debate is taking place. It is the most disgraceful debate that we have ever had in this Parliament and it brings the Parliament into

disrepute. SNP members should be sorry for what they are doing today.

Surely the purpose of setting up a selection panel is to make a recommendation to the Parliament on who the selection panel considers is the best person for the job based on merit. Those of us who were on the panel did that job. We all took our decision as to who was best based on merit, and we have made our recommendation. More of the panel recommended Kevin Dunion than any other candidate. That is why Kevin Dunion is being proposed to the Parliament today. That proposal was reached on the basis of merit and on no other grounds whatsoever.

I have no doubt about the merits of Kevin Dunion for the job. His commitment to freedom of information and his understanding of the Freedom of Information (Scotland) Act 2002 and of what the job entails were, in my view, well in excess of the commitment and understanding of any of the other candidates. I do not want to talk about any of the other candidates but, in my view, he was clearly the best candidate. That is why I recommended him, and for no other reason.

I am extremely concerned that there is a hidden agenda on the part of SNP members, and that they are not giving the real reason why they wish to oppose this appointment. Perhaps they should be more honest when they come before this Parliament. Duncan Hamilton, in opposing the motion, said that he had reservations and that he wanted to express them in the Parliament. Does anyone know what those reservations are? I did not hear them in his speech—not a single one.

We heard from Christine Grahame implied accusations that Kevin Dunion would not be independent. That was what she said. She implied that there was a candidate who would be independent, and that the other candidate would not be. That is an implied accusation against Kevin Dunion's independence, which is unfair, unjustified and unacceptable in the Parliament.

I draw members' attention to the debate that we had on Alex Neil's Public Appointments (Parliamentary Approval) (Scotland) Bill, during which Alex Neil said that one of his reasons for introducing the bill was that those who are nominated have no right of reply. The SNP today is not giving Kevin Dunion the right to reply.

I also draw members' attention to an amendment that Sandra White, with the support of Alex Neil, lodged to the Public Appointments and Public Bodies etc (Scotland) Bill, which is now before the Local Government Committee. The amendment proposes that the code of practice should

“set out the policies and procedures to be adopted to ensure that the political affiliation, or perceived political

affiliation, of any applicant for an appointment mentioned in subsection (1) is not taken into account in any decision to appoint or not to appoint the applicant.”

I suggest that SNP members are not following the line in that amendment. They are operating on the basis of a perceived political affiliation, rather than the merit of the candidates for the job.

The performance of the SNP in the appointment process was disappointing. I was chosen to serve on the panel on behalf of my group at the end of March. We received a memo from the corporate policy unit on 5 April on the proposed procedures of the appointment. It took until 16 June for Duncan Hamilton to respond to that memo. We should have been doing interviews by 16 June, but we had to delay them until after the summer. [MEMBERS: “Oh.”] There was a shortlisting meeting in August. The two SNP members were not present, so we had to have another shortlisting meeting, adding further delays.

Christine Grahame: Will the member give way?

Iain Smith: No, I will not. Christine Grahame did not take an intervention from me, so I will not take one from her.

The reality is that the SNP members have delayed the process for months because they did not do their job. They are now challenging a decision that was taken fairly and correctly to nominate Kevin Dunion, whom the majority of the panel considered to be the best person for the job. I fully support that nomination, and I urge the Parliament to do so too.

13:06

The Deputy First Minister and Minister for Justice (Mr Wallace): As the minister who was responsible for the relevant legislation, I believe, as Christine Grahame said, that a key feature was the independence of the commissioner and that the commissioner should be appointed by Parliament, not the Executive. That is why the Executive has had no involvement in the appointment and why we are content to accept the nomination of the selection panel that has been brought before the Parliament. If Mr Dunion is confirmed in the vote that we are about to have, I wish him well and assure the Parliament that we will work constructively with the commissioner to ensure the effective delivery of freedom of information in Scotland.

13:07

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I feel that perhaps I should not speak as Jim Wallace has tried to find a conciliatory point in the debate. It is regrettable that we are having this debate this morning. I am sure that Kevin Dunion

will be independent if his past work experience is anything to go by. He has demonstrated his independence in many of the cases and campaigns in which he was involved in his previous job.

The procedures for the interview panel were agreed as the normal procedures for interviews. I was not involved in the shortlisting and did not know about the points raised by Iain Smith, but I was involved in the two interview panels. By the time that people came to interview, one would assume that colleagues from all parties would have read the application forms and confirmed to themselves that each applicant met the job criteria. That is what colleagues in the Parliament did in shortlisting the five applicants who were invited for interview.

Mr Hamilton: Will the member give way?

Cathie Craigie: No, because Duncan Hamilton did not have the courtesy to give way to me.

Agreement was not reached at the first interview session so, because of the calibre of two candidates, it was agreed that we would invite them back for a further interview. At no time during that meeting did our two SNP colleagues on that panel indicate that they felt that either candidate would not be suitable for the job. If they felt so strongly—

Christine Grahame: On a point of order, Presiding Officer.

Mr Hamilton: On a point of order, Presiding Officer.

The Presiding Officer: Order. Before anyone raises a point of order, I have already said that we do not want to hear what happened in the panel. Cathie Craigie should skip over that point.

Mr Hamilton: On a point of order, Presiding Officer. I want your guidance about whether the level of detail that Cathie Craigie is introducing is appropriate. It is beyond anything that any other member has put into the public domain.

The Presiding Officer: I have just ruled on that point, Mr Hamilton.

Mr Hamilton: My second point is that I hope that you will instruct Cathie Craigie to correct the factually inaccurate statement that she just made that both SNP members signed up to the prospect that either candidate would be suitable. It is just not true.

Cathie Craigie: I would be happy to see Mr Hamilton around a table elsewhere to discuss that point, because I am sure that my colleagues on the panel will confirm that there was no dissent in the first interview panel about bringing two candidates back for interview. The interview was carried out in a fair way, and the candidates were

present on merit. Indeed, Kevin Dunion's appointment will be based on merit. I hope that the Parliament will endorse the interview panel's recommendation.

The Presiding Officer: I call Robin Harper. I am afraid that you have only 30 seconds.

13:10

Robin Harper (Lothians) (Green): This debate has teetered on the edge of being regrettable. I feel strongly that this kind of debate about the Parliament's responsibility should be exercised only where, subsequent to a recommendation from an interview panel, a compelling reason for the Parliament to debate the appointment has appeared. No such compelling reason has been presented to us. Instead, a reservation has been expressed that properly should have been expressed—and should have stayed—within the panel.

I am entirely confident that Kevin Dunion will perform his duties to the entire satisfaction of the Parliament and the nation, and I shall be voting for his appointment.

The Presiding Officer: As chair of the panel, I should add that at no time during the panel's two sets of interviews and two discussions was there any party-political argument. It is unfortunate that that has arisen now. We debated both final candidates on their merits and came to a majority conclusion.

The question on the motion will be put at decision time. We now move to the next item of business, which is consideration of two Parliamentary Bureau motions—

Jackie Baillie: On a point of order, Presiding Officer. Do I not have an opportunity to reply to the debate?

The Presiding Officer: I do apologise. Of course you have.

Jackie Baillie: Thank you very much.

The Presiding Officer: But please be brief, because we have overrun the time for this debate. That is my fault.

13:12

Jackie Baillie: I will be quick. I will also be gentle, as Frank McAveety has instructed me to be.

Frankly, I am embarrassed by this debate. I am extremely disappointed that members of the SNP chose deliberately to provide misinformation to the press yesterday. Equally, I am angry that, in doing so, they breached the confidentiality of the interview process by revealing the names of some

of the candidates who were unsuccessful. I intend to complain formally in writing—

Christine Grahame: On a point of order, Presiding Officer. I have made my position clear, and I wish Ms Baillie to withdraw those remarks. I assure the chamber that at no time have I spoken to the press or have they spoken to me on this issue.

The Presiding Officer: That is not a point of order. The content of the argument is not a matter for me.

Jackie Baillie: On Christine Grahame's point, I said that some members of the SNP spoke to the press. Furthermore, I should point out that, although journalists are not considered to be Mystic Megs, they do not necessarily have the imagination to invent some of the things that I was told yesterday.

Brian Fitzpatrick is absolutely right. What kind of signal is the SNP sending to people who apply for jobs in the Parliament? It is hardly the way for a responsible Parliament to behave. For the record, I say that the decision was a majority one and that no casting vote was required or given.

I have always believed that people should be shortlisted on the basis that they are competent to do the job. At no stage did any member of the interview panel object to the shortlisting of those particular candidates. However, not only are the SNP's actions highly discourteous to the other members of the panel and the Parliament, they constitute an outrageous attack on our integrity.

Has the SNP attacked the process itself? Well, no, and one must wonder why. Perhaps Iain Smith got it right. If it takes a panel member two months to respond to an e-mail and if the SNP members do not show up for the first shortlisting, they are perhaps in a difficult position to attack the process. During the entire process in which they were involved, they did not raise a single objection until now. I find it reprehensible and, frankly, cowardly that they choose to attack the candidate, who is unable to respond.

Mr Hamilton rose—

Jackie Baillie: I think that the SNP has undermined the position of information commissioner and they have undermined the Freedom of Information (Scotland) Act 2002. That is not the behaviour of a responsible political party, albeit that it is depressingly consistent for the SNP.

This is nothing but politically motivated nonsense. For the SNP, this is not about the best candidate for the job; it is about its perpetual right of veto until it gets its candidate for the job. I am disgusted by the SNP's attitude.

We on the interview panel picked the best person for the job; that person is clearly Kevin Dunion. Kevin Dunion will make the best information commissioner for Scotland. That is nothing more than this Parliament and this country deserve. I ask members to support the motion.

Andrew Wilson (Central Scotland) (SNP): On a point of order, Presiding Officer. Will you undertake to review rule 7.3.1 of the standing orders in light of the conduct of the debate and some of the shameless accusations made about SNP members? Will you report at decision time as to whether rule 7.3.1 has been observed?

The Presiding Officer: I must say that I do not think that the debate was one of the best that we have ever had in the Parliament. That is putting it mildly. I do not think that we should dwell on it.

Parliamentary Bureau Motions

The Presiding Officer (Sir David Steel): The next item of business is consideration of two Parliamentary Bureau motions. I ask Euan Robson to move S1M-3702, on the approval of a statutory instrument.

Motion moved,

That the Parliament agrees that the draft Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 be approved.—[*Euan Robson.*]

13:17

Alex Fergusson (South of Scotland) (Con): In moving and speaking to the amendment, I seek only to draw Parliament's attention to the deep reservations that the Rural Development Committee continues to have on matters relating to the designation order for the Cairngorm national park. The wording of my amendment is an exact amalgamation—

Rhoda Grant (Highlands and Islands) (Lab): I would like Alex Fergusson to clarify that he refers to the majority of the Rural Development Committee.

Alex Fergusson: I am happy to give that clarification.

I seek to draw Parliament's attention to the reservations that the majority of the Rural Development Committee continues to hold. The wording of the amendment is an exact amalgamation of the two amendments that the committee debated last Tuesday. One of the amendments, lodged by John Farquhar Munro, was on the inclusion of a Gaelic name. That amendment was passed unanimously. The other amendment, in the name of Fergus Ewing, on the boundary issues, was agreed by nine votes to two.

I would not have lodged this amendment had the Executive deliberated on our findings before lodging its motion. However, it chose to lodge its motion when the committee was deliberating. Given the degree and depth of the committee's concerns, I was left with no choice but to lodge this amendment, if the concerns are to be understood by the whole Parliament, as I believe that they should be.

One of the most troubling aspects of the designation order is that the dissatisfaction surrounding the proposed boundaries of the national park has increased, rather than decreased, as time has gone on. That is the wrong way round. When the dissatisfaction is expressed by bodies as august and respected as the National Trust for Scotland and the North East Mountain Trust, as well as by the Executive's advisers,

Scottish Natural Heritage, it is right that we should sit up and listen. That is exactly what the committee did.

We went to Kingussie to take further evidence on the subject, following which we sent our recommendations to the minister—at his request. Our recommendations were that his original proposals should be expanded to include the five local authority areas, as recommended by SNH, plus the parish of Laggan. At that time, that recommendation was unanimous. Had the minister stuck to his original proposals, he would no doubt have had plausible reasons for doing so, but he chose to put forward a halfway house solution by proposing a park boundary that takes in four local authorities plus the parish of Laggan, but excludes the areas of highland Perthshire that are referred to in the amendment.

That would be equally understandable if he could give a robust answer to the question why he chose to omit that area from his proposals. Sadly, despite repeated questioning on the issue at the Rural Development Committee meeting on Tuesday, he consistently failed to do so, which is why the committee voted by nine votes to two to express its regrets and why I want Parliament to do the same.

The only reason that we were given for the decision was that it would make for better governance of the national park, although governance—good, bad or indifferent—is not one of the criteria for the establishment of a national park. That suggests to me and, I believe, to most of the committee members, that the decision is based not so much on practical or factual evidence, but on political expediency, which is no basis on which to establish Scotland's second national park.

I move amendment S1M-3702.1, to insert at end:

"but, in doing so, notes amendments S1M-3621.1 and S1M-3621.2 which were approved by the Rural Development Committee on 10 December 2002 and therefore regrets the exclusion from the boundaries of the Cairngorms National Park of those areas of Highland Perthshire and Drumochter, including the forest of Atholl, Beinn a 'Ghlo and Blair Atholl, all of which were recommended for inclusion within the park's boundary by Scottish Natural Heritage in its report, prepared for the Scottish Executive, on the proposal for a National Park in the Cairngorms, and is concerned that, if these areas remain excluded, the attainment by the park of World Heritage Status may be put in jeopardy, and further regrets that the Order does not include the Gaelic translation of Cairngorms National Park which is Pàirc Nàiseanta a' Chàirn Ghuirm."

13:20

The Deputy Minister for Environment and Rural Development (Allan Wilson): I am pleased and not a little proud to commend to Parliament,

on behalf of the Executive, the draft Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 and the draft Cairngorms National Park Elections (Scotland) Order 2003.

As members know, the designation order, which is the basis for the establishment of Scotland's second national park, has been the subject of extensive consultation in the past two years. During that time, there have been exhaustive discussions on all the details of the park, particularly on the boundary and the involvement of the national park authority in planning matters. As we have heard, parliamentary committees considered the matters in detail and took evidence from a wide variety of witnesses. As a result of that and of further discussion in the Executive, we have produced the orders that are before members today.

I will remind members of the conditions that had to be satisfied—which Parliament laid down—before we established the exact content of the designation order. The area had to be of outstanding national importance either because of its natural heritage or because of a combination of natural and cultural heritage. The area had to have a distinctive character and a coherent identity and the designation of the area as a national park had to meet the area's special needs and be the best means of ensuring that the national park aims were achieved in a co-ordinated way. The national park aims refer to conservation, sustainable use, understanding and enjoyment of the area and the sustainable economic and social development of all the communities that are involved.

It was never going to be easy to balance those conditions and aims. Nevertheless, we have achieved a balance through which, in my view, the biggest national park in Great Britain will be capable of being managed in a co-ordinated and sustainable way by a national park authority that will exercise its significant planning functions in full co-operation with the four local authorities in the area. I realise that some members are disappointed that certain areas have not been included within the national park, just as other members were disappointed about areas that were not included in the Loch Lomond and the Trossachs national park. Nevertheless, although we started from a point at which there was no consensus about what the national park should look like—indeed, there was outright opposition from some people who did not want to be included in the park—we have reached a point at which all those with an interest can welcome the park's establishment and work together positively to make it a success.

Further delay in the production of finalised proposals would not necessarily lead to a greater

degree of consensus and would be a serious risk to the momentum for the establishment of the park. If we pass the designation order, as I believe we should, we will fulfil Donald Dewar's desire for and vision of a second national park in Scotland. I commend the designation order to Parliament.

The Presiding Officer: I will put the question on that motion at decision time. I ask Euan Robson to move the second motion, which is S1M-3703, on the approval of the other statutory instrument.

Motion moved,

That the Parliament agrees that the draft Cairngorms National Park Elections (Scotland) Order 2003 be approved.—[*Euan Robson.*]

The Presiding Officer: As no one has asked to speak against the motion, I now suspend the meeting.

13:24

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Business Failures

1. Miss Annabel Goldie (West of Scotland) (Con): To ask the Scottish Executive what effect the recently published business failure rate in Scotland will have on the economy. (S10-6083)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): The relationship between business failures and economic performance is far from clear cut.

Miss Goldie: The modesty of that answer explains all about the paucity of the Executive's understanding of business and the economy of Scotland. I will continue more in hope than in expectation.

Official figures show that the number of liquidations, receiverships and administrations soared to a 10-year high in the third quarter of the year. Does the minister agree that the situation wears thin with the aspirations of a smart, successful Scotland? Will he confirm that he is now prepared to do something to bring help to the coalface of business? As a start, will he show a willingness to consider the reintroduction of the uniform business rate?

Iain Gray: When considering statistics on the economy, it is possible to take a simplistic approach or a serious approach. It is not surprising that, as usual, the Tories go for the former.

A variety of statistics exist on business failure and it is not always clear what lies behind them all. I could argue that Scotland showed an increase in VAT registered businesses last year that was far greater than the increase anywhere else in the United Kingdom apart from Northern Ireland. It is central to a smart, successful Scotland that businesses—small businesses in particular—are able to thrive and grow. Some would argue that, in the spirit of entrepreneurship, it is also important that some will thrive and grow and some will fail. As a society we should recognise that.

What is important is what we do to support the businesses that are succeeding. I am thinking of important measures such as introducing the small business gateway, restructuring regional selective assistance, streamlining small grants through RSA, and the Scottish co-investment fund, which assists businesses that are having difficulty finding venture capital investment.

Another important measure is the freezing of the business rate, which was done for exactly the reasons that Annabel Goldie outlined, in dialogue with business. That measure will help businesses to thrive in Scotland this year and in future years.

Andrew Wilson (Central Scotland) (SNP): Does the minister accept that, despite Scotland's outstanding economic potential, our already mediocre Scottish growth record has got worse since Labour came to power? Does the minister put any of that down to the fact that, according to his predecessor, the First Minister would not take growth seriously and she could not get the economy on to the Labour Executive's agenda?

Will the minister cite one policy from his gamut of policies that will close the growing gap in wealth creation between Scotland and the south-east of England? Will he confirm when that gap will close?

Iain Gray: The comments about my predecessor, who was responsible for developing the smart, successful Scotland strategy, do not warrant a response—indeed, they are beneath Mr Wilson. We have made it absolutely clear and continue to make it clear that economic growth is our priority. Indeed, I made it clear to the Glasgow Chamber of Commerce this morning that economic growth is our priority and that the economic growth rate that we have seen in Scotland, not only over the past few years but over the past 30 years, does not meet our aspirations for Scotland. We have to pursue a medium to long-term strategy that will allow us to realise our economic potential.

Mr Wilson asks for one difference. I could give him a raft of differences, but I will posit one—the network of three intermediary technology institutes, which the First Minister announced earlier this week. The institutes will allow Scotland to maximise its potential in the three areas of energy, the life sciences and biotechnology, and in information and communications technology and digital media. They will take an approach to building research and development and commercialising it that does not exist anywhere else in the UK. That is an example of the kind of policy that we can pursue that will allow us to maximise our competitive advantage.

