

MEETING OF THE PARLIAMENT

Wednesday 12 November 2003
(*Afternoon*)

Session 2

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Scottish Parliament

Wednesday 12 November 2003

(Afternoon)

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Mr George Reid): Good afternoon. The first item of business this afternoon is time for reflection. Our time for reflection leader today is the Very Rev Dr James Harkness, Dean of the Chapel Royal in Scotland and President of the Royal British Legion in Scotland.

The Very Rev Dr James Harkness (Dean of the Chapel Royal in Scotland and President of the Royal British Legion in Scotland): Yesterday marked the end of the period which we call remembrance. As president of the Earl Haig Fund Scotland and the Royal British Legion in Scotland, I take this opportunity of thanking you for your support and the Scottish people for their generosity. That support and generosity enables the vital and on-going work of caring for the ex-service community and their dependants to continue.

Many of them are scarred in body and mind and now suffer in consequence of their service to our country. I believe that caring for them is a debt of honour. But remembrance should not be focused just on the past, or be confined to just one short period in each year. Since 1945, there has only been one year in which servicemen and women have not been on active service. Almost daily, we are reminded that we continue to live in a fractured and dangerous world. Tragically, the cost is too often paid in that most precious currency, human life, and for others in disabling injuries.

Of course, for some remembrance is very personal. That came home to me a few years ago at Bayeaux military cemetery, where many of those killed in the D day landings lie. We had finished the service to mark the 50th anniversary and as we were about to leave, I noticed a veteran who was obviously in some distress. He was standing by a grave with tears running down his cheeks as he remembered a friend and comrade of his youth. He was remembering in an intensely personal way. Nearby, in a corner of the same cemetery, some German families were doing the same as they remembered their loved ones, some of whom had died at the age of 16.

However, although remembrance is personal for many, it is also part of the collective memory of

our nation. Remembrance has this vitally important purpose, which is to pass on to posterity the costly lessons of what leads to war and how such terrible catastrophes may, in future, be avoided.

That is why we say, "We will remember them". For in saying those words we come to the heart of the Christian faith. In our Christian understanding of remembrance, there are two essential elements. The first is thanksgiving, when we acknowledge with gratitude the inheritance that is ours and that has been bought at great cost. The second is dedication, when we commit ourselves to work for peace, dignity and freedom, with justice for all of God's people in this land and throughout the world.

Thank you.

Sexual Well-being

The Presiding Officer (Mr George Reid): The next item of business is a statement by Malcolm Chisholm on "Enhancing Sexual Wellbeing in Scotland: a Sexual Health and Relationships Strategy".

Bruce Crawford (Mid Scotland and Fife) (SNP): On a point of order Presiding Officer—

The Presiding Officer: I will come to you, Mr Crawford, after I have finished my statement.

The minister will take questions at the end of his statement. There should therefore be no interventions during the statement.

Bruce Crawford: I seek the Presiding Officer's guidance. In December 1999, the then Minister for Health and Community Care, Susan Deacon, announced that she was developing a new group to drive forward a sexual health strategy. In August 2002, Malcolm Chisholm announced that he was setting up an expert group to draw up a sexual health strategy. The issue was given a fair airing in the press on Sunday.

I am sure that the documents that the Scottish Executive has published today represent a good body of work. Unfortunately, we have not yet had the chance to examine them properly. Why is that? The documents did not appear in the Scottish Parliament information centre until 1.15 pm today and were not on the Executive's website even at 2.10 pm this afternoon. However, the media have just confirmed for me that they had access to the documents at 1 o'clock.

This process began four years ago and, frankly, it is not acceptable for the Opposition to have a chance to examine the documents only a quarter of an hour beforehand, and after the press has seen them. Presiding Officer, I ask you to use your offices to ensure that the Scottish Executive is not allowed to use such a practice in future. It does not help to foster a climate in which we can go forward together on this very important issue.

The Presiding Officer: I am sure that the Minister for Parliamentary Business has taken note of what you have said, Mr Crawford. Of course, we are not going into a debate, which would require vast amounts of information. Instead, the Executive will make a statement and the chamber will have an immediate opportunity to question it. I think that we should get on with it.

Carolyn Leckie (Central Scotland) (SSP): On a point of order, Presiding Officer. Following on from Bruce Crawford's point of order, I should say—if my understanding is correct—that it was conveyed to us at yesterday's Parliamentary Bureau meeting that the documents would be available in SPICe this morning.

The Presiding Officer: I am advised that the Minister for Parliamentary Business made it clear that they would be made available at half-past 1 or thereabouts.

The Minister for Parliamentary Business (Patricia Ferguson) *indicated agreement.*

Bruce Crawford: On a point of order, Presiding Officer. I seek assurances about the process involved. Is it really acceptable in the Parliament for the press to receive documents for scrutiny purposes before MSPs?

The Presiding Officer: I cannot rule on that point of order because you have just told me that that has happened. I will look into the matter and will perhaps come back to you a bit later.

I think that we should get on. I call Malcolm Chisholm.

14:37

The Minister for Health and Community Care (Malcolm Chisholm): Today, I announce to Parliament the launch of a wide-ranging consultation on proposals for a national sexual health strategy that have