Dennis Canavan (Falkirk West): In view of the threatened closure of Jones & Campbell Ltd of Larbert, the biggest foundry in Scotland, will the minister tell us what progress has been made in discussions between the Executive, Scottish Enterprise Forth Valley and the company on alternatives to closure and on finding alternative employment for the workers if the foundry's closure goes ahead?

Iain Gray: Mr Canavan has stayed close to this matter, as I would expect, and I have had some

correspondence with him on the issue. I have made it clear to my officials that I wish to be kept up to date with the discussions about either avoiding the closure or, in the case of closure, what can be done to support the work force. In all fairness, I think that it would be best for me to give the most up-to-date report possible. We could perhaps undertake to get that up-to-date report and provide it to Mr Canavan as soon as that is practicable.

Firefighters (Pensions)

2. Fiona Hyslop (Lothians) (SNP): To ask the Scottish Executive what steps it has taken in the light of recent developments to ensure that firefighters' pensions will be fully funded without any need to cut front-line services. (S1O-6070)

The Deputy Minister for Justice (Hugh Henry): In the current financial year we are making an additional £5.4 million available to fire authorities to assist in meeting rising pension costs. Significant additional provision has also been made over the next three years through the 2002 spending review, in recognition of pension pressures. The requirement to fund pensions should not lead to any reduction in front-line services.

Fiona Hyslop: Will the minister join me in paying tribute to the firefighters and to their professionalism and bravery in fighting the old town fire earlier this week? [*Applause.*]

I raised the issue of pensions with the Minister for Justice in February. There are concerns that front-line services might be cut in order to tackle the pensions issue. The minister set up a short-term working group, which examined not the terms and conditions of the pensions, but the operation, management and structure of pay-outs.

The minister has just indicated that about £5 million will be available this year, but my understanding is that the Executive has not in fact yet released that £5 million for this year. Will he confirm when the short-term working group is meant to report? It was meant to report by the end of this year.

Hugh Henry: I am sorry, but I could not hear all of that, Presiding Officer.

I join the member in congratulating the fire staff who attended the recent blaze in Edinburgh. Their professionalism and commitment in response to the incident were evident.

We have taken seriously the issue of pensions, hence the additional allocation of £5.4 million. In 2003-04, there will be an additional £9 million; in 2004-05 there will be another £15 million; and in 2005-06, there will be another £19.5 million.

We believe that we have addressed the fundamental problem. Grant-aided expenditure for

the fire service throughout Scotland has been rising. It is kept under review during our deliberations. I believe that we have done everything that we have needed to do to address the problem.

Forth Bridge (Refurbishment)

3. Tricia Marwick (Mid Scotland and Fife) (SNP): To ask the Scottish Executive what discussions it has had with Network Rail about the timetable for refurbishment and remedial work on the Forth bridge. (S1O-6078)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): Maintenance, replacement and repair of track and signalling equipment, including on the Forth railway bridge, are operational matters for Network Rail, with which we have a wide range of discussions on a wide range of issues.

Tricia Marwick: I thank the minister for that non-answer. The Forth bridge is not just one of the engineering wonders of the world, it is an essential rail link for Fife and the north. Recent reports suggest:

"there is a backlog of work which will take between ten and 14 years and cost up to £280m to complete."

Will the minister make strong representations to Network Rail that the work must go ahead and that we must know a time scale for the work as soon as possible?

Lewis Macdonald: Like Tricia Marwick, I look forward with interest to the findings of the scoping study that Network Rail is carrying out on meeting its responsibilities for the Forth railway bridge. I understand that it expects to have the results of the scoping study early next year. The study will address both the short-term and the medium to long-term refurbishment needs. Only after those results are known will Network Rail know what time scale will apply and what the costs might be.

Helen Eadie (Dunfermline East) (Lab): Will the minister investigate what can be done to ameliorate the very worst effects of the lack of maintenance on the rail bridge on the community of North Queensferry, which is directly below the bridge? The community has suffered for a considerable time now. Since I came to the Parliament and before then, there have been grave concerns about pieces of rust and other parts of the bridge falling on to homes and individuals in North Queensferry. That is causing serious concern. I am also concerned about the increase of £40 million in the basic costs, which now stand at £280 million.

Lewis Macdonald: As I said in response to the last question, the final costs to Network Rail are not clear. Network Rail is still in the process of

receiving a report from those whom it has commissioned to scope costs.

I am aware of the concerns of people in North Queensferry, which the member has raised with me, and I know that Network Rail will take those into account. I understand that Network Rail's contractors have begun repainting and repair work along the most affected sections of the bridge.

Canals

4. Michael Matheson (Central Scotland) (SNP): To ask the Scottish Executive what its strategy is with regard to improving the infrastructure of canals. (S1O-6108)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): Our recently published document "Scotland's Canals: an asset for the future" lays out our vision and aspirations for the Scottish canal network. In that document, we stress the importance of maintaining and improving canals. However, the strategy for improving their infrastructure is primarily an operational matter for British Waterways.

Michael Matheson: I am sure that, like me, the minister welcomes the fact that Scotland's Lowland canals have reopened after some 70 years. What action is the Executive taking to ensure that we maximise the potential economic benefits of the reopening of canals? Will the minister join me in congratulating Falkirk Council on establishing, with British Waterways, a response squad to ensure that canals are maintained to a high level and remain a tourist attraction? Will he encourage other councils through whose areas canals run to establish similar teams?

Iain Gray: I have no problem repeating Mr Matheson's welcome for the work that has been done around Falkirk. The Falkirk wheel is one of the most popular attractions—if not the most popular attraction—in Scotland. It has been a catalyst for understanding the canals' potential to promote economic regeneration. Michael Matheson is right to say that we must raise awareness of that potential in Scotland more generally. That was one of the main reasons for the publication of the document "Scotland's Canals: an asset for the future".

In the budget, we have increased the resources that British Waterways receives from the Executive by some 23 per cent. We expect British Waterways to build on those resources and to work with partners such as local authorities to maximise the canals' potential. Our canals were ignored and neglected for far too long. Now that they have been refurbished, we have a real opportunity to move forward. We must never again allow them to be neglected.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I declare an interest: I have been actively involved in the Forth and Clyde Canal Society since 1984 and pushed hard for the millennium project.

Everyone agrees that the millennium project has been an enormous success. The minister will be aware of the increase in visitor numbers to the canals. British Waterways is projecting that next year about 7.5 million people will visit the canals, which can be regarded only as a success.

British Waterways is keen for the Scottish Executive, Scottish Enterprise and VisitScotland to work with it to promote awareness of the benefits that canals can offer not only to the people who use them, but to the many people who visit them and to communities bordering canals. How will the Executive work with British Waterways, Scottish Enterprise and VisitScotland to ensure that we make full use of the canals' potential?

Iain Gray: The great thing about question time is that one always learns something. I had always thought that Cathie Craigie had a constituency interest in canals, of which I was well aware. I now realise that her interest in canals is much more profound and goes back much further. That interest is much to the member's credit. I know that she has been very involved both in the regeneration of our canals and in looking forward to what is now possible.

We have seen the beginning of much greater use of our refurbished canals—that development is to be welcomed. However, Cathie Craigie is right to say that we will benefit from it only if everyone involved—local authorities, the enterprise network, VisitScotland, voluntary organisations and the communities through which the Forth and Clyde canal passes—works together. One of the primary purposes of the document "Scotland's Canals: an asset for the future" was to ensure that those links are strengthened where they exist and formed where they do not. We will do everything possible to encourage that process.

The Presiding Officer (Sir David Steel): Profound or not, questions and answers are getting very long.

Phil Gallie (South of Scotland) (Con): Will the minister confirm that the Falkirk wheel has brought considerable added tourism interest to the area? Does he agree that a Scottish Premier League team in Falkirk could do much the same and that fans could travel by canal? On that basis, and with regard to Falkirk and Inverness, does he agree that money set aside for improvements to stadiums for Euro 2008 could perhaps now be spent on the stadiums of first division teams that aspire to the premier league?

The Presiding Officer: That is well wide of the question.

Iain Gray: My answers are: yes; yes; yes; and I could not commit to that just now.

National Health Service (Innovation and Good Practice)

5. Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): To ask the Scottish Executive how it is promoting innovation and developing good practice within the NHS. (S10-6095)

The Minister for Health and Community Care (Malcolm Chisholm): There is a range of initiatives to turn good practice into common practice and support front-line staff as they lead change. That will be given renewed impetus through the recent establishment of the centre for change and innovation.

Brian Fitzpatrick: I am obliged to the minister for that answer. The minister will be aware of the promising results emerging from the establishment of disease registers and from heart and stroke secondary prevention clinics. Such clinics are now being run in all general practices in Strathkelvin and Bearsden. Is the minister aware of the prospects that they offer for substantial disease prevention, perhaps to the extent of a reduction of 30 to 40 per cent? Does he agree that such pioneering work might make a real difference to patient care and will he consider how such good practice might be best promoted and better supported?

Malcolm Chisholm: There are, of course, two kinds of prevention: there is primary prevention, which involves issues such as diet; and there is the secondary prevention to which Brian Fitzpatrick referred. More of that is being done in primary care and that is a key feature of the change agenda that we see before us in the health service. We want to encourage more to be done in primary care and to develop better links between general practitioners and other primary workers and hospitals and the rest of the health system.

That is exactly what will happen over the next year through the creation in every area of Scotland of managed clinical networks for coronary heart disease. We will certainly support those developments. Some of that is about resources, as there has been a lot of extra investment in primary care, but some of it is about working with primary care workers so that they can learn from each other and lead the changes that everybody wants to see.

Mr Andrew Welsh (Angus) (SNP): Given that good practice includes value for money, what is the minister doing to tackle the problem of the costs involved in the use of agency nurses?

Malcolm Chisholm: I am certainly concerned to see that the number of agency nurses is rising in certain parts of Scotland, although I point out that, in the member's area of Tayside NHS Board, the amount of money spent on agency nurses is 34 per cent less than it was a year ago. That is a good example, which other boards in Scotland should follow. The other thing that should be said in relation to that and to today's Audit Scotland report is that, although bank and agency nurses are put together in today's report, there is a clear distinction between them. Bank nursing is a good thing. Bank nurses are NHS employees who want to work in a bank, because they want to work flexibly. That must be distinguished from agency nursing, which we are doing everything we can to reduce.

School Standards

6. Mr John Home Robertson (East Lothian) (Lab): To ask the Scottish Executive what action it will take to improve standards of literacy and numeracy in schools. (S10-6101)

The Minister for Education and Young People (Cathy Jamieson): Following the publication of the literacy and numeracy statements in June, Learning and Teaching Scotland has appointed two national development officers to work closely with education authorities and schools to help to promote literacy and numeracy. A national two-day seminar on literacy and numeracy will take place in the new year and a website will be launched to highlight good practice.

Mr Home Robertson: I welcome those initiatives and I sincerely hope that Scottish state school pupils will continue to achieve higher standards than I was able to achieve at a certain private school in England. Is the minister satisfied that the curriculum is sufficiently challenging to ensure that children achieve good standards in the three Rs? Will she comment on the alphabet magic system that has been developed in East Lothian? I think that she saw it in practice in Longniddry Primary School during a recent visit. I would have been there had the minister's private secretary written me a letter to let me know that she was coming.

Cathy Jamieson: I certainly have no complaints about the member's literacy skills; he writes me enough letters and I am sure that he will continue to do so. The point that he made about the visit to Longniddry Primary School is well taken. I enjoyed the visit to the school, which has been using an imaginative approach that has been developed by a range of people in the school who are part of the school team, including a very enthusiastic head teacher, teachers, classroom assistants and nursery nurses. The system appears to be producing excellent results. I want such good practice to be highlighted.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Does the minister agree that one further method of promoting standards of numeracy among our children would be for elected representatives to lead by example in displaying scrupulous numerical accuracy? Is she aware that although 44,000 jobs are dependent on the fishing industry in Scotland, the Prime Minister estimated the figure to be only 14,000? He was wrong by a factor of three. Will she arrange for the Prime Minister to undertake a class of elementary mathematics?

Cathy Jamieson: Although I fully recognise the problems that fishing communities face, I had hoped to be able to make a more constructive comment on education. If the member would care to write to me to express his concerns about education and schools, I would be happy to respond.

Mr Brian Monteith (Mid Scotland and Fife) (Con): Is the minister aware that two of the local authorities that perform best in education—Stirling and East Renfrewshire—swear by the effects of their standardised testing, as opposed to the national testing that the Executive uses? Will the Executive learn from that by considering improving its national testing so that it matches up to the standardised testing that is used by Stirling Council and East Renfrewshire Council?

Cathy Jamieson: If the member had cared to look at some of the material that was produced when I launched the literacy and numeracy statements, he would know that we wish to develop a set of common principles and a framework for assessing reading skills right through from pre-school to secondary education. Although it is important for local authorities and schools to have the option to make use of best practice, we must ensure that we put that in the context of a national framework.

Dr Sylvia Jackson (Stirling) (Lab): The minister will know that there is considerable concern about achievement in secondary 1 and secondary 2. Will the minister outline what plans she has for basic numeracy and literacy, particularly for children who, for whatever reason, underachieve at those stages?

Cathy Jamieson: Sylvia Jackson has highlighted a critical issue to which a number of recent reports have drawn attention. Improving standards in S1 and S2 is one of the priorities that the development officers who will work on literacy and numeracy will examine. They will also examine the transition from primary school to secondary school and the disparity in attainment between girls and boys, and they will focus on pupils in the most disadvantaged areas. We will seek to build on that work and to continue that focus.

Defibrillator Provision

7. Christine Grahame (South of Scotland) (SNP): Before I ask my question, I declare an interest as a patron of the Borders-based charity, Scottish HART, which stands for Scottish Heart at Risk Testing.

To ask the Scottish Executive what public facilities, other than hospital buildings, are required under statute to provide defibrillators. (S1O-6086)

The Deputy Minister for Health and Community Care (Mr Frank McAveety): We are not aware of any statutory responsibility to provide defibrillators in public facilities. Our national advisory group on cardiac services will keep under review the evidence on the effectiveness of providing defibrillators in public places as it emerges.

Christine Grahame: I thank the deputy minister for that answer. In his absence, I also thank the Minister for Health and Community Care for the meetings that he has had with Mrs Wilma Gunn in relation to Scottish HART.

I am worried that the minister is not concerned that defibrillators are not provided in places such as the Edinburgh royal commonwealth pool and Waverley station. Will he investigate that situation and will he support Scottish HART and other charities that seek to provide defibrillators in places to which many members of the public have access?

Mr McAveety: I said that there were no statutory responsibilities to provide defibrillators in public facilities, but if local assessment revealed that it would be appropriate to have such a medical facility, we would welcome that. We have examined other models that address issues relating to cardiac arrest. One of the most compelling pieces of evidence on the subject is that greater general awareness of resuscitation skills makes a much more effective contribution to intervention than does provision of defibrillators. Although they are welcome, defibrillators make only a marginal contribution. That said, there is nothing to stop the development of local initiatives. Excellent examples of such initiatives already exist throughout Scotland.

Robert Brown (Glasgow) (LD): Is the deputy minister aware of Lanarkshire NHS Board's action in relation to defibrillators, which recently had happy results in Strathclyde park? Will he consider having discussions with major retailers such as Safeway plc, J Sainsbury plc and Asda about the provision on a partnership basis of defibrillators in major areas of public resort? Will he encourage NHS boards to take the issue on board and to deal with associated training issues?

Mr McAveety: We would be happy to work in partnership with anyone involved in the arena to ensure that such facilities are available if appropriate, but we would do so only after proper and rigorous assessment to ensure that such provision would make a genuine difference in local communities. Lanarkshire was highlighted; that has been a welcome development, and we are keeping an open mind about any future development. We think that partnership would be important, particularly in areas where the public gather. Irrespective of the commercial aspects of the organisations that are involved, such suggestions would be taken into account and we would welcome innovative ideas.

Deprivation (Glasgow)

8. Tommy Sheridan (Glasgow) (SSP): To ask the Scottish Executive whether the city of Glasgow is a special case with regard to the provision of Executive funding to address poverty and deprivation and their consequences. (S1O-6103)

The Minister for Social Justice (Ms Margaret Curran): Glasgow City Council receives the highest general revenue grant per head of any mainland council, set at more than 25 per cent above the Scottish average. Glasgow also benefits through several other Executive programmes that address poverty and deprivation, such as the better neighbourhood services fund and investment in Glasgow's social inclusion partnerships.

Tommy Sheridan: Does the minister recognise that one in three people in Glasgow lives in poverty, compared to one in eight in Scotland; that Glasgow has seven out of 10 of the UK's unhealthiest parliamentary constituencies; that Glasgow has 83 per cent of the worst areas of deprivation in Scotland and that 41 per cent of the children of Glasgow live in families that are dependent on income support? With that level of poverty and deprivation concentrated in Glasgow, why is it that in each of the past two years and in the next three years, her Executive is awarding Glasgow less than average increases in grant aid support? Is not it the case that her Executive is anti-Glasgow and prefers rhetoric to reality as far as tackling poverty in Glasgow is concerned?

Ms Curran: Oh dear, oh dear, oh dear. That is the most absurd point that I have heard from Mr Sheridan.

Glasgow is indeed a special case and we do recognise the scale of poverty, as I have just demonstrated. I could go on at length to tell him the things that we are doing to address poverty in Glasgow, but I hope that he will bear with me while I highlight two very significant points. I really do not have the time to address the detail of such rubbish.

Tommy Sheridan knows as well as I do about the local government figures, and it is time to be clear about that. I remind him that that is why Glasgow elects a Labour council time after time after time.

Tommy Sheridan: Less than average increases!

Ms Curran: Presiding Officer, I would like a chance to answer the question.

The Presiding Officer: Yes, go on.

Ms Curran: Just occasionally, Tommy Sheridan should show some courtesy. He knows as well as I do that Glasgow receives one of the highest settlements, as I made clear in the figures that I gave in my answer. The changes that have been announced recently reflect the changing circumstances in Glasgow, and the settlement that has been accorded reflects those changing circumstances.

I share an absolute commitment to dealing with poverty. I am on record on my commitment to that and I tackle it with great energy. One of the requirements of my job is to say, "What will I actually do to tackle poverty?" Unlike Mr Sheridan, I do not just cant. Does he know what I have done to tackle poverty? We are about to launch the biggest investment in Glasgow's housing that the city has ever seen. It will be a radical transformation of Glasgow's housing, but Mr Sheridan opposed it because that is all he can do.

Johann Lamont (Glasgow Pollok) (Lab): Does the minister agree that, despite his rhetoric, most of Tommy Sheridan's proposals on issues such as free school meals would export money out of Glasgow rather than give money to the city? Does she acknowledge the importance of factoring in deprivation in distribution of moneys throughout Scotland, which is activity from which Glasgow certainly benefits?

Given that only one out of every three jobs that are created in Glasgow is taken by a Glaswegian, will the minister work with the Minister for Enterprise, Transport and Lifelong Learning to ensure that Glasgow citizens are fully able to benefit from the economic regeneration of the city?

Ms Curran: I absolutely recognise those points and I am committed to ensuring that we work on poverty in Glasgow and throughout Scotland. We must give due recognition to pockets of poverty elsewhere in Scotland. I would like to mention something that has never been highlighted by the opposition parties in the chamber. All the reports that have been produced on poverty recently have given significant credit to the work of the Executive in having the courage to say that poverty is a long-term problem and for beginning fundamentally to tackle the problem.

Tommy Sheridan: Poverty is rising.

Ms Curran: Those reports have given credit to the range of efforts that are being undertaken by the Executive. [*Interruption.*]

Far be it from me to criticise others for things I do myself. I know that I shout in the chamber, but I tell Tommy Sheridan that occasionally it is worth listening to an answer so that we can get into a proper debate.

Mr Kenneth Gibson (Glasgow) (SNP): To be frank, I think that the minister doth protest too much. Is not the minister ashamed that new Labour has not only failed to reduce poverty in Scotland but has actually failed to stop it rising since coming to power five and a half years ago? Never mind new Labour's fiddled figures; those are the figures that the Joseph Rowntree Foundation published last week, to the embarrassment of the minister.

Will the minister explain how giving Glasgow the worst local government settlement of any of Scotland's 29 mainland authorities over the next three years can possibly reduce the gap between the level of poverty in Glasgow and that in the rest of Scotland? Is not it the case that poverty will continue to get worse in Glasgow relative to the rest of the country because the Executive does not see Glasgow as an area where it can win extra votes next year? The Executive takes the city for granted and anyone who looks at the figures knows that money is going into the marginal constituencies—

The Presiding Officer: Order. We are getting a speech now.

Ms Curran: I think I got the gist of that. The SNP and other parties do not understand— [*Interruption.*]

I will just have to go on for longer if members interrupt me. I am quite happy doing this; I enjoy it. This is good political debate and I am up for it.

I was going to refer to the Joseph Rowntree Foundation report. I had reports from that foundation's conference on Monday that recognise the efforts that the Executive is making. Anyone who is acquainted with the poverty debate will ask what we should do to tackle poverty. The answer is that we should change the conditions in which poor people live and create opportunities. We all know that work is the best route out of poverty and the Executive is addressing those fundamental issues in partnership with the Westminster Government.

It is important to understand that we are tackling poverty in Scotland and that there are fewer poor people in Scotland. The challenge that remains is the relative gap—incomes are rising and the relative gap remains. We are closing that gap, but

I need to find out from Kenny Gibson how the SNP would address it.

The Presiding Officer: Not during question time.

Ms Curran: Do we have a commitment from the SNP that it will reduce incomes in order to reduce that gap? We have said that we can lift everyone's income and still tackle poverty. The SNP cannot.

John Young (West of Scotland) (Con): Is the minister aware that there was less poverty and less deprivation in Glasgow under the last Conservative administration than there is now under Glasgow City Council? Is she also aware that one of the main reasons for that was that there was far more employment in Glasgow when we had a national Conservative Government? Will the minister comment on those comparisons? Kenny Gibson is quite right that we have had many Labour administrations and there is a lot of rot going on in Glasgow now.

Ms Curran: A lot of nonsense is talked in the chamber, but that must come close to being the worst. Iain Duncan Smith had the audacity to visit Easterhouse in my constituency, where he did not get a very warm welcome, despite what the Conservatives' public relations people said. He could barely find anyone to talk to. However, the people who did talk to him—

David McLetchie (Lothians) (Con): When was Tony Blair there?

Ms Curran: Mr McLetchie asks, "When was Tony Blair there?" Tony Blair was at one of the highest-achieving schools in my constituency in the east end of Glasgow—a brand new school—to congratulate the Executive and Glasgow City Council for the work that they are doing to turn poverty around.

The Conservatives cannot pretend for a second that unemployment rates in Glasgow were acceptable during the Tory years. That is why a Tory cannot be found in Glasgow.

The Presiding Officer: Question 9 has been withdrawn.

Broadband (Highlands and Islands)

10. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive what action it is taking to increase the availability of broadband across the Highlands and Islands. (S10-6080)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): Last week I published an update to our broadband strategy, which details the actions that we are taking to increase availability of broadband in Scotland,

including in the Highlands and Islands. At the same time, I announced a new initiative, worth up to £24 million, which is aimed at accelerating and widening the reach of broadband throughout Scotland.

John Farquhar Munro: I am sure that the minister will appreciate that the widespread distribution of broadband technology in rural areas is vital to maximising those areas' economic potential and in helping to break down geographic barriers. Do the specifications for the pathfinder project allow for broadband technology to be rolled out throughout the Highlands and Islands?

Iain Gray: Yes. The purpose of the pathfinder project is to aggregate public demand for broadband in order to stimulate the roll-out of broadband accessibility in the Highlands and Islands and in the south of Scotland. Procurement started formally last month.

The Presiding Officer: I call Rhoda Grant.

Rhona Brankin (Midlothian) (Lab): Does the minister agree that—

The Presiding Officer: I said Rhoda Grant.

Rhona Brankin: Sorry. It was worth a try.

Rhoda Grant (Highlands and Islands) (Lab): That's what I call a "chancer".

What action is being taken to help the remote and sparsely populated areas of the Highlands and Islands where broadband technology is not available through normal sources? Is assistance available for businesses that wish to access broadband technology by satellite?

Iain Gray: Assistance is available. The truth is that achieving broadband availability throughout Scotland was always going to require a mixture of different technologies. We continue to try out power-line carrier technology, and there will be a major trial of wireless technology in the Western Isles by the enterprise network. Highlands and Islands Enterprise is already working with businesses in the Highlands and Islands to pursue the possibility of using satellite technology for broadband access.

Mr Duncan Hamilton (Highlands and Islands) (SNP): The minister will be aware that a key part of Executive policy for rolling out broadband is to aggregate public sector demand in terms of local authorities, health, education and so on, and thereafter to hope that private industry will provide some of the infrastructure. Is he happy with the current assessment of public demand? Is he happy with the level of private investment, and is there an additional role for Government in terms of the infrastructure for broadband facilities?

Iain Gray: In answer to the first supplementary question that I was asked I said that the pathfinder

project is exactly as Mr Hamilton described; it has gone out to procurement. We expect to see strong expressions of interest that will deliver the benefits that we all want to see in the Highlands and Islands and in the south of Scotland. The truth is that predicting how the broadband telco market will operate has been an inexact science in the last year or so. We have always made it clear that where the market fails to deliver what we want, we will intervene. That is exactly why we introduced our new intervention of £24 million, which is aimed at enabling more digital subscriber line exchanges. We have great confidence in the pathfinder project, but we will monitor it and see what comes back in terms of expressions of interest.

Transport (North-East)

11. Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive when it will make a decision on whether it will make a substantial contribution to the £247 million that is needed to implement the north-east Scotland transport partnership's plans for a modern transport system for the north-east. (S10-6094)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): We expect to receive the outcome of the transport appraisal of the modern transport system from NESTRANS early next year.

Mr Rumbles: Is the minister aware of the evaluation that is currently being carried out of the potential demand for the reopening of Laurencekirk station, which was commissioned by ScotRail? Will that information be taken into account by the Executive when it considers the transport problems that face the north-east and when it makes a decision next year?

Lewis Macdonald: I am aware of that evaluation. It is clear that it is for Aberdeenshire Council, as the lead authority in the investigation, to examine how best it can include the information in its wider proposals. The modern transport system rail proposal in Aberdeenshire is specifically for the Aberdeen crossrail project to deal with and is, as I understand it, currently being specced on the basis of improved train connections between Inverurie and Stonehaven via Aberdeen. That is the project about which we expect first to receive detailed results from the transport appraisal.

Further proposals for rail links in the north-east are a matter for the local authorities. Both the local councils that are promoting the modern transport system have done so in a constructive way and have entered into an effective partnership in carrying forward the proposals. I expect that partnership to continue, and that it will attract the support and partnership of the councils' private sector partners.

Brian Adam (North-East Scotland) (SNP): Will the minister answer Mr Rumbles's first question? When will the Executive make a decision with regard to the project? Will it be before or after the election?

Lewis Macdonald: If Mr Adam had listened to my first answer, he would have heard me say that we will receive the transport appraisal early next year. As has been made clear on many occasions, the decisions that follow that will include decisions about carrying forward the project. The timetable will depend partly on how quickly the promoting local authorities—Aberdeen City Council and Aberdeenshire Council—are able to bring forward the final transport appraisal. We will examine that as quickly as we can and thereafter conduct an appraisal as rigorously as we appraise every transport proposal that comes before us.

The Presiding Officer: Members will have noticed that we have not got far down the list of questions, so let us see whether we can do better during First Minister's questions.

First Minister's Question Time

15:10

Cabinet (Meetings)

1. Mr John Swinney (North Tayside) (SNP): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S1F-2337)

The First Minister (Mr Jack McConnell): Among other matters, the next Cabinet meeting will discuss Scotland's response to today's unfortunate announcement that Austria and Switzerland have been successful in securing the European football championships in 2008. We should congratulate Austria and Switzerland and wish them well, but also express our disappointment at the outcome. The 2008 tournament in Scotland would have been a fantastic festival for football. It would have shown everything that was good, as well as being financially beneficial to the Union of European Football Associations and, more important, to Scotland.

We should thank and congratulate those who were involved in the bid. That includes the Scottish Football Association, our colleagues in Ireland and, more than any others, the tartan army, whose members have done so much to promote our bid and to secure for Scotland the international reputation that has kept us on the world map over the years. I am sure that the 2008 bid will ensure that we are now on the world map for major events in the years to come. We intend that that should be so.

Mr Swinney: I associate the Scottish National Party with the disappointment that was expressed by the First Minister and the sincere congratulations to everyone who played a part in taking the bid as far as it has gone. The bid has produced tremendous benefits for Scotland, even though it has not been successful today.

Does the First Minister agree that the important lessons from the bid are, first, that any bid needs adequate time for preparation to give it the best chance of success and, secondly, that the process has proved that Scotland can compete on the world stage?

The First Minister: Preparation is important, as is momentum, but so are passion and a clearly thought-out strategy for winning a bid and delivering a tournament. In Scotland, we have the facilities to do that. We have the sporting commitment and history to do that, and we now have a longer-term strategy to achieve that. The creation of EventScotland and our major event strategy, which can deliver other major sporting and cultural events to Scotland in the years to

come, is the right way ahead. We are on track to securing Scotland as one of the top-league destinations for major cultural and sporting events in the world. The success of taking the 2008 bid from absolutely nowhere to being a front-runner today has helped to contribute to ensuring that Scotland is considered in that way.

Mr Swinney: The First Minister spoke about the need for a long-term strategy to be successful. In recognition of that, does he consider it appropriate today to signal the Government's intention to include in that strategy the preparation of a bid for the Euro 2012 championship? Does he recognise that, to have a reasonable chance of success, we have to gather together support in Scotland with international support to make that possible? Does he agree that a bid for 2012 would be a successful long-term ambition for everyone in Scotland today?

The First Minister: It is clear from the events of this year that the staging of the European championships or such an event in Scotland is an achievable ambition and one that would bring benefits to our country. Today is probably not the right day to make a firm decision on 2012, or 2016. I suspect that our colleagues in the SFA will want to discuss that with us, but we will need to take several factors into account. To be frank, we will have to consider what the opposition might be for that occasion, and other factors.

I genuinely thought that we had a serious chance on this occasion. Austria and Switzerland are neighbouring countries to Germany, which will host the world cup in 2006. I believe that it would have been not just right for football for the tournament to take place in Scotland and Ireland, but fair for Europe to share out the spoils more geographically evenly. However, that is not to be. We will now need to consider the contest for Euro 2012, and we will discuss the issue with the SFA and others in the weeks to come.

Mr Swinney: Does the First Minister accept that one of the lessons that can be learned from the allocation of successful bids in the bidding process is that the more frequently a country, or consortium of countries, bids, the more they have a chance of becoming successful? I know that, in such circumstances, it is difficult to take decisions on a particular day. However, will the Government give the most serious consideration to a bid for Euro 2012? There is tremendous appetite for such events throughout Scotland, and what we need is clear and decisive leadership from the First Minister.

The First Minister: Mr Swinney has suggested one possibility, and we will discuss it with the football authorities in the weeks to come. However, we face an immediate objective. Our national team has slipped down the international

league; the reorganisation and modernisation of the football set-up in Scotland is, to be frank, long overdue; and we need to regenerate our youth football structure to ensure that, in the future, we have the talent that we once had. That is why Mike Watson and I have made it clear today that we will see through our financial commitment to Euro 2008. A substantial amount of the money that would have been invested in the infrastructure for the tournament will be invested not just in youth football, but in youth sport in general to secure for Scotland a legacy from the bid and some hope for the future. That is the challenge that we face, and the SFA and others will join us in achieving that aim.

Prime Minister (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when he will next meet the Prime Minister and what issues he intends to raise. (S1F-2340)

The First Minister (Mr Jack McConnell): I expect to meet the Prime Minister early in the new year. However, this morning, I discussed with him next week's negotiations on the Scottish fishing industry. He has given me a categorical and enthusiastic assurance that, during his visit to Copenhagen today and tomorrow, he will raise with the most senior figures in the European Union the case for the Scottish fishing industry and for a revised set of decisions to be made next week that will ensure that we both protect the stocks in the North sea and secure long-term strength and sustainability for Scotland's fishing communities. I welcome the Prime Minister's support and his active engagement in our campaign over the next few days. I am sure that the Parliament also welcomes that.

David McLetchie: I am sure that it does. Certainly the Conservatives do, as I indicated last week when I asked the First Minister about that very subject.

Will the First Minister also ask the Prime Minister to explain why £520 million of public money was this week awarded to Manchester by the Secretary of State for Transport, Mr Darling, for the extension of its tram system? In contrast, are not such major improvements in Scotland being financed from general taxation? Why is Manchester to get even more trams from our taxes, whereas Edinburgh is being told by Labour that there will be no trams without tolls?

The First Minister: That is just not true. For example, the three-year budget that was announced in December contains the highest ever level of investment in transport infrastructure in Scotland. Furthermore, investment from UK resources into some of those key infrastructure projects is absolutely vital. We need to do an awful

lot over the next few years to improve that transport infrastructure, mainly because of the lack of investment in it over the past 20 years. However, we will make that investment, and a decade from now Scotland will have a much better transport system than it has had in the past two decades.

David McLetchie: What the First Minister has just said is certainly not true, because it is well known that the Labour council in Edinburgh has made it clear that there will be no major improvements, such as the tram programme, without tolls. As far as the past 20 years are concerned, I should point out that the Labour Government and then the Scottish Executive froze the Conservative road-building programme in Scotland. That programme has still not been restored to the levels that applied in real terms in 1997.

If Labour gets its way, people in Scotland will have to pay tolls to come into Edinburgh and other major cities. Furthermore, the Cabinet document that was leaked last week shows that road-user charging is to be extended. In other words, even more tolls and taxes are on the way. Will the First Minister confirm that, if voters in Scotland re-elect his one-party coalition next May, further road tolls and workplace parking charges will be introduced?

The First Minister: As we have made clear since David McLetchie made that claim last week, there are no plans of that sort. The great tragedy of the frozen roads budget was that there was not very much in it to start with, back in 1997.

I remind Mr McLetchie, who apparently represents Edinburgh in the chamber, that the Edinburgh cross-rail project, which has been opened this year, is the first rail project to be opened in Scotland since 1993. That says a lot about the record of the Conservative Government at that time. Now, in Scotland, not only do we have those improvements and improvements in our airports—

Phil Gallie (South of Scotland) (Con): Privatised railways.

The Presiding Officer (Sir David Steel): Order.

The First Minister: When the privatised rail network needs its infrastructure, it knows where to come to get resources. We will ensure that the resources are available.

Not only have we done that, but there has been modernisation of the ferry services, modernisation of Scotland's airport services in the Highlands and Islands, and long-overdue improvements in roads, which have been a key factor in Scottish business confidence over recent years. The M74, the M8, the A80 and a host of other roads projects are being tackled by the Executive. The Tories never

tackled those projects, but they will now be tackled.

Sectarianism (Local Authority Powers)

3. Elaine Thomson (Aberdeen North) (Lab): To ask the First Minister whether proposed measures to tackle sectarianism will impact on local authority powers in respect of public order. (S1F-2353)

The First Minister (Mr Jack McConnell): The report of the cross-party working group, "Tackling Religious Hatred", made no recommendations on local authority powers regarding public order, but it recommended that local authorities use existing powers more effectively to control sales by street vendors outside football grounds.

Elaine Thomson: The First Minister is aware that in many parts of Scotland, such as Aberdeen, sectarianism is largely absent. In particular, marches by sectarian associations are not held. There is wide consensus within the Aberdeen community that such marches are not desired in Aberdeen. However, last year, after a court case was lost, a march took place that resulted in some angry protests. I ask the First Minister to consider how councils in such situations can be assisted in reflecting the wishes of their communities and maintaining public order.

The First Minister: My understanding of the situation in Aberdeen last year was that the local authority's difficulty in taking the action that it wanted to take was that the advice of the chief constable was that there would not be a problem if the event took place. Perhaps some lessons could be learned from that in relation to the advice that is received from chief constables. Lessons need to be learned in Aberdeen. I hope that we can have constructive relationships between local authorities and chief constables so that, if there is any danger that any march of any kind would lead to civil disorder or to sectarian violence or religious hatred being expressed on our streets in Scotland, the chief constables and local authorities will be able to take action.

Edinburgh Fire

4. Lord James Douglas-Hamilton (Lothians) (Con): To ask the First Minister what the up-to-date position is on the handling of the fire in the Cowgate area of Edinburgh; what the extent of the damage is; and what the long-term implications are of the fire. (S1F-2335)

The First Minister (Mr Jack McConnell): I pay tribute to the emergency services for their efforts in tackling the fire last weekend. It is clear to us all that without their expertise the outcome would have been much worse than it was.

The damage from fire, smoke and water has been extensive; 11 premises have been destroyed

and a further six have been damaged. Control of the site has now transferred from the emergency services to the City of Edinburgh Council. The police and fire brigade will soon begin a joint investigation into the cause of the fire. The City of Edinburgh Council, Historic Scotland and the Edinburgh World Heritage Trust will determine priorities for demolition on public safety grounds and assess what can be retained.

Lord James Douglas-Hamilton: While congratulating the firefighters of Edinburgh and thanking them for their excellent work, in which they definitely risked their lives, may I ask whether the First Minister will allow his civil servants to engage in discussions with the City of Edinburgh Council with a view to finding the best ways forward in respect of demolition, clearance and future development of this significant area of the old town, which had a high-density population?

The First Minister: The Executive will be involved in the appropriate way, which is through the Edinburgh World Heritage Trust, whose repair grants programme we fund jointly with the City of Edinburgh Council. The trust and the council must determine jointly whether additional financial assistance from public funds is appropriate in this case. It is probably too early to make that judgment, given that insurance assessments will follow, but it is important that we are willing to be involved in the discussions through the appropriate channel, which is the Edinburgh World Heritage Trust, which we fund.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the fact that the fire was limited, that there were no fatalities and that no housing was destroyed, but the fire has had a major impact on local retail and entertainment businesses. Does the First Minister agree that the City of Edinburgh Council should be given every support to regenerate the site? Will he endorse my calls for the community of the old town to be consulted on proposals for the future of that historic area?

The First Minister: As I have explained, it is important that we use the existing channels for finance. It is also important that the community in the old town has the opportunity to participate in the process. Sarah Boyack, who is the local member of the Scottish Parliament, has visited the site, as has Mike Watson, who is the minister with responsibility for heritage. I hope that we give as much support as possible to the local community as it tries to repair the community spirit that existed before the fire. The site was not just a heritage site or a commercial area; it was a living, breathing community. It is important that that community is not only retained, but developed.

Community Pharmacists

5. Robert Brown (Glasgow) (LD): To ask the First Minister whether the Scottish Executive

supports the continued existence of community pharmacists. (S1F-2355)

The First Minister (Mr Jack McConnell): Yes. "The Right Medicine: A Strategy for Pharmaceutical Care in Scotland", which we published earlier this year, clearly sets out the importance of a modern network of community pharmacies to provide front-line care for patients across Scotland.

Robert Brown: I thank the First Minister for that reassurance. Is he aware of the threat of deregulation of community pharmacies as a result of the Office of Fair Trading's pharmacy inquiry report, which is due soon? Does he agree that the last thing on earth that we need, on top of the decline of post offices and suburban shopping areas, is the loss of much-needed community pharmacists? Can the Scottish Executive protect community pharmacists against the threat and will the First Minister undertake to do everything possible to protect the network?

The First Minister: Community pharmacies and pharmacists are important in Scotland, not least in our rural communities, where they have a key role as part of the network of local services to which Robert Brown referred. Community pharmacies can also have—increasingly, they do have—a key role in the health improvement strategy, which encompasses much more than the work of Government, health boards and health trusts. The advice that community pharmacists give in communities is vital for local people who need suggestions and advice on the medicines that they use and other provisions that they buy.

Community pharmacies are particularly important in Scotland. We await with interest the publication of the report to which Robert Brown referred and we will engage in the process when the report is published.

Biological Terrorist Attacks

6. Mr Lloyd Quinan (West of Scotland) (SNP): To ask the First Minister what action the Scottish Executive is taking to protect the public from any possible terrorist smallpox or anthrax attacks. (S1F-2339)

The First Minister (Mr Jack McConnell): I want to make it very clear that we have no current warning of a specific threat of a smallpox or anthrax attack on Scotland by terrorists. As part of our contingency planning, we published last week the "Interim Guidelines for Smallpox Response and Management in Scotland in the Post-Eradication Era". In addition, advice on anthrax was provided to all general practitioners in Scotland on 19 October 2001.

Mr Quinan: Given the British Government's desire to follow the United States into an

unjustifiable colonial war in Iraq, and in light of recent reports that the US Administration is prepared to use nuclear weapons in response to an attack involving weapons of mass destruction, does the First Minister agree that that policy will only increase the likelihood of terrorist attacks on the west? Does he agree that we are worryingly unprepared for such attacks because essential drugs and vaccines have been supplied under a postcode lottery?

The First Minister: I do not think that standing up to international terrorists, whether they are in or outside a Government, increases the threat of a smallpox or anthrax attack. The measures are designed specifically to stop that happening in the first place. It is right and proper that we take appropriate precautions, but it is also right and proper that we fulfil our international obligations, through the United Nations, to ensure that threats to our country or the world as a whole are dealt with properly.

Tommy Sheridan (Glasgow) (SSP): The question was whether the preparations to bomb Iraq would cause problems in this country. As far as the Central Intelligence Agency is concerned, the Al Qa'ida network is not active in Iraq, so those preparations are not part of the war on international terror. Does the First Minister agree?

The Presiding Officer: That was not the question, and I do not think that the First Minister is responsible for that.

The First Minister: In answer to Tommy Sheridan's question, no, I do not agree.

Christine Grahame (South of Scotland) (SNP): On a point of order, Presiding Officer. You are normally very fair at First Minister's questions. Can I ask why no Scottish National Party members were called to ask supplementary questions?

The Presiding Officer: No, you cannot ask that. That is not a point of order.

Fisheries 2003

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-3700, in the name of Ross Finnie, on fisheries 2003, and two amendments to that motion.

15:32

The Minister for Environment and Rural Development (Ross Finnie): The past eight weeks have been a challenging time for everybody who is engaged in the fishing industry. However, the next eight days could perhaps be the most challenging of all. Scotland's white-fish industry is under unprecedented pressure. The negotiations next week could determine the future of the white-fish fishery in Scotland.

In theory, there are three things to be decided at the European Union fisheries council next week: the reform of the common fisheries policy; a new cod and hake recovery plan; and the total allowable catches and quotas for next year. We will also receive the reports on the outcome of the EU-Norway talks. That is a monumental agenda, but we must engage actively and responsibly in all three aspects of the process.

There are those who, even now, call on us to halt the process and declare that we cannot conclude all that business. We are under considerable pressure. I do not believe that everything will necessarily be decided next week; some decisions on common fisheries policy reform may have to be postponed until next year. Nevertheless, we must all be aware that the decisions on total allowable catches and quotas and on a cod and hake recovery plan pose a real problem for us, as the European Commission has the power to impose emergency regulations if we do not engage with it. It is my judgment that, unless we are at least actively engaging with the Commission, it could introduce emergency regulations that would seriously damage the interests of the Scottish fishing industry.

Richard Lochhead (North-East Scotland) (SNP): The minister accepts that not everything can be concluded at next week's talks. Would not it make more sense, therefore, to decide on the new CFP reforms next week and to allow the North sea states to produce their recovery plan in a few months' time? That would allow them to make the decisions in the cold light of day rather than as part of an overcrowded agenda. If that is his belief, why does he not try to speak to other states and get them to agree to that?

Ross Finnie: I do not think that Mr Lochhead is listening. The important point is that a regulation must be in place from 1 January 2003 for the

setting of quotas. The risk is that, unless we engage in the process, we will not be able to indicate to the Commission that it does not need to impose draconian measures because we are all, collectively and individually, prepared to engage with it to find a sensible solution. If we do not reach such a solution, at least we will have made our point to the Commission that imposing draconian measures is unnecessary.

I will deal first with CFP reform. The Commission's proposals have three key features, whose thrust we generally support. First, the Commission wants better conservation through better planning, an end to the distorting subsidies for fleet renewal, a better balance between catching capacity and stocks, and multi-annual management plans to encourage longer-term economic planning. Secondly, the Commission proposes that several important arrangements on access to resources should continue, including relative stability, the current 6 and 12-mile zone arrangements and the Shetland box. Thirdly, the Commission's proposals address the extremely important issue of governance and advocate the strengthening of the CFP's regional dimension by involving stakeholders more directly.

We welcome those proposals and some of the textual changes, but we still have concerns about some matters, to which we will have to be very alive and alert during the negotiations next week. We hope that we will secure multi-annual arrangements on conservation. Nevertheless, we must acknowledge that the so-called friends of fisheries will resist those efforts and our efforts to end the distorting subsidies for new build mainly in the southern member states. I have to concede that that resistance will be a major stumbling block on the road to reform. However, the nonsense of subsidised overfishing must be tackled head on.

Tavish Scott (Shetland) (LD): I agree with what the minister just said. However, does he share my worry about what Franz Fischler wrote in his open letter to fishermen, which was published earlier in the week? Mr Fischler said:

"If the Council does not come to a decision on the reforms this December, then I cannot allocate any more resources to fleet subsidies from 1 January 2003 onward."

How are those statements compatible?

Ross Finnie: Fortunately, I am not responsible for writing Commissioner Fischler's letters—having read that letter two days ago, I am relieved about that. Tavish Scott is right to suggest that the statements are not compatible. What Mr Fischler said is most unfortunate. It would have been preferable if he had stuck to the essential point of simply stating categorically that the Commission will press for an ending of fleet subsidies. Having referred to that issue in one paragraph, he did not need two or three paragraphs later to introduce

the confused statement that Tavish Scott quoted. We want to resist fleet subsidies.

On access to resources, we hope to secure a reaffirmation of relative stability and the Hague preference. The Commission wants a fundamental review next year. We want those two fundamental arrangements to continue, so we are negotiating to ensure that they are recognised in the new framework of regulation now and do not have to be reviewed next year.

The Commission also wants to review the Shetland box and other conservation boxes next year. We have argued successfully that the Shetland box should not lapse and, indeed, should now be explicitly referred to in the regulation. We are trying to address fisheries management throughout Europe in a way that provides for sustainable development of stocks and fishing communities. I can think of few more striking examples of how to achieve that than the current arrangements in the Shetland box. We will try to ensure that the current wording, which is a substantial improvement, will also be secured. We hope to get the Shetland box exempted from the general review for 2003.

On governance, I want to see real stakeholder involvement so that regional advisory councils can play a meaningful role in fisheries management. We must get the membership of the councils right so that those most affected—the fishing industry representatives—have the leading role. We have been arguing for that and the text of the regulation has recently moved in our direction by placing much greater emphasis on the central role of fishermen on such councils.

I turn to the cod and hake recovery plans. This year, the scientific evidence was not that surprising, but the scientific advice came as a real shock. We knew that many stocks were outside safe biological limits, but we did not quite know how bad the situation was. The International Council for the Exploration of the Sea said that the only way of ensuring that stocks of cod recovered was to operate a complete moratorium, with severe restrictions on associated stocks and other fisheries where cod was taken as a bycatch. However, the problem is not just about cod. Despite current evidence of a strong year class, the scientists assure us that, if we continue to fish at the current rate, haddock could move outside safe biological limits within two years.

The Executive has agonised over that science. We have quizzed the scientists, listened to the fishermen and fishermen's representatives whom we have met in the past few weeks, considered the Canadian experience and tried to balance the biological realities and the social actualities. We have taken the view that the science is imprecise but that its message could not be clearer: the

trends are not reversing; the problems are real; and we must find a way of squaring the biological and social circle before it is too late. I therefore have to go to Brussels with alternative proposals, not just tactical ploys.

Let us consider our options. We cannot stand aside and watch the inevitable biological and economic decline. We have to take action to modify current fishing practices if we want to give our white-fish sector a sustainable future.

I made it clear to the Commission at the outset that the total closure of our mixed fishery is totally unacceptable—it is not an option.

Mr Jamie McGrigor (Highlands and Islands) (Con): Will the minister give way?

Ross Finnie: In a moment.

Apparently, the Commission has acknowledged that that is not an option, but I have to say that effort reduction of up to 80 per cent of the white-fish fishery is not far off closure. Such cuts would still spell disaster for the Scottish industry.

Mr McGrigor: Does the minister also accept that 80 per cent cuts are unacceptable?

Ross Finnie: That is what I just said. Mr McGrigor really must try to listen while he is in the sedentary or half-sedentary position.

We have to take the Commission's position as a starting point for negotiation. The Commission placed its faith in effort control, which is generally measured in the number of days at sea. We have been arguing for a much more balanced mix of measures that can deliver stock recovery equitably and proportionately across the member states involved. All fisheries that impact on cod must bear the burden of recovery measures, whether in the northern or the southern part of the North sea. The mix of measures might include effort control and further technical measures to increase the selectivity of fishing gears. It must also emphatically take account of measures that the Scottish industry has introduced this year and last year. Taken as a package, that might offer the prospect of stock recovery without the wanton destruction of our industry.

Mrs Margaret Ewing (Moray) (SNP): I acknowledge that the minister has paid tribute to the effort reduction that has been undertaken specifically by the Scottish fleet over many years. However, on the percentage reduction that is being considered—ranging from 100 per cent to 80 per cent to 66 per cent—what is his negotiation figure?

Ross Finnie: If I am going to have a negotiating figure, the one thing that I should not do is reveal it in advance. I hope that members will understand that. The 66 per cent figure is not one that we or

anyone else has ever put to the Commission, although I know that it has appeared in the press.

The guiding principle in our negotiations is that there must be equity and sustainable development. We cannot dodge the conservation problem, because to do so is also the road to economic ruin. Sustainable development means less intensive fishery but equity means finding reasonable ways of managing such change and assuring a future for the fishing industry in Scotland.

The third strand of our negotiation involves agreeing the fishing opportunities for 2003. Much of that will be non-contentious. The prospects are good for our pelagic and nephrops fishermen. However, the contentious elements are highly contentious because they are fundamentally linked to the discussions surrounding the recovery plan for cod and hake. Here, again, we must employ the guiding principle of sustainable development.

The three processes in which we are about to engage—the reform of the CFP, the cod and hake recovery plan and the setting of TACs and quotas for 2003—will be running in parallel. I regret to say that some member states will seek to attach conditionality to each and every one of those elements, which will further confuse the process.

We have our work cut out for us, but we also have a clear goal: to safeguard our fisheries infrastructure; to promote stock recovery; and to give our white-fish sector in particular a sustainable economic platform.

The negotiation process will be complex and I recognise that the stakes are high. We need to recognise that there is a real possibility that a failure to agree could lead to emergency Commission regulation. I am conscious that we must deploy credible alternatives next week. That is why I am grateful for the support of the Scottish industry—and, I hope, members of the Parliament—in the past few weeks and the next few days in helping us to sustain the momentum as we pilot our way through that difficult task.

I am also conscious that the negotiations will almost certainly continue beyond the start of our parliamentary recess. It is my intention and the Executive's to discuss with you, Presiding Officer, how we can report on the outcome of the negotiations at the earliest opportunity.

I move,

That the Parliament supports the Scottish Executive in its efforts to negotiate an outcome from the Fisheries Council meeting in December 2002 that reflects both the best achievable deal for the Scottish fishing industry and the fishing communities that depend on it and the need to preserve stocks for the long term.

15:45

Richard Lochhead (North-East Scotland)

(SNP): It seems that, at about this time every year, we say that we are in the run-up to the most important fisheries talks in living memory. This year, that is no exaggeration. Our fishing communities and the 40,000 people who depend on fishing for their employment await more deals behind closed doors next week in Brussels as the politicians and unelected officials get together to determine their fate.

Anyone who saw the coverage of the protests yesterday throughout Europe, witnessed last week's march and rally in Edinburgh or looked at the size of the 40,000-signature petition that our fishing communities handed to the Parliament can be in no doubt that those communities are determined to prevent the axe from falling next week. No one in the fishing industry will let anyone devastate their industry and way of life with the stroke of a pen in Brussels.

The industry is fed up with backroom deals. It stands outside the smoke-filled rooms while the politicians inside come up with their usual deals. Families who are dependent on the industry for income sit at home wondering whether they will be able to pay the bills in the year ahead. Time and again, successive Labour and Tory Governments have sold out the industry at such negotiations. A memo that was released last year under the 30-year rule showed that, even all those years ago, Whitehall considered fishing expendable in the pursuit of wider European objectives.

Despite all that, the fishing industry is still crucial to Scotland. It is responsible for generating £250 million for the Scottish economy each year and employs more than 40,000 people. However, the industry is fed up with bending over backwards and getting no credit for it at all. All the new measures that have been introduced—the decommissioning scheme and new mesh sizes—have been ignored. All those measures were taken to conserve white-fish stocks, but the fishermen still have to fish alongside other fleets that do not use those measures and that use smaller mesh sizes.

Our fishermen also still have to fish alongside the industrial fisheries fleet in the North sea. Is the minister aware that four Danish vessels were arrested yesterday? The illegal white-fish bycatch from those vessels alone could keep a number of Scottish vessels going for the whole year. A few days ago, two other Danish vessels were caught with an illegal white-fish bycatch. That, too, could have kept several Scottish vessels going for a year. Those Danish vessels turn all their catch into soup, while our fishing industry bends over backwards to conserve fish stocks for human consumption. Indeed, 12 Danish boats are still

waiting to go to court in Denmark for huge illegal white-fish bycatches.

Our fishing industry is fed up with playing by the rules while other fishing industries throughout Europe do not. If they are unlucky, those other fishing industries get a slap on the wrist and are perhaps told to tie up for a month or so. We are the good guys and our ministers are always the good guys, but, at Brussels, our industry has to play by the rules. The figures that Europe released last week show that United Kingdom vessels committed only 1 per cent of the infringements in 2001, whereas Spanish vessels committed 46 per cent of the infringements. We are still miles away from a level playing field in Europe.

What is the Scottish industry's reward for all that sacrifice? We know that Europe has ignored the conservation measures that the Scottish industry has adopted and that the industrial fishery TAC for 2003 will not be reduced by any significant amount, but Franz Fischler tells people in our industry that their livelihoods will have to end to save the cod. Franz Fischler betrayed Scotland over the deepwater fishery, which continues to be an issue. We get only 2 per cent of the quota for stocks off Scotland's shore. Franz Fischler is hell-bent on destroying the Scottish industry.

Rhona Brankin (Midlothian) (Lab): Will Richard Lochhead join me in condemning those who suggest that the cod do not matter? Does he agree that doing nothing is not an option? Will he share with us exactly what cuts in quotas the Scottish National Party will support?

Richard Lochhead: The SNP has never suggested doing nothing. I am coming on to the SNP view on the way forward.

The industry in Scotland has been told that it will have to end, although the scientists' figures indicate that haddock is at its highest level for 30 years. The figures also indicate that saith biomass is at a 20-year high, whiting is at a 10-year high, prawn stocks are robust and even cod biomass is up by 25 per cent. No account whatever has been taken of Scotland's mixed fishery.

Robin Harper (Lothians) (Green): Does Richard Lochhead accept the evidence that the figure for the haddock stock is from one year class? Other evidence shows that haddock stocks are not being replaced in subsequent year classes. As the minister said, within two to three years, we are likely to have a severely depleted haddock stock.

Richard Lochhead: If Robin Harper will wait a few moments, I will address that issue.

In his ridiculous open letter to the European fishing industry, Franz Fischler admitted that even scientists get it wrong. Indeed, in 2000, the

scientists proposed a zero TAC for blue whiting and yet this year they are setting a TAC of 700,000 tonnes. The scientists know that they got it wrong in 2000.

Most of the outrage that is felt in the industry has been caused by management advice, rather than by scientific findings. No assessment has been made of the measures that the Scottish industry has taken or of other factors including climate change. The arguments that have been rehearsed in recent weeks on those subjects have not been taken into account.

It is a scandal that there has been no economic assessment of the Commission's proposals. When the SNP met Commission officials in Brussels last week, we asked them what economic assessment they had made of their proposals. They said that they had made none. They also said that they had had one week to put together a 170-page proposal about the future of European stocks. That sums up how the CFP is entirely failing Scotland. The way in which the Commission is making decisions is absolutely appalling.

What we need for next week's talks is a strategy. That is why it was appalling to hear what Labour MEP Catherine Stihler said last Wednesday in the European Parliament. She said:

"At present there is no specific UK/Scottish counter-proposal to what the Commission is proposing."

I repeat that that statement was made as recently as last Wednesday.

There is a way out of all this. There are fish in the sea and there are ways in which we can take appropriate action over the coming weeks to conserve fish stocks and fishing communities. We know that a rushed decision next week would be the wrong decision. The history of the CFP is a history of rushed decisions. That is why we are in this position in the first place. It is also why the CFP will be reformed next week. The strategy should not be to go to Brussels and simply barter down the 80 per cent cuts to 30 per cent or 40 per cent. We need time. The industry is calling for time, as are Scotland's local authorities that have fishing-dependent communities.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member take an intervention?

Richard Lochhead: I ask Mike Rumbles to let me finish the point, as I am sure that he wants to ask me about it.

The Deputy Presiding Officer: The member has two minutes.

Richard Lochhead: We need time to address the measures that have been taken and the impact that they are making on stocks. We need

time to put together carefully considered and prepared management proposals such as those that have been put forward by the North sea states that are concerned about the stocks.

We need to split the CFP discussions next week from the cod and hake recovery plan discussions. We know that there is no way in which both issues can be dealt with sufficiently on one agenda at the one series of talks. We have an opportunity next week to introduce zonal management, to set quotas and to let the fleet go back to sea. We could invite the North sea and Irish sea states to introduce their considered management proposals in a few months, once they have had time to consider and assess all the measures that have been taken so far.

We are facing a crisis. We need extraordinary responses. Members are shaking their heads and saying, as the minister did in his opening remarks, that we cannot do what I am proposing.

The Deputy Presiding Officer: The member has one minute.

Richard Lochhead: The minister said that that was not possible, but it is possible. Other states are doing it as we speak.

As the SNP told the minister in a meeting today, anchovy stocks were made the subject of an interim quota in 1999. There is a precedent for interim quotas. Not only was that interim quota set for anchovies, but the proposals that the Commission published yesterday set another precedent for that stock.

We need to look at what the Spanish have achieved. I refer members to the Commission's proposals, which are published on its website. Members will see that a 19,800 tonne TAC has been set for anchovies. The footnote to the figure shows that the situation is unique. It says:

"This TAC will be reviewed during 2003 in the light of new scientific advice".

In the past, interim quotas have been set. As we speak, the Spanish have reached a deal in Brussels with the Commission. It is perfectly possible to pursue that strategy. That is why the North East Scotland Fisheries Partnership, which comprises all industry representatives and local authorities, supports such a proposal.

When we put the proposal to the Commission, we were told that the idea was refreshing but that it would have to be proposed by a member state. I repeat that, if the proposal is made by a member state, the Commission will consider it, because it is a new, fresh idea. That is why it is so important that Ross Finnie should officially lead the UK delegation in Brussels next week.

The Deputy Presiding Officer: Close, please.

Richard Lochhead: It is ridiculous that the First Minister said—

The Deputy Presiding Officer: Will you close, please?

Richard Lochhead: I will just conclude on this point, Presiding Officer. The First Minister says that Scotland will lead in appropriate circumstances. Scotland has led the delegations for education and health in the past and we cannot think of a more appropriate circumstance than now, at the height of a fishing crisis in Scotland, for the Scottish ministers to lead for the whole UK. They should take charge, lead from the front and deliver a deal to secure the future of Scotland's fishing communities at next week's talks.

I move amendment S1M-3700.2, to leave out from "supports" to end and insert:

"urges the Scottish Executive to officially lead the UK delegation at next week's Fisheries Council with a view to opposing vigorously any draconian cuts in fishing opportunities; calls on the Executive to propose that viable quotas be set that will allow the fleet to return to sea in the new year, providing the opportunity for states with a direct interest in the North Sea and the Irish Sea to bring forward management plans later in 2003 that promote fisheries conservation and secure a future for our fisheries communities, and further calls on the Minister for Environment and Rural Development to engage directly with other EU states and Norway to achieve this objective."

15:55

Mr Jamie McGrigor (Highlands and Islands) (Con): On November 14, at First Minister's question time, I asked the Deputy First Minister to pass on to the First Minister and Tony Blair the fact

"that we have 30 days to save our fishing industry and that the clock is now ticking".—[*Official Report*, 14 November 2002; c 15425.]

The clock is still ticking, louder and louder. The fishermen are protesting strongly and are standing up for their industry, but when will their political leaders do the same? Will Tony Blair and Elliot Morley kowtow to Franz Fischler and his unthinkable plan, which will close an industry that supports upwards of 40,000 jobs and that is the mainstay of many Scottish fishing communities?

The awful thing is that it appears that that may be the case. I watched the Prime Minister answer a question on fishing in the House of Commons yesterday. He implied that all our fisheries stocks were in a bad way. That shows ignorance of the real state of play. Haddock, which is the main fish caught by the Scottish fleet, is more plentiful than at any time since 1971 and stocks of other fish are also on an upward curve. The only stock that seems depleted is cod, which are plentiful further north and indeed in some areas of the north North sea.

The North sea has warmed up. Cod do not like warm water; in fact, they do not feed in water that is warmer than 9 deg C. That is probably why they are not in abundance in the central North sea, but it is certainly no reason to stop Scottish fishermen catching haddock and whiting. After all, Scottish fishermen have done all in their power—often unilaterally—to accept conservation measures and the cod recovery plan in order to help the cod stock.

The ICES scientific data were collected in 2001, before stringent conservation measures were put in place, so the benefits of those measures have not yet been assessed. Scottish fishermen extended their net mesh sizes to up to 120mm and fitted square-mesh panels to help the young fish to escape. Last spring, the fishermen suffered the 12-week closure of 40,000 square miles of cod spawning grounds in the North sea without compensation and the decommissioning of 170 fishing vessels. All that left many thousands of tonnes of fish swimming in the sea that would otherwise have been caught.

There are recorded precedents of failures of fish stocks in our waters. In the 1920s, cod stocks were in a similar situation. In the late 1950s, the sea was virtually devoid of haddock. That species recovered within six years, despite the fact that there was no haddock recovery plan.

In May this year, the UK fisheries minister, Elliot Morley, assured fishermen that the Scottish fleet would escape further cuts. What has happened to that promise? What is Mr Morley saying or doing now to avert the calamity? He has been nowhere near Scotland's fishermen to offer them any help or support, which seems extraordinary.

After visiting fishermen in the north-east last week, Iain Duncan Smith wrote to the Prime Minister, saying:

"You have an opportunity at Copenhagen this week to make it clear that there is no justification for these proposals ... I believe that you should take personal charge of this vital issue. To do so would illustrate the Government's commitment to our fishermen."

Mr Blair's response, which I have before me, was to say:

"I believe that to raise the issue at the European Council would be a mistake."

He went on to wriggle away from responsibility, hiding behind outdated science.

Ross Finnie: Jamie McGrigor did not particularly listen to what I had to say and he was obviously not listening to what the First Minister said at question time this afternoon. The Prime Minister has made it clear that he intends to raise the plight of the Scottish fishing industry at the Danish talks, as the First Minister said this afternoon. If Jamie McGrigor had been listening

during First Minister's question time, he would not have made his rather silly statement now.

Mr McGrigor: That is an historic about-turn because, in his letter dated 11 December 2002, the Prime Minister said precisely the opposite.

Phil Gallie (South of Scotland) (Con): It is down in writing.

Mr McGrigor: As Phil Gallie says, I have it in writing.

It is unbelievable that the Scottish fishing fleet, which has done more for conservation than any other, should have to accept the blame and penalties for a situation that has been caused by years of bungling and mismanagement of the CFP by unelected Brussels bureaucrats. I regret to say that the management of the CFP has been on the poor side of appalling. It is time that the unfortunate experiment of collective harvesting of a common resource came to an end, before it exterminates a fishing industry that has benefited Scotland for 1,000 years.

Robin Harper: Will the member give way?

Mr McGrigor: I do not have time to take an intervention.

If ever there were a monument to failure, the CFP is that monument. It should be scrapped and replaced by a system that combines local and national management with science and fisheries expertise. In the CFP reform proposals, the Commission calls for an approach that will bring EU fleet capacity into balance with available fisheries resources. However, in Scotland's case, it has totally abandoned that principle. Its proposals would wipe out the entire Scottish white-fish fleet, despite the fact that there is an abundance of haddock, whiting, plaice, saith and, of course, prawns.

Quota cuts of 80 per cent would amount to a total closure. In that situation, the fishermen would not fish, the processors would not be supplied and the whole Scottish fishing industry would go down the tubes. Scottish fishermen were expecting a rise in quotas or, at the very least, the maintenance of the status quo. The plain truth is that any further cuts will make the industry unviable.

We saw Herr Fischler's duplicity over the allocation of quotas for deepwater stocks, which ended up with Scotland getting a paltry 2 per cent of the quota for those species. This is the same Herr Fischler who awards an industrial fishing allocation to the Scandinavians of 1,020,000 tonnes. That means their catching accidentally 204,000 tonnes of baby whiting, haddock and cod, which they turn into pig feed. That is nearly three times the allocation of those species for the entire UK fleet. What kind of conservation is that? Herr

Fischler has isolated the UK position by allocating reasonable quotas of plaice and sole to Belgium and Holland to placate them, while calling for catastrophic cuts in the haddock quota, which is important only to Scotland.

This is crisis time for the Scottish fishing industry. I wish Ross Finnie and his team a successful outcome to their mission, but I tell him that there must be no backing down in the face of what is an obscene threat to one of Scotland's most important industries. Politicians must unite behind the fishing industry. They must say no—to Fischler and no to the end of Scottish fishing.

I move amendment S1M-3700.1, to leave out from "supports" to end and insert:

"recognises the importance of sustainable fisheries for the well-being of the Scottish fishing industry and fishing communities and therefore strongly rejects any advice that would close Scotland's mixed fishery; believes that more time is required to assess truly the current state of fish stocks and the effects of the conservation measures already taken by Scottish fishermen; believes that elected MEPs should have the opportunity to debate and vote on any new quota cuts before they are implemented; urges fisheries ministers Ross Finnie and Elliot Morley to ensure that they do not preside over the decimation of Scotland's fishing industry but instead achieve an outcome that is fair and equitable to Scottish fishermen, and ultimately believes that the Common Fisheries Policy of collective management has failed and therefore should be scrapped and replaced by national and local control and management of European waters as the only way to ensure future sustainability of fish stocks and thus the fishing industry."

16:02

Rhoda Grant (Highlands and Islands) (Lab): I welcome today's debate, as it is our last chance to debate the issue before the crucial negotiations in the Council of Ministers. It is right that the Parliament should clearly express its views on this issue.

I do not believe that the claims that the fishing industry has made in recent weeks have been overstated. Fishermen are fighting for their very survival—for the survival of the fishing industry, for their livelihoods and for the survival of their communities. It is right that fishermen should take every opportunity to state their case and to register their fears for the future should the proposals go ahead.

The debate has moved on since October, when we last discussed this in the chamber. Then there was disbelief that the Commission was proposing a total closure of fishing grounds. Now we have the prospect of major quota cuts. The Commission probably believed that by presenting the worst-case scenario first, it would make quota cuts more acceptable. Unfortunately for the industry, there is no worst-case scenario, as both total closure of grounds and massive quota cuts mean one thing only—a major change in the industry and the

communities that depend on it. As the Prime Minister made clear recently in the *Daily Record*, an 80 per cent cut is too much for the Scottish fisherman to bear and is unfair because it ignores the steps that have been taken in Scotland in the past two years to tackle overcapacity in the fishing industry.

I want first to talk about nephrops. It is very important that we protect the nephrop fishery. During the previous debate, Ross Finnie made it clear that nephrops do not affect cod stocks, as the way in which they are fished does not result in material bycatches. The argument that cuts in the nephrops quota are necessary to protect cod stocks does not apply. We must be careful about displacement if other quotas are cut drastically. The nephrops fishery is very important to small communities on the west coast and must be protected.

Christine Grahame (South of Scotland) (SNP): I am pleased to hear that. Does the member agree that there could be displacement in places such as Eyemouth, which is also dependent on the nephrops fishery? I am glad that the member acknowledges the dangers of displacement and of driving prices down. We should emphasise that collectively to the minister.

Rhoda Grant: I agree with that. We must be careful of displacement. At this point, our attention must be on ensuring that quotas are not slashed, but in the long term we must be sure that there is not displacement that could leave other fisheries in the same situation. Therefore it is important that, after the negotiations, the Executive takes decisions that lead to a sustainable industry.

The industry has implemented technical measures that are making a difference to stocks, but we need to go further. When we last debated the subject, I talked about the role of separation panels, which can cut cod mortality by 90 per cent. The industry is leading and needs to continue to lead the debate on conservation methods, because it is in its interests first and foremost to ensure that alternatives to quota cuts and closures are put forward.

There is still, however, a problem with black fish landings by a small minority in the industry. Such activities add nothing to the industry's case. It is important that those landings are stamped out and the industry must take the lead in that. People who flout the law to line their own pockets are taking the food out of the mouths of their colleagues and their colleagues' families and make the Government's case more difficult to advance. The industry must be at the forefront of policing those activities in order to protect its future. All fishermen should guard against black fish landings and should report them where necessary. A commitment to do that would be welcome.

It is also important that there is consistency throughout the European Union for technical measures. I can understand the frustration of fishermen who have introduced larger mesh sizes only to find out that fishermen from other European countries are continuing to use nets with smaller mesh sizes. It is essential that the minister continues to work with the industry to achieve the best possible solution that avoids the draconian proposals put forward. It is likely that a major change will be difficult to avoid. However, the minister must do everything that he can to achieve the best outcome for the Scottish fishing fleet.

Finally, I have a word of caution. It is important that all politicians act in a way that maximises cross-party support for the industry and that presents a fair and reasonable case to the Commission. I was surprised to hear Alex Salmond describe Commissioner Fischler as a thug and an ignoramus. Such comments are not helpful and could do damage. There is a lot at stake, but making such a personal attack serves only to harm our cause rather than to support the fishing industry. In a way, that gives us an understanding of the SNP motion and why it would prefer Ross Finnie to lead the talks. The SNP cannot trust its Westminster colleagues to build a reasonable case. I reassure SNP members that we can trust ours to do so.

The minister deserves credit for the position that he has taken. On behalf of the Labour party, I wish him well as he works towards a sustainable solution to the fishing industry's problems.

The Deputy Presiding Officer: We move to open debate for at least the next four speakers. I will allow speakers five minutes, plus time for interventions.

16:08

Stewart Stevenson (Banff and Buchan) (SNP): I start on a consensual basis and thank the minister for seeing my SNP colleagues and me this morning for an hour. It gave us a useful insight into his thinking and his approach. I refer to the debate on 31 October, when I said to the minister that I wanted him to

get out of the chamber and over to Brussels to build alliances not just at meetings, but before meetings.—
[*Official Report*, 31 October 2002; c 14286.]

I acknowledge that the minister has indeed taken my advice—I dare say that it was in his mind in any event. It is important that the minister gets out and about to meet people in the corridors and I believe that he has been doing that. It is a matter of regret that that did not happen for many years, particularly, to be blunt, in the years when there was huge antagonism between the Tory Government and Europe as a whole.

So far, so good. I take no responsibility for what Mr Salmond might say about Mr Fischler, although I have to say that I have heard considerably worse said of him by people throughout Europe, not simply at Westminster. Even some Labour members have been heard to make the odd intemperate remark in recent times.

I want to develop some of the points that Richard Lochhead made about industrial fishing. In each of the past four years, Denmark has had 75.4 per cent, 72.1 per cent, 74.4 per cent and 75 per cent successively of the industrial fisheries. Jamie McGrigor underestimated the industrial fishing figure for Denmark in 2002—it is 1.485 million tonnes, which is a lot more than the figure of 1 million tonnes that he quoted.

Numeracy is not Jamie McGrigor's best stroke, because in his motion he regrets the possible decimation of the Scottish fleet. He fails to recognise that it has been nearly double decimated in the current year, as a result of a decommissioning of almost 20 per cent. That is simply a matter of debate.

Although Spain, which has 90 per cent of the anchovy allocation, is facing a 40 per cent cut in its quota, it will get the opportunity to have that quota revised later in the year.

I want to focus on industrial fishing. I have some translated summaries from Danish newspapers of 10 December. *Jyllands-Posten* reports that Jørgen Fredsted, the Danish director of fisheries, said that the Danish authorities have done much to defend the industrial fishermen, but have then seen the fishermen themselves endanger their own livelihood.

Jørgen Fredsted said that because, almost a year later, 12 skippers from Esbjerg are still waiting for a final verdict on an illegal landing that is alleged to have taken place in January. One of the skippers who was charged in January has again been caught with a huge illegal bycatch of herring, haddock and whiting. That bycatch, which made up 40 per cent of the total catch, was found in the hold of one of the largest trawlers in Esbjerg. Another newspaper, *Jydske Vestkysten*, reports Jørgen Fredsted as saying that it seems stupid and thoughtless that the industrial fishermen should carry on as they do. The leading article in *Jydske Vestkysten* calls for the illegalities to stop, because what the fishermen are up to is "simply too stupid".

We must address the huge disparity in enforcement in Europe. A fisherman in Ireland is being stung for €12,000, whereas a Finnish counterpart has been fined only £84 for a similar offence. That state of affairs is simply unsustainable. Making money available to other countries to build new boats at a time when effort must be reduced is also unsustainable.

We can discuss the technicalities for as long as we wish. The industry is about fishing and communities. I always come back to the people who are involved in the industry. As Jamie McGrigor said, we are dealing with a thousand years of history; we are also dealing with a thousand years of our future. We must address today's problems for the long term and we must ensure that our fishermen are able to sustain themselves until the stocks have recovered.

16:13

Elaine Thomson (Aberdeen North) (Lab): This autumn, it is clear that the Scottish fishing industry is facing its most difficult situation in years. Its future lies in the hands of the Council of Ministers and the results of the forthcoming talks in Europe.

The Scottish minister, the UK minister and the Prime Minister have made it clear that the original EU proposals for a total ban and the subsequent proposals for an 80 per cent cut in fishing are quite unacceptable. Those ministers should be strongly supported in their endeavours to achieve the best possible settlement in Europe for a sustainable Scottish fishery.

Rhoda Grant is right to say that name calling and undermining Scottish and UK ministers, not to mention referring to Franz Fischler as a thug, is not in the best interests of the Scottish fishing industry.

Phil Gallie: Elaine Thomson said that she expects our ministers to get the best possible deal. Does she believe that there is a minimum settlement that they should be prepared to accept? Does she accept that perhaps our ministers should say, "This far and no further," if the deal does not go their way?

Elaine Thomson: Negotiations will go on and I am confident that our ministers will be fighting for the best possible deal that they can achieve. At the moment, they should be putting forward the strongest possible case, but they should be supported by as wide a consensus as possible. Richard Lochhead's constant fixation on who leads the delegation is not productive.

Richard Lochhead: Will the member give way?

Elaine Thomson: No. I have given way once.

Some people are calling for delays, but I do not believe that that is in the best interests of the industry. It has been made quite clear that, if agreement is not achieved over the next few days, at least in some areas, emergency EU powers could be used to close down the whole of the North sea fishery. That would be even more detrimental to the fishing industry, both onshore and offshore.

There has also been much questioning of the science on which the recommendations have been based, but the long-term trends are extremely clear. The cod stocks are in a desperate state. The minister said that we had a good haddock year in 1999, but the long-term trend for haddock is also extremely poor.

Richard Lochhead: I thank Elaine Thomson very much for giving way. Does she support the views of Aberdeen City Council, which is part of the North East Scotland Fisheries Partnership and which believes that no draconian cuts should be implemented at next week's talks and that no decision on any new recovery plans should be taken? The council believes that instead there should be a breathing space so that everyone can consider those measures that have already been adopted and so that, in a few months time, a carefully prepared management plan for the North sea can be brought forward. Does Elaine Thomson agree with her local authority?

Elaine Thomson: The minister has probably considered very carefully the plan proposed by the north-east of Scotland partnership, but he will need to make the best judgment on the way forward. As I said, there is a real risk that emergency EU powers will be used and the whole fishery closed down right now.

Haddock is a vital fish for Scotland. We eat more haddock than anything else and it is the mainstay of many of the fish processors in Aberdeen. We must ensure that we take action now to ensure not only that we look after the cod stocks, but that we stave off some of what is forecast for haddock in the next year or two. It is essential that we start to build a long-term sustainable fishery that looks after fish stocks and ensures that those in the fishing industry—both processors and catchers—have an economic livelihood.

Politicians, scientists, the European Union itself and the fishing industry have agreed that the current CFP has entirely failed in its objectives of protecting fish stocks and sustaining an economically viable fishing industry.

Mr Andrew Welsh (Angus) (SNP): Will the member give way?

Elaine Thomson: No. I have already given way quite adequately.

Reforming the CFP gives us the opportunity to replace it with many of the things that we want, such as more regional management that involves people from the fishing industry. It is likely, however, that tough decisions will have to be taken, some of which will probably result in effort limitation. That will have a great impact on the whole industry, but I want to focus on the fish processing side of things, which supports some 1,600 people in Aberdeen alone. I ask the minister

to continue to work closely with fish catchers and also with fish processors, with a view to maintaining a viable industry and giving it maximum support.

16:19

Mr David Davidson (North-East Scotland) (Con): Each year we gather here in the hope that we can give our minister something to take away to argue with and about. I think that we have got the argument fair enough—we are talking about the survival of large parts of our Scottish communities, particularly in the north-east, but also in other parts of Scotland.

This is a UK issue, because the nature of it involves dealing with Europe. We cannot escape that and there is no point in having a discussion about dealing with it in any other way. That is the process that we have to engage in. The Westminster Government should recognise fully the importance of fishing to Scotland in comparison with the fishing industry in other parts of the UK. I would like the minister to go to Brussels with the knowledge and confidence that the Parliament is supporting him, provided that he will indicate in his wind-up speech that he acknowledges some of the offers that have been made to him.

I considered some of the comments that the minister made at the beginning of his speech about the science being imprecise. I will come back to that. He also talked about a proportionate share of cuts. During several fishing debates in the chamber I can recall suggesting that since the Scots fleet had led the way in conservation measures and effort reduction, and taken on board the decommissioning scheme, those measures ought to be mirrored by others who fish the same waters. It is out of order to suggest that that is not the first thing that we have to get across when the ministers go to Europe.

The sea is a common resource, regardless of where the boundaries happen to be and how the management plan evolves. Fish swim about. The drift of temperature and the northwards drift of species cannot be regulated against. It is important that the minister takes with him the message that the Scots have led the way. We have taken it on the chin. Enough is enough. Our economies cannot cope with a drastic switching off of the tap.

Elaine Thomson talked about the fish processors, but there are other onshore jobs—harbours, net manufacturers, and the list goes on. The industry is crucial to Scotland. It is important that the message gets across that Scotland cannot take any more without similar effects being accepted in other parts of Europe.

Phil Gallie: Is it not the case that if the proposals are accepted there might be conservation, but at the end of it, there would be no fishermen left in Scotland to catch those fish?

Mr Davidson: Absolutely, although Franz Fischler's letter said that any Spanish fishermen in trouble because of the oil slick would be paid to stay at home. It is interesting that we have not had that offer in the past.

Although Conservative Governments were castigated in the past, we sent out the top people. We sent leaders of Government to deal with European issues. It is fine to send out the minister who is technically responsible for the issue as part of a team, and it is nice to know that Tony Blair is going to be saying something in Copenhagen this week. If we were going to deal with the issue as a European issue, would it not be right for him and Jack McConnell to attend the talks? At least they should participate in part of the talks. That would send a clear signal that the UK Government, along with the Scottish Executive, is resolved to get the message across.

The minister also talked about credible alternatives. If we consider the science and the measurements that were taken before the conservation measures were introduced, there is no measurement whatsoever of what has resulted from those measures. That information is not even a part of what is going on.

Surely we need some time to get the results of those measures. I am assuming that the minister has something up his sleeve and that he does not want to show his cards at such an early stage. Surely the minister must go to Brussels with firm figures to demonstrate the results of the sacrifices that the Scottish fleet has made for conservation. That is crucial if the minister is to retain the confidence of the fishing industry in Scotland. They have made the effort. People have lost their boats; jobs have been lost all over the place; economies are being hammered in parts of the north of Scotland.

If that has to be our sacrifice for the saving of the North sea fishing industry in Scotland and across Europe, then the results of the measures that we have taken must be available. If they are not available, the minister must ask for time so that those measurements can be made and all the schemes that are being proposed can be properly measured in terms of conservation. As a scientist, I know that it is a fact of life that we take snapshots of instants in time. That is not enough. We need to have far more trend analysis and more rational arguments.

I wish the minister every success when he goes to Brussels.

16:25

Tavish Scott (Shetland) (LD): The minister referred in his opening remarks to agonising over science. There are many days when I agonise over Europe. I am instinctively pro-European—philosophically and because of the ties that my constituency has to Europe—but the common fisheries policy has failed. It must be profoundly illiberal for a process of management under the auspices of democratic government now to be undermined by the ability of an unaccountable bureaucracy to impose a solution without regard to the people that it will affect. That is what I agonise over at this time.

I welcome the commitment of the minister and the Executive, and the fact that the First Minister, the Deputy First Minister and many other ministers were here for the opening exchanges of the debate. Next week is economic and social life or death for the white-fish industry. The crews of the boats will be in the front line but, as others have mentioned, then come engineers, net makers, agents, the ports, processors and all who may feel the financial wind of change.

The Scottish industry needs a minister who will fight its corner with skill, determination and tactical ability. Ross Finnie certainly illustrated that when he came to Shetland a few days ago to have talks with the Shetland industry. He heard about the industry's utter frustration at the failures of the common fisheries policy and, to be blunt, the view that cod have become more important than individual communities and people's livelihoods. There are certainly problems with cod levels in certain parts of the North sea—that is not disputed—but that is not true of the entire North sea. The one-size-fits-all policy of the commissioner and the Commission is a mistake.

I hope that the minister will accept that at this time the industry is principally concerned with the quota allocations, and not so much with the common fisheries policy. Not that that is unimportant, but it is a simple fact that there will not be much point in a common fisheries policy if there is not a blinking fishing fleet to prosecute it.

I bring to the attention of the chamber research done by the Shetland Ocean Alliance—SHOAL—which shows that the total value of the white-fish industry to the Shetland economy is 25 per cent of the productive economy of my constituency. I emphasise that point: one quarter of Shetland's economy depends on the white-fish fleet and all the businesses that support it. I do not accept the argument that nothing has changed in recent times. Over the last 10 years in Shetland alone, fleet turnover is down by 15 per cent, fleet numbers are down by 41 per cent and overall employment in the industry is down by 26 per cent. We have had enough pain. As SHOAL states:

"If the fleet is reduced any further then the critical mass will be lost and many essential services may no longer be available to local boats."

Eighty per cent of Shetland's white-fish landings are bought for markets in Aberdeen and the north-east. Those members who have mentioned the processing industry in the north-east are right to do so. The Commission's proposals would have a devastating impact on that, but also on Scotland in a wider context. I say to Labour colleagues who represent constituencies across the central belt that many jobs in their constituencies will be affected if the proposals go through. Many engineering jobs and the turnover of many businesses will be impacted if the proposals go through. It will not be just Shetland and it will not be just the north-east; it will be Scotland as a whole. However, Shetland, with one quarter of its economy dependent on the demersal sector, has most to lose. The livelihoods of 500 men and women are at risk next week.

The minister has a tough job in Brussels. He must overcome the megaphone diplomacy of Commissioner Fischler. To my way of thinking, Commissioner Fischler's open letter to fishermen this week in no way helps. It contains phrases such as:

"We are not forcing anyone to scrap their boats or to give up fishing."

You could have fooled me. Neither do his threats of emergency action and his tactics in buying off the Spanish help. I asked the minister in an intervention about the sentence in Commissioner Fischler's letter—and one has to presume that it is his view, because it is in an open letter—that clearly states that he will not allocate resources to fleet subsidies from 1 January next year unless the Council comes to a decision on the current proposals. If that is not a threat to Spain that says, "Support my proposals or else," I do not know what in heaven's name it is.

The minister must stick to his guns and hold the United Kingdom Government to the commitment given by the Secretary of State for Scotland that the UK will vote against any proposal that would effectively close the Scottish white-fish industry. There can be no reneging on that commitment.

The minister is not going to Brussels unarmed. He takes with him good arguments on science, technical measures and the steps already taken by the Scottish industry, as other colleagues rightly mentioned, through decommissioning and gear changes. The minister has received constructive proposals from the Scottish industry, not least from the Shetland Ocean Alliance. Shetland has given the minister some bullets; next week the Shetland economy depends on the minister's being able to fire them.

16:30

Dr Winnie Ewing (Highlands and Islands)

(SNP): I thank the minister for meeting us this morning. We sensed much of the agony that he must be going through as he tries to take this horrible situation on board. We discussed the point about timing, which was made by Richard Lochhead and is in our amendment. He did not agree with us and told us why, but I reiterate that we agree about the enormous complexity of the decisions that have to be made.

The situation seems to have got worse rather than better since my time in Europe. The Norwegian negotiations have been added and now take place at the same time, when they used to be held separately. With respect, I ask whether it is sensible to make the decisions now, and I support Richard Lochhead's comments about giving the fishermen time. All the figures are out of date and take no account of our conservation measures.

We seem to be bashed over the head all the time. We do everything right, have strict enforcement and hardly any infringements. The Spanish fishery inspectors who were appointed during my time in Europe lived in Madrid. Against the rules, small fish are sold openly in supermarkets all over Spain, and somehow the Spanish get away with all the infringements and piracies in the sea that they constantly commit.

It is clear to me that Spain's priority in Europe is fish, which come before everything else. However, in Britain, fish are no priority at all, never mind a top priority. That is plain to see from successive Governments' treatment of the industry.

Rhona Brankin: Does the member agree that it is obvious that the priority in Spain is not fish if one can find undersized fish sold in supermarkets all over that country?

Dr Ewing: We agree with each other that the Spanish are behaving badly—they are pirates and have always behaved badly. They do not attempt to enforce and would not agree to sensible measures about the powers of our fisheries inspectors. At the European Parliament's Committee on Fisheries, UK representatives moved that the fisheries inspectors should have roving enforcement powers not only in UK waters but in all European waters, and to visit without warning. Spain did not agree with that suggestion, and it got away with not agreeing and not enforcing.

The Scottish Fishermen's Federation has put one or two questions to us, and some are worth repeating. Two months ago, we had a phased and balanced cod recovery plan, but now we have panic. Why has that happened? Why panic now? The fishermen are demanding an explanation for

that and have asked about the involvement of the fishing industry. I have spent many weary hours in Brussels hotels, sitting with delegations while they waited hopefully for a crumb of information to come out from the long negotiations that were taking place. It seemed so strange that the real experts on what was going on in the sea were sitting outside while the bureaucrats were inside.

The coalition parties and the other Opposition party think that it is ridiculous that we care about who leads the delegation. However, Henry McLeish openly made a commitment about that at a meeting of the European Parliament's legal affairs committee held in the Lord Provost's accommodation in Edinburgh. Lawyers from throughout Europe were questioning Mr McLeish about devolution, and we heard him assure everyone that the Scottish minister would automatically lead if Scottish interests dominated. If we harp on about that, it is because I heard that commitment with my own ears. I told him, "Henry, I'm writing that down, because I'll probably want to quote it from time to time." Indeed, that is what I have been doing.

Phil Gallie: Will the member give way?

The Deputy Presiding Officer (Mr Murray Tosh): The member cannot give way. She is very short of time now, I am sorry to say.

Dr Ewing: Well, I have a lot more to say.

I gave poor Mr Finnie another piece of paper to read. It was a copy of the speech made at the rally by Brian Phillips, who has dared to challenge the scientific evidence in basic ways. I know that the minister has a lot of papers to read, but I would really be obliged if he could spend a few minutes on that paper to find out how devastating Mr Phillips's criticisms are. In effect, he concludes that the amount of fish for human consumption in the catch is negligible compared with the amount that salmon and seals eat and industrial fishing removes.

That said, industrial fishing is receiving an increase in its quotas. The Danes seems to be able to negotiate very well in their own interests. However, such fishing does not make any sense; it is totally anti-conservationist.

The Deputy Presiding Officer: I must ask the member to come to a close.

Dr Ewing: I must stop there. I am getting into bad habits.

I fought for 24 years, often alone, against Spain—Britain gave in time after time. Frankly, it has broken my heart to see that the situation is not improving.

16:36

Robin Harper (Lothians) (Green): I agree with various comments that have been made this afternoon. Yes, the Danes and the Spanish are little better than pirates; yes, the pain of the new policies must be shared as they develop; and yes, the minister must try to secure more than our present measly 7 per cent share of subsidies.

However, before I reach the main body of my speech, I should point out that one or two unhelpful remarks have been made. Tavish Scott should not have apostrophised the EC as an unaccountable bureaucracy. The problem is that it has been accountable. Every year it comes up with plans to reduce the pressure on fish stocks, and every year politicians from all over Europe descend on it and beat it about the ears, saying, "That's politically unacceptable. We can't reduce the fish stocks; we need to take more fish out."

Phil Gallie: Will the member give way?

Robin Harper: No, I will not.

At the same time, all the Spanish do is seek more money to build more and bigger boats.

Richard Lochhead also unhelpfully suggested that Fischler is hell-bent on destroying the Scottish fishing industry. However, Fischler says that people are quite wrong to accuse the Commission of wanting to destroy jobs. He also said:

"Anyone who ignores the warning signs and still claims that it is in the fishermen's interests to continue as before—merely setting catch quotas and encouraging the development of an already oversized fishing fleet with millions in grants—is no friend of fishermen, or of our fisheries.

"Inadequate management of fish stocks, lack of policing, failure to involve the industry, and a misguided aid policy have meant that over-fishing, as in recent years, gradually undermined the livelihood of the fishing industry."

Our minister can work with such attitudes and statements.

Stock has been declining for 30 years and not one of the dozens of measures that have been taken has reduced the pressure effectively. In fact, many of the subsidy measures have increased pressures. Members have already mentioned many of them, particularly in connection with Spain. We need to stop over-fishing, or fishing will soon be over.

Phil Gallie: Over recent years, prawn quotas have been continually reduced while prawn stocks have continually increased. Why will controls not lead to the benefits that Robin Harper seeks?

The Deputy Presiding Officer: It was generous of you to allow that intervention, Mr Harper. You have very little time.

Robin Harper: If what Mr Gallie says is the case, the position of prawn stocks varies significantly from what has been happening elsewhere.

I suggest that, at the very least, the following policies must be put in place as soon as possible. First, there must be a reduction in industrial fishing for sandeels and a continuation of the closure of the sandeel fishery on the east coast of Scotland, otherwise known as the Wee Bankie. We must achieve a targeted reduction in sandeel take by identifying other areas for closure to sandeel fishing.

Secondly, we must significantly increase decommissioning funds. Thirdly, we must target further funds to support fishing communities that are hit by the severe reduction in fishing—or the temporary total closures that I believe are inevitable. Fourthly, a long-term plan must be produced that will restore the cod and haddock fisheries to the point at which a sustainable quota, well above the existing quota, could be set. Fifthly, we must secure a much larger proportion of EU fishing subsidies for Scotland. Sixthly, we must remove the ridiculous and contrary funding for modernisation that is being given to Spain and apply a large proportion of those funds to provide support for Scottish communities.

Underlying the SNP amendment is the fact that the SNP still supports the Scottish fishermen's policy of fish now and pay later. I have read the Scottish Fishermen's Federation analysis and the accompanying paper from a Danish scientist. I remain entirely unconvinced by their attempts to undermine and discredit the conclusions of ICES and the Fisheries Research Services. If we want to save the North sea fisheries, we must start with the realisation that we are in an emergency and that emergency measures must be taken.

The Deputy Presiding Officer: We are running late, so I ask the closing speakers to be tight on their allocations.

16:41

Mr Alasdair Morrison (Western Isles) (Lab): It is a pleasure to follow a very animated Robin Harper.

We have had an important and well-informed debate. I was particularly pleased to hear the minister bring us up to date on his and Elliot Morley's preparations before they go to the crucial talks in Brussels. It was encouraging to see the First Minister, the Deputy First Minister and every member of the Scottish Cabinet stay in the chamber to listen to Mr Finnie's opening speech.

My Highland colleague, Rhoda Grant, touched on several important areas. She was right to highlight the fact that Ross Finnie and Elliot Morley

are firmly engaged in the fight for the survival of our fishing industry and the survival and viability of fishing communities, fishermen and processors throughout Scotland. Every right-thinking person should accept that their efforts should be focused and coherent and that we must move the debate forward in a constructive manner.

A number of members placed importance on the prawn fisheries. As several members said, we must safeguard that fishery and ensure that there is no mass diversion to it by fishermen from other parts of the United Kingdom. From a constituency perspective—a Western Isles perspective—the Western Isles fishermen and prawn fishery are enjoying the best fishing in 35 years; a similar story can be told about the lobster fishery. That is proof positive that when an industry takes tough decisions and puts in place tough, well-meaning conservation measures, the fleet will continue to enjoy rewarding fishing.

In the previous debate on this matter, I referred to the turnaround in the fortunes of the fishing industry of our friends in Iceland and the Faroes. I make no apology for referring again to the measures that they put in place. Many years ago, their fishing industry faced certain obliteration, but they implemented tough conservation measures. They did not reduce the number of boats going to sea but ensured that boats used nets that did not catch everything in the sea. I appreciate that Scottish fishermen have been moving down that line. I also appreciate their frustration that they are using nets of a greater mesh size when boats from other EU member states are using nets of a smaller mesh size. That ludicrous situation must be sorted out.

Rhoda Grant was also right to touch on the important matter of black fish landings. The industry must take the lead and ensure that such practices are eliminated from fishing.

During First Minister's question time, I was encouraged to hear that earlier today Jack McConnell and Tony Blair discussed the Scottish fishing industry and the Copenhagen summit, during which Tony Blair will raise the issue, fight Scotland's corner and make representations to his colleagues in Copenhagen. He will reflect the fact that £343 million of sea fish was landed by Scotland-based vessels in 2001 and that, in 1999, sea fish landings represented 0.5 per cent of the Scottish gross domestic product. I am certain that the Prime Minister will make those points to his colleagues at the summit.

I have to say that I rarely agree with Winnie Ewing, but I certainly agree with her about the details of Spanish fishing practices and enforcement abuses that she shared with the chamber. She was correct to do so.

Other members referred to the outrageous and ludicrous language used by Alex Salmond, who was formerly of this parish. It is a disgrace that Alex Salmond described Commissioner Fischler as a thug and an ignoramus. That is an example of the worst type of low-grade politics, which is synonymous with the Scottish National Party; its reputation for such politics was enhanced earlier today. The fishing industry is a serious issue that requires serious, grown-up politicians to engage with it positively.

Mr Finnie enjoys Labour members' confidence. I wish him and Elliot Morley the best in the talks, which are crucial to the future of our fishing industry.

The Deputy Presiding Officer: I express my regrets to the two members whom I was unable to call in the open part of the debate.

16:45

Alex Johnstone (North-East Scotland) (Con): We have become used to an annual debate on fishing. I hope that such debates are not consigned to the dustbin of history along with the fishing industry, which might happen if we do not get things right in the next few days.

Conservation is a much over-used word. In so far as it applies to Scottish fish stocks, we should all agree that the most active conservationists of all are the Scottish fishermen. The Scottish fleet has already gone down the road of bigger mesh sizes and square mesh panels. The fleet has endured decommissioning and a programme is in hand to introduce further technical measures to preserve stocks in the North sea. What reward have the fishermen had for those measures? They must have some reward from the coming negotiations. If the measures that have been taken are ignored completely, the message will go out to fishermen throughout Europe—perhaps even throughout the world—that, ultimately, those who conserve will be penalised.

We cannot afford that, especially when no attempt is being made to limit the industrial fishery in the North sea, which is one of the most wasteful and non-conservation minded practices. We must address that irony, because the industrial fishery is a significant part of the problem. However, we must accept some responsibility for that, as well as understanding the needs of that fishery. Although much of the protein that it produces goes to pigs and hens, a substantial part of it comes back to the aquaculture industry in Scotland. The industrial fishery is not the black-and-white issue that some members suggest.

Richard Lochhead: Is Alex Johnstone aware that the Scottish salmon farming industry and fishmeal companies are looking elsewhere for

their sources because they want to support the white-fish industry? The problem that Alex Johnstone raised is becoming less of a factor.

Alex Johnstone: I am aware of that.

In its short life, the Parliament has spent a lot of time on fishing, both in committees and in meetings of the full Parliament. There have been high points, such as the Parliament's enthusiastic endorsement of the EU green paper on fisheries in March 2001. We have now come to a low point and are staring catastrophe in the face. In recent years, we have had to endure the growing trend of politicians saying that we must trust science and not allow politicians to get in its way. That argument has advantages, because it permits a great deal of buck-passing and sounds like a legitimate defence. We must face facts: in fishing matters, the science is not flawed, but the conclusions that have been drawn from the science are. To deal with the problem, we must support the industry's demands.

A moratorium on fisheries is not a solution to any of the problems that face white fish stocks. In fact, a moratorium would be an abdication of responsibilities. The fishery must be worked because a simple moratorium would allow the species that are dominant today to continue their dominance or to become more dominant. There is no guarantee that cod would recover if there were a fishing moratorium.

Everyone is of the view that the CFP has failed. Perhaps only the Conservatives are prepared to go the extra mile and say that it needs to be ended and replaced with national or local management, to guarantee the future of our industry. Members of all parties regard the future of the fishing industry as one of their highest priorities, and it is our duty to support the minister and send him off to Brussels once again with our support ringing in his ears—although, on this occasion, also with the dire message that if he does not make progress against the proposals, he should not bother coming back.

16:50

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Yesterday afternoon, we received our customary briefing from the Scottish Fishermen's Federation. Ian Duncan said two practical and important things that we would be wise to bear in mind. First, he said that fishermen will need to be able to go to sea on 1 January. Secondly, he said that there will need to be a mid-year review next year to ensure that the fishermen can continue to go to sea.

The starkness of the crisis that faces the industry is set out well in a paper from the North East Scotland Fisheries Development Partnership.

As the minister will know, the paper was prepared with the input of a former head of the Fisheries Research Services and should be taken seriously. The paper states that it is estimated that, if the profit is reduced by as little as 10 per cent, more than two thirds of the whole of the white-fish fleet will become unprofitable and will face financial catastrophe sooner rather than later. In the limited time that is available to me, I shall do what I did last year and the year before, which is to make some constructive suggestions, some of which we have had the chance to discuss with the minister today.

First, we should take on board the suggestions that have been put forward by the industry. Those suggestions have not been taken on board and the European Commission has simply not taken account of the effort that has been made so far in the cod recovery programme, nor of future measures that have been mooted, such as real-time closures, seasonal closures and the use of new technical gear. Robin Harper is totally wrong and does not understand how much the fishing industry has done. The members who have spoken in the debate who represent fishing constituencies are aware of what has been done. Tavish Scott is nodding.

Robin Harper: Will the member take an intervention?

Fergus Ewing: No, I will not.

We must have regard to the fact that the fishing industry has made suggestions that have resulted in the cod stocks rising from 30,000 tonnes to 38,000 tonnes—a fact that Mr Fischler appears to have taken no account of.

As my colleague Richard Lochhead pointed out, the Spanish have already secured the guarantee of a mid-year review for the proposed massive reduction in anchovy stocks. That is stated in the Commission's document. The Spanish have managed to obtain a guarantee that there will be a mid-term review, but have we? Have we asked? Will that be part of the negotiation? The minister informed us today that, in order to get the guarantee of a mid-year review, it is necessary to get the agreement of other EU states. Is not it therefore necessary to make that a condition of the forthcoming negotiations? Whatever deal is struck in the four days next week, part of it should be a guarantee that there will be a review, provided that scientific evidence can be produced to show that the existing measures are working, and that the new measures should also be given time to work.

Winnie Ewing asked how much regard has been paid to the argument made by many people in the fishing world that, of the proportion of fish that are predated, only 10 per cent is accounted for by

human consumption. What about the other 90 per cent? What about those figures? Is not it the case that the seal population has become unsustainable? Is it any surprise that there is a serious problem with phocine distemper virus when stocks have become unsustainable? Why has there been virtually no research into those matters?

I turn to measures that have been taken on the west coast. I know that the minister has received detailed representations from Robert Stevenson and Hugh Allan. The truth is that, of total stocks landed there in the past year, 1,200 tonnes were nephrops and only 4 tonnes were cod. Therefore, the cod bycatch is not material because it is almost zero. Under the International Council for the Exploration of the Sea rules, the bycatch's being near zero is the trigger for programmes' being considered. I hope that the minister will take account of the specific and detailed measures that the Mallaig and North West Fishermen's Association have proposed, which are constructive. Again, the fishing industry has proposed conservation measures that we should give time to work.

The question of who leads the negotiations is more serious than it was previously. Jack McConnell was reported in *The Herald* on 1 November this year as saying that Scottish Executive ministers lead the UK delegation when it is appropriate and that UK ministers lead the delegation when that is appropriate. Scotland has 75 per cent of the UK industry, so if ever there was a case during the history of Scotland's relationship with the UK for its being appropriate for Scotland to lead the negotiations, this is it—this is when Mr Finnie should lead. That is not just my party's view; it is the view of fishing leaders such as George Macrae and Hamish Morrison. In our Scottish Parliament we always offer our full support for the minister in trying to get the best possible deal. That is a statement of the obvious and we all, as democrats, must do that. Mr Finnie must lead in the negotiations, because I have little confidence that Elliot Morley will, or can be trusted to do that necessary job next week for Scotland.

16:56

Ross Finnie: The debate was largely constructive and productive in addressing one of the most serious situations to face the Scottish white-fish industry for some time. However, a couple of members are missing the plot, if I might say so, and are engaging in a political dialogue that is profoundly unhelpful. It seems to me to be rather odd for Mr Ewing to suggest that I should be fully engaged in the UK negotiation and, indeed, that I should lead it, and for him then to insult the other minister who will be present at the

negotiation. I am bound to say that that is not a helpful attitude for Mr Ewing to adopt.

Before I move to the substantive points that most members raised, I must comment on the most astonishing contribution that the opening speaker for the Tory party made. It was as well that Mr David Davidson and Mr Alex Johnstone intervened because the Tory's opening speaker, if I heard him correctly, told members to ignore not only the science and the reality that the discussions will take place next week, but the common fisheries policy. As we will all know, if we have read our newspapers recently, he also proposes that we should ignore the rule of law. That is not a constructive contribution to this or to any other serious debate in the chamber.

In terms of the question of timing and whether we should seek closures or postponements, we should understand clearly that even in the case of anchovies, which Richard Lochhead cited, the decision by the Spanish to seek a postponement was taken after they had engaged in the process. We, too, must engage in the process no matter how complex it is because if we get to the end of the week—

Richard Lochhead *rose—*

Ross Finnie: I will just finish my point before I take an intervention from Mr Lochhead.

If we get to the end of the week and put the matter in the hands of the Commission because of our failure to reach agreement and thereby induce the Commission to introduce emergency measures, no one would think that that would be anything other than very damaging to the Scottish fishing industry.

Richard Lochhead: I thank the minister for giving way. Can we take it from the minister's comments that he does not rule out pursuing an interim quota that will allow a more considered management plan to be developed in the near future by the states that are directly concerned with each fishery?

The Deputy Presiding Officer: Before the minister answers, I appeal for order in the chamber.

Ross Finnie: I will pursue the negotiations next week and at the end of the week we will have to decide whether the decision that has been taken is or is not in the best interests of the Scottish fishing industry.

I am grateful to many who also raised the question of the nephrops industry and the problems of displacement that might be caused by any measure that reduced effort in the white-fish fleet. That is something that was put firmly to us by the industry. The question of displacement is high on our agenda in terms of finalising measures that

must be adopted. I am grateful to Tavish Scott in particular for his plea that we do not adopt a one-size-fits-all approach.

In trying to put together measures that make sense, we should use a range of measures that are most appropriate in whatever part of the sea we apply them. That deals particularly with the question that was raised by Fergus Ewing, who has a particular interest in the west coast.

Most members agreed that the complexity of the issue is slightly baffling.

Iain Smith (North-East Fife) (LD): Will the minister confirm that the Scottish Executive's position remains that any cut in the nephrops quota is unacceptable, that there is no scientific basis for a cut and that the proposal for a 5 per cent cut, which is contained in the Commission's document, is unacceptable? Will he resist any attempt to reopen the sand eel fishery on the Wee Bankie?

Ross Finnie: Both of those points are part of the UK delegation's negotiating position. We are certainly opposed to any reduction in the nephrops fishery and, clearly, the opening of the Wee Bankie would be a great mistake.

I am grateful to members of the Scottish Parliament for their contributions this afternoon. I also want to put on record my thanks to all those who, in this difficult time, have been prepared to engage with the Executive and all of us who have been trying to put together a constructive alternative proposal to the measures proposed in Europe. I pay particular tribute to the Scottish Fishermen's Federation, to all the producers organisations who came to see me, to the fish processing organisations, to Shetland Ocean Alliance, to the leaders of the Fraserburgh community group who visited me last week, to the North East Scotland Fisheries Development Partnership, to people from Pittenweem and Eyemouth who visited me and to the representatives of the west coast organisations. That engagement with MSPs and a wide range of industry groupings in Scotland has been enormously helpful.

Our objective, as always, is to obtain the best possible deal for the Scottish fishing industry. In the common fisheries policy reform, we are committed to ensuring that the document contains the clear and precise wording that we need to secure relative stability, the continuation of the Hague preference and of the six and 12-mile limits and the security of the Shetland box. We also want to ensure that cod and hake recovery measures are based on serious measures that will include some form of effort limitation, but we will do everything that we can to impress on the Commission the fact that it is perfectly possible to

square the circle of conserving stocks and securing a sustainable industry in Scotland.

The measures previously embarked on by the Scottish fishing industry must be acknowledged and they must be part of the measurement that the Commission uses. Our best estimate is that the effort reduction due to decommissioning, the use of square-mesh panels and so on will amount to about 20 per cent of effort reduction. That has to be included in any deal that is struck next week. I want to assure all of the members who raised that matter today of that.

We seek measures that are equitable and which address the concerns of many that the measures should be applied equally to other member states. If there are to be changes in mesh sizes, those changes must apply to the other member states and industrial fishing must bear its fair share of cuts if it is operating in a cod fishery.

All those matters are important to us and I assure members that the Executive is committed to them in the long and difficult negotiations that I am disturbed to see are likely to last until next Saturday, by which time the Parliament will have risen for the Christmas recess. I am sure that members will be thinking of me when I am engaged in those discussions.

They will be a difficult set of negotiations and I do not think that they will conclude entirely next week. However, I hope that I have the support of the Scottish Parliament in proceeding with the negotiations and in seeking to engage with the Commission and the other member states in a constructive dialogue that will result, I hope, in a settlement that is good for Scottish fishing and for the conservation of our stocks, and that will leave us with a sustainable Scottish fishing industry.

Elaine Smith (Coatbridge and Chryston) (Lab): On a point of order, Presiding Officer. Will you confirm that amendment S1M-3202.1, in the name of Alex Fergusson, is a personal amendment and was not lodged on behalf of the Rural Development Committee? Will you also confirm whether it is in order for Alex Fergusson to promote that amendment when he and his Conservative colleague failed to support motion S1M-3621 at the Rural Development Committee on Tuesday morning, which means that the designation order was approved by nine votes to two? Is that political posturing by Alex Fergusson?

The Presiding Officer (Sir David Steel): On the first question—[*Interruption.*] Order. The first questions that Elaine Smith addressed to me were a point of order. The answer is that it is in order for Alex Fergusson to promote the amendment. It is in his name and on his behalf. The last question was not part of a point of order at all.

Decision Time

17:06

The Presiding Officer (Sir David Steel): There are 10 questions to put as a result of today's business. The first question is, that amendment S1M-3698.2, in the name of Cathy Jamieson, which seeks to amend motion S1M-3698, in the name of Irene McGugan, on children's and young people's services in Scotland, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, 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)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Canavan, Dennis (Falkirk West)
 Harper, Robin (Lothians) (Grn)
 Sheridan, Tommy (Glasgow) (SSP)
 Welsh, Mr Andrew (Angus) (SNP)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 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)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 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)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)

Wallace, Ben (North-East Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 67, Against 4, Abstentions 49.

Amendment agreed to.

The Presiding Officer: Bill Aitken's amendment S1M-3698.1 is therefore pre-empted.

The next question is, that motion S1M-3698, in the name of Irene McGugan on children's and young people's services in Scotland, 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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, 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)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Welsh, Mr Andrew (Angus) (SNP)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 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)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 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)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)

Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 69, Against 1, Abstentions 50.

Motion, as amended, agreed to.

Resolved,

That the Parliament welcomes the constructive recommendation of the recent reports into children's services, the Child Protection Review, *It's Everyone's Job to make Sure I'm Alright*, the Audit Scotland report, *Dealing with Offending by Young People* and the Scottish Committee of the Council on Tribunals' report into Children's Hearings; notes the need to address recruitment and retention of social workers and welcomes progress in the Executive's Action Plan for Social Services; notes that the reports highlight a need to continue to focus on delivery which improves outcomes for Scotland's children, and agrees that the Executive should continue to address the problems of poverty and exclusion and close the opportunity gap.

The Presiding Officer: The next question is, that motion S1M-3701, in the name of Jackie Baillie, on the appointment of the Scottish information commissioner, 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)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (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, Etrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Matheson, Michael (Central Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, 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)
 Mundell, David (South of Scotland) (Con)
 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)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (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)
 Neil, Alex (Central Scotland) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

ABSTENTIONS

Cunningham, Roseanna (Perth) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Home Robertson, Mr John (East Lothian) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 91, Against 15, Abstentions 14.

Motion agreed to.

That the Parliament nominates Kevin Dunion to Her Majesty The Queen for appointment as the Scottish Information Commissioner.

The Presiding Officer: I will therefore forward Kevin Dunion's name to Her Majesty for appointment as Scottish information commissioner. [*Applause.*]

The fifth question is, that amendment S1M-3702.1 in the name of Alex Fergusson, which seeks to amend motion S1M-3702, in the name of Patricia Ferguson, on the approval of a Scottish statutory instrument, 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)
 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)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)

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)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

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

MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, 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)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 57, Against 63, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The sixth question is, that motion S1M-3702, in the name of Patricia Ferguson, on the approval of a Scottish statutory instrument 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)
 Deacon, Susan (Edinburgh East and Musselburgh) (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)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)

Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, 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, Etrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 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)
 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)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)

Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 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 100, Against 20, Abstentions 0.

Motion agreed to.

That the Parliament agrees that the draft Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 be approved.

The Presiding Officer: The seventh question is, that motion S1M-3703 in the name of Patricia Ferguson, on the approval of a Scottish statutory instrument in respect of the Cairngorm national park election, be agreed to. Are we agreed?

Motion agreed to.

That the Parliament agrees that the draft Cairngorms National Park Elections (Scotland) Order 2003 be approved.

The Presiding Officer: The eighth question is, that amendment S1M-3700.2, in the name of Richard Lochhead, which seeks to amend the motion S1M-3700, in the name of Ross Finnie, on fisheries 2003, 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)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (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)
 McGugan, Irene (North-East Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (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)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, 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)
 Mundell, David (South of Scotland) (Con)
 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)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 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)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 35, Against 83, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The ninth question is, that amendment S1M-3700.1, in the name of Jamie McGrigor, which seeks to amend motion S1M-3700, in the name of Ross Finnie, on fisheries 2003, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scott, John (Ayr) (Con)

Tosh, Mr Murray (South of Scotland) (Con)
Wallace, Ben (North-East Scotland) (Con)
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)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Harper, Robin (Lothians) (Grn)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jackson, Dr Sylvia (Stirling) (Lab)
Jackson, Gordon (Glasgow Govan) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Mr Kenneth (Eastwood) (Lab)
Mackay, Angus (Edinburgh South) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McLeish, Henry (Central Fife) (Lab)
McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Morrison, Mr Alasdair (Western Isles) (Lab)
Muldoon, Bristow (Livingston) (Lab)
Mulligan, Mrs Mary (Linlithgow) (Lab)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Murray, Dr Elaine (Dumfries) (Lab)
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)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (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)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
Thomson, Elaine (Aberdeen North) (Lab)
Wallace, Mr Jim (Orkney) (LD)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
Campbell, Colin (West of Scotland) (SNP)
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)
Ewing, Mrs Margaret (Moray) (SNP)
Fabiani, Linda (Central Scotland) (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)
McGugan, Irene (North-East Scotland) (SNP)
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
Neil, Alex (Central Scotland) (SNP)
Quinan, Mr Lloyd (West of Scotland) (SNP)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Robison, Shona (North-East Scotland) (SNP)
Russell, Michael (South of Scotland) (SNP)
Stevenson, Stewart (Banff and Buchan) (SNP)
Sturgeon, Nicola (Glasgow) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 17, Against 70, Abstentions 33.

Amendment disagreed to.

The Presiding Officer: The final question is, that motion S1M-3700, in the name of Ross Finnie, on fisheries 2003, be agreed to.

Motion agreed to.

That the Parliament supports the Scottish Executive in its efforts to negotiate an outcome from the Fisheries Council meeting in December 2002 that reflects both the best achievable deal for the Scottish fishing industry and the fishing communities that depend on it and the need to preserve stocks for the long term.

Debt and Lending

The Presiding Officer (Sir David Steel): Tonight's members' business debate, on the subject of debt and lending, is introduced by Donald Gorrie.

Motion debated,

That the Parliament is concerned by the number of households badly affected by debt and by the contribution to debt problems made by banks, retailers issuing credit cards, building societies and money lenders vigorously encouraging people to borrow more money, when they are already heavily in debt or obviously have no means of repaying the loan, and as regulation in this sphere is outwith the powers of the Parliament, believes that the Scottish Executive should address this issue by means of holding discussions with these lending bodies to seek voluntary agreements that they will not advertise or press credit on people that are manifestly not creditworthy and should ask the banks instead to lend money to credit unions for them to lend to people of limited means on the basis of such unions' better assessment of the likelihood of each loan.

17:16

Donald Gorrie (Central Scotland) (LD): The question of controlling debt, or of helping people who are in debt, is basically a reserved matter, but it is so central to the social justice strategy of the Executive and the Parliament that I think it important for us to debate it.

My interest in the subject was re-aroused by my regular visits to citizens advice bureaux, both in Central Scotland and elsewhere. Staff at those CABx brought up the issues of multiple debt and of banks and other lending organisations pushing further debt on people who are already in debt, which seems immoral to me. Those organisations should be discouraged from doing that.

About 10 per cent of people in the United Kingdom have serious debt problems. The total unsecured loan debt is £122 billion. The figures from the Scottish CABx show that there were about 60,000 new debt inquiries in 2001-02 and 160,000 on-going debt inquiries. Of those 60,000 inquiries, about 37,000 were about consumer debt, which is the biggest category of work for the CABx. There has been a clear increase in the total size of debts, which is totally disproportionate to inflation. Many people are now in debt to the extent of £70,000, not including any mortgage problems that they might have.

At the end of the motion, I suggest more encouragement of credit unions. The credit unions are a useful community resource, although, like anything else, they need monitoring. I have heard accounts from one CAB of strong-arm tactics being used by a particular credit union to ensure that people paid their dues. On the other hand, another CAB pointed out that no-one had ever

come to it with a debt problem arising from a credit union. Obviously, therefore, there is mixed experience, but in essence credit unions offer a good service, which we should encourage and which the banks should fund more.

Doorstep loans are a big issue. They affect the poorest people, who have to pay the highest interest. Interest rates of 164 per cent seem to be normal, and figures of up to 500 per cent have been quoted to me. Interest at 164 per cent means that someone who borrows £100 for one year ends up paying back £264, which is hard on a person who does not have the money to start with. Some of the doorstep loan companies undoubtedly exploit the poor and refuse reasonable offers of rescheduling the debts, as proposed by citizens advice bureaux or other bodies.

Another pernicious feature of doorstep borrowing is what are known as rolling loans, by which, if someone has a loan and is in debt, they are offered another loan to pay off the first one, often at a higher rate of interest. The second loan offers very little free money: most of the money goes to pay off the balance of the previous debt. People get further into trouble, and might take out yet another loan.

Everyone agrees that the way in which some doorstep loan companies operate is wrong. Banks, in their replies to me on this subject, claim that they act in a frightfully prudent fashion, but I do not think that they do. According to citizens advice bureaux, there are cases of the same person having three or four debts totalling more than £20,000 at the same bank. It is wrong for banks to allow people to have several debts with them.

The banks seem to target existing debtors. They send out what are called cheques with new credit cards, but it is not clear that the cheques are additional loans on which debtors must pay interest. A person who was already £34,000 in debt was sent an Access card and incurred further debts of £4,000. People are responsible for their own actions, but to put so much temptation in the way of people who have a weakness with money is immoral and should not be allowed. The banks are often at fault. They sometimes fail to reschedule debts as citizens advice bureaux or other advisers have suggested, so that debtors may pay off all their debts gradually. Having refused to reschedule repayment of a loan of £8,000, one bank refinanced the loan in a way that cost the debtor an additional £7,600.

I will provide members with a few snapshots of the problem. In Motherwell and Wishaw, there are 6,000 debt cases. In Falkirk, the money involved in debt cases has increased from £900,000 to £2.25 million within five years. In East Kilbride, debt is broken up into personal loans at £950,000; credit

card debt at £850,000; bank loans at £780,000; and store credit at £200,000. Those are the four main categories of debt. In Denny, rent arrears account for 45 per cent of debt cases. In Cumbernauld, there are 400 new multiple debt cases each year. Airdrie has well over 2,000 debt inquiries in a year. There are considerable problems across the board.

What should we do about those problems? We should discuss a combined strategy with Westminster, as this is principally an issue for the UK Parliament. Someone who was present at one conference has assured me that Patricia Hewitt told the conference that debt was not a problem. Some ministers at Westminster need to be educated about this issue.

We could have credit reference agencies produce registers of existing debtors whom lenders would be told to avoid. That would raise issues of confidentiality, but it must be possible to use credit reference agencies—which cover a huge number of debts—constructively.

Edinburgh central citizens advice bureau provides a court adviser in the Edinburgh court. Everyone agrees that that scheme, which is funded by the Executive and various other bodies, is a great success. We should extend the scheme so that better advice is available to people in court. Debt is a huge problem and we should do more to deal with it.

17:24

Alex Neil (Central Scotland) (SNP): There is no significance in the fact that I am speaking from the front bench. [*Interruption.*] I will have no heckling from Christine Grahame.

I congratulate Donald Gorrie on securing this important debate. The Parliament has discussed debt and the allied issues of warrant sales, poindings and attachments a number of times. However, I do not think that we have ever discussed the core issue of how people get into debt and what we can do as a Parliament, either acting unilaterally or in partnership with Westminster, to try to tackle the roots of the problem.

I begin by making a plea for the minister to look at my proposal for a bank arrestment bill, which has been in the system for two years. The bill has the support of the legal committee of the Scottish clearing banks, which was actively involved in its drawing up. It would deal with an issue that was not included in the Executive legislation, but which the debt working party report highlighted as an issue that needs to be dealt with.

Many people these days who in days gone by did not have a bank account, particularly

pensioners, now operate through a bank account. When their bank account is arrested, they are left with nothing to live on until the problem is resolved. If someone has their wages arrested, they are allowed to keep about £70 a week to see them by while the problem of repaying the debt is resolved and a schedule for repayment is agreed. Pressure is now put on pensioners to have their pension paid into a bank account, rather than by cash at the post office. Many pensioners, sometimes accidentally, find themselves overdrawn or in debt because of their inexperience of using, and inability to manage, a bank account.

The purpose of the bank arrestment bill is to give to those people whose bank accounts are arrested the same treatment that is given to those whose wages are arrested. They would be left with enough to get by and enough for the basics of life until the counselling and agreed debt resolution procedures were put in place. I hope that now that we have a new minister, the Executive will take a more sympathetic approach to the matter. I have no doubt that we do not have time to pass my proposed bill before the election, but I will introduce a bill in the new session, provided that I get a guarantee that the Executive will not try to block it. That would deal with one of the consequences of debt.

We have to examine the reasons for people getting into debt. In essence, we are talking about three broad categories of debt. By far the largest debt in this country is the debt attached to mortgages, but that is not generally problematic because the debt is associated with an asset and the liability is very often more than offset by the asset. We had problems in the past with negative equity and many people got into difficulty. That is a specific problem with managing the housing market, which is not the core of the subject tonight.

The second category of debt through which people get into difficulty, and which involves by far the biggest amount of money, is consumer debt. In the old days, that happened primarily through hire purchase and people taking on far too much debt. These days, it is through the pressure to take on credit cards and all the rest of it. I remember, during a recent debate, Lyndsay McIntosh giving us an excellent display of all the mailings that she had received from companies trying to sell her credit cards—not her other mailings—within a fortnight. No doubt we will get another show tonight. That was indicative of the sheer pressure that is put on people daily to get into debt. We must do something about that, because that pressure and temptation leads a lot of people into debt.

The third main problem is local authority debt. When we discussed warrant sales and poindings,

we found that more than 80 per cent of all warrant sales and poindings in every year that we looked at over the past 20 years were in relation to debt to local authorities. That debt was either in respect of the poll tax or, now that that has worked its way out of the system, in respect of council tax and/or rent arrears. I hope that the new legislation will assist in managing that.

In the cross-party group that I have been involved in, and in all the work that I did with others on the Abolition of Poindings and Warrant Sales Bill, the fundamental lesson was the power of early intervention. There is no point in waiting until people get so deeply into debt that they cannot do anything about it. Developing an early warning system and finding ways to intervene early will be key to the success of part 1 of the Debt Arrangement and Attachment (Scotland) Bill, which we passed last month.

I congratulate Donald Gorrie. Debt is not a party-political issue; it is a social problem that needs to be tackled. I look forward to a sympathetic response from the minister.

17:30

Mrs Lyndsay McIntosh (Central Scotland) (Con): The fact that I speak from the front bench is significant—I am the only Conservative member who is still here.

I congratulate Donald Gorrie on securing the debate. I suspect that, following last month's debate on the Debt Arrangement and Attachment (Scotland) Bill, my views on irresponsible lending are well known; Alex Neil referred to them. It is surprising that none of the firms that I criticised has come back to me to justify its business practices. In fact, others have joined the fray by taking up the habit of offering me access to cash. Perhaps their revenge will be to see me buried beneath an avalanche of credit offers.

I will now discuss Donald Gorrie's wordy but worthy motion. Like other members, I have no difficulty in sharing his concern about the number of households that are affected by debt problems. I glanced through my credit-card case and, to my horror, discovered that I carry eight credit or store cards with me at all times. I always have fags, lighter and credit cards—you can do anything with those.

Christine Grahame (South of Scotland) (SNP): You could set fire to your credit cards.

Mrs McIntosh: Perhaps I should. I have other credit cards at home, but they only get an outing at sale time. They will get a bit of a thrashing come the turn of the year. For the time being, I am fortunate enough to be able to afford to settle my accounts in full as the bills arrive, although my circumstances will change.

Donald Gorrie highlighted the important issue of people who are already heavily in debt. I am concerned by stories of people who are offered even more credit by their creditors when they face up to their indebtedness, even though they cannot service their existing debts. That is not a difficulty only for people on low incomes—it can apply to people across the socioeconomic spectrum.

Donald Gorrie pointed to the amount of vigorous advertising that assails us, which we all hear on commercial radio and television or see in newspapers and magazines; it is everywhere. It is little wonder that people get into difficulties.

Citizens Advice Scotland's briefing is helpful and informative. There are 1,300 different credit cards and 33 different credit card issuers in the United Kingdom. One has to wonder why we need so many. It comes as no surprise that February figures for credit card debt show a sharp rise. People will put off the prospect of paying for Christmas for as long as possible. As a consequence, the vast majority of cases that CABx deal with are cases of debt. I will use Citizens Advice Scotland's figures to emphasise the scale of the problem. In 2001-02, 69 front-line CABx dealt with a total of more than 400,000 new inquiries from people all over Scotland.

The Abolition of Poindings and Warrant Sales (Scotland) Act 2001 and the Debt Arrangement and Attachment (Scotland) Bill have made most members aware of the pressures on parents and families, which apply particularly at this time of year when expenditure is high.

I will not indulge in bank bashing. I suspect that banks are already aware of their position in the popularity stakes; like politicians, double-glazing or kitchen salesmen and car dealers—almost the direct descendants of horse thieves—they are way down the popularity list.

That said, much of the debt legislation is Westminster territory and we wait to see what Westminster does. I congratulate Donald Gorrie and I look forward to the minister's response.

17:34

Christine Grahame (South of Scotland) (SNP): I, too, congratulate Donald Gorrie. Alex Neil and I have launched a cross-party group that will attempt to deal with reserved issues such as consumer credit. It will address where we pick up the tab for the impact of debt on society.

I also refer to my humble bah humbug motion, which is a serious motion concerned with the commercial pressures that are put on parents at this time of the year. It is no coincidence that the problems for people who have debt on credit cards land on their doormats in February, which is also a

time when a high number of people seek a divorce. The commercial pressures for people to get everything that is on television, no matter what their income, are severe. That is something that must be addressed.

Mrs McIntosh: Would Christine Grahame put that down to spending too much time with her other half?

Christine Grahame: No. I do not have an other half. I have three cats.

The Bank of England today raised a serious issue about people borrowing against the equity in their house, if they have any. That is a serious issue. The property market is highly inflated, especially in Edinburgh, and all that needs to happen is for the market to deflate, or for a couple to split, for the whole house of cards to come tumbling down, credit cards being the cards in question.

Let me give an example that I gave when we launched the cross-party group. I had a client who was on the point of divorce. The solicitor said, "Right, we must see what the assets are and what the liabilities are, so that we can make an equitable division between yourself and your spouse." I asked her, "Have you any debts?" No, she did not have any debts. I said, "Wait a minute. Do you have a mortgage?" Yes, she had a mortgage, so we put that on the debit side. "What else do you have?" I asked. "I've no debts," she replied. I said, "Do you have credit cards?" Yes, she had loads of credit cards but, she said, "I'm paying them all as I go."

In her head, she did not have any debts, because she was managing to pay them every month. However, we added up the amount due at any time on the credit cards, and so liable for demand, and it came to a startling £30,000. Those were very ordinary people, but, by juggling along, they had just managed to keep going while both of them were working. Sometimes all it takes is a divorce, somebody losing their job or sickness, and that is it. It all falls down on them.

My client astonished me even further when she returned to the office and said to me, "Well, it's all right, Ms Grahame. It's all sorted out. I've taken a consolidated loan." In her mind, because somebody had offered to purchase the debts and put them into one big debt, and because she was paying less per month, she thought that everything was all right. She was actually paying even more.

On television there is now an increase in advertisements with suave, civilised voices giving examples of people who are paying less and saying, "If you've got debts, bring them to us. We'll take the load off your back and we will manage it." That is basically another horrific trap for the poor.

I would like to mention a few other points that the CAB at Peebles raised with me, some of which are very important. They relate to front-line stuff, which we all know about. I used to work as a solicitor giving advice in a CAB. The Peebles record for multiple card debt was held by one client—an ordinary person—who held seven cards. No doubt there were balances on every single one, and some were from the same bank. The CAB sees young people who have absolutely no idea about how to budget or who, like my client, have no idea what debt actually means.

The CABx want budgeting to be introduced in the education process. Way back in the dark days—almost before gas—when I was at school, we did exercises in household budgeting. We would work out problems such as, "If you have £20 per week coming in, what would you need for food and for rent?" We had to do that as a serious exercise. I do not know whether today's youngsters have those lessons or understand the problems that they can get themselves into.

The CAB figures also show that, in the Border region, there are debts totalling £2.5 million for 258 live cases. The Peebles CAB alone sees one or two new cases every week. There will be lots of others who do not turn up at the CAB but who turn up at the solicitor's door saying, "What can I do? The sheriff officers are at the door." At that stage, CAB staff and solicitors are trying to firefight for them.

There are huge issues surrounding debt. It is very important that—until such time as we are independent—the two Parliaments work together. We cannot always deal with the debris and disaster in people's lives, while having no control over the piranhas who provide dear credit to the very people who cannot afford to service it.

17:39

The Deputy Minister for Social Justice (Des McNulty): I am grateful to Donald Gorrie because this is the first members' business debate to which I have been invited to reply, and it is on a subject that is close to my heart. As the elected member for Clydebank and Milngavie, I am conscious of the difference between my constituents at one end of the constituency and those at the other.

Within 100yd of my constituency office in the centre of Clydebank there are no less than five cheque-cashing shops, each of which extracts a relatively high rate of interest from people who use its services. Many people in Clydebank use catalogue and hire purchase arrangements to buy capital goods, which are far more costly than the mechanisms that are available to better-off constituents in Clydebank and certainly to constituents in Milngavie and Bearsden.

We are aware that people in poorer areas have to face up to additional charges, even from very large companies. On Monday, someone who came to my surgery told me that people without bank accounts are charged an extra £2 per month by NTL for their television, simply because of the method by which they pay for it.

Whether that is unscrupulous is perhaps not easy to say. It is clear that there is inequality in our society, because people do not have equal access to an appropriate choice of mechanisms of repayment. There are unscrupulous lenders out there, as a number of contributors to the debate have pointed out.

We rely on regulation to deal with completely unacceptable practices, but there is no doubt that the Executive has a role in the promotion of financial inclusion. We are aware that debt can be a crippling problem and that people need better ways of managing it.

Last year, citizens advice bureaux in Scotland dealt with 160,000 inquiries, representing approximately £70 million of debt. Thirteen per cent of households do not have a bank account and are thus excluded from financial products to which other people have access. We must try to increase people's access to proper financial services as well as providing mechanisms through which people can get the money advice and support that they need. Both Alex Neil and Lyndsay McIntosh made that point in their contributions.

The Executive has a role in building people's capacity to tackle their financial problems, through money advice for example. We are providing £3 million in funding for 100 new money advisers, in part to help to implement the provisions of the Debt Arrangement and Attachment (Scotland) Bill, which has just been passed.

It is also important to encourage local government to provide money advice to citizens in their area. I commend the work that is being done by West Dunbartonshire Council's money advice service. In recent years, it has done an excellent job in targeting poorer people, to ensure that they get full access to the benefits to which they are entitled, and in helping people to deal with debt.

I will talk a wee bit about credit unions. With my constituency hat on, I am proud that my constituency contains Scotland's largest community credit union, Dalmuir Credit Union Ltd. It is a superb example of a collective, co-operative community organisation that assists people to manage their financial circumstances.

Credit unions are not just organisations for poor people. Credit unions can assist you and me in managing our financial affairs. It is important that more people from all different walks of life are

members of credit unions, because that is a practical way of increasing the total stock of funds available and the amount of money that can be lent. Credit unions are also a direct mechanism for the financial inclusion that I would like to see developed.

Donald Gorrie: Perhaps the minister will encourage more members to join the credit union that we are allowed to join, which started off being for local council workers but has now been extended. The minister's point is quite correct: we should practice what we preach and invest in credit unions.

Des McNulty: We should encourage that. I encourage every member to consider becoming a member of a credit union. As I said, one of the things about credit unions is that they are subject to reasonably tight financial controls under legislation. There are ways in which credit unions can engage with the banks and other financial agencies. I want to see people finding ways for banks and other larger financial agencies to assist the work of credit unions, perhaps by making additional resources available to credit unions, to assist at key points and ensure their liquidity, or by considering guarantee schemes, whereby the banks begin to underpin the lending processes of credit unions so that, in effect, credit unions can become lenders on behalf of banks. I have been involved personally in trying to get that off the ground in Clydebank.

There are examples of banks getting involved with credit unions. I know of one partnership between Cranhill Credit Union Ltd and Lloyds TSB, where the bank has given the credit union £10,000 for a debt redemption scheme. There are other individual cases, such as the case of a £2,000 debt being paid off for a single mother, who is now back at work and paying back her debt at £40 a week. Larger employee-based credit unions can also assist smaller community credit unions. There is a virtuous circle of genuine community-based organisations assisting in the process of dealing with financial exclusion by actively promoting the engagement of different sections of the community in the process of money management—in other words, providing not necessarily a professional service, but a community service. I would like that to be promoted.

Christine Grahame: I support what the minister said about credit unions, but I would like him to address the fact that, in some ways, prevention is better than cure. Does he think that there is merit in his colleague the Minister for Education and Young People's department educating children at primary school about managing their money?

Des McNulty: That is well worth considering. There has been a drive in recent years towards

teaching people life skills. Teaching people how to manage money—and giving them warnings about the implications of taking on significant debt and debt at extortionate interest rates—is worth while.

I will conclude by highlighting two points that were raised. To pick up Alex Neil's point, the Executive is examining the complex area of arrearment. Paying benefits directly into bank accounts will throw up new issues from next year. We will need to consider those, but no decisions have yet been made on how to do so. However, that is an area of interest.

Donald Gorrie's suggestion of using credit reference agencies to list bad debtors is not one that we have considered. Credit reference agencies would need to be paid to carry out a service. There is a danger that less reputable lenders might take advantage of the process, but I am willing to think more about Donald Gorrie's idea.

This has been a valuable debate. The issue of debt will not go away, and it is one with which the Executive, through its social justice approach, must engage actively. Clearly, under the present constitutional arrangements, we must do so in parallel with and in discussion with Westminster. If we can find better ways to assist people to manage money and to help them out of debt, and if, as Christine Grahame pointed out, we can address the issue of prevention, we will be doing everybody in our society—in particular those in poorer communities, such as the one that I represent—a great service.

Meeting closed at 17:49.

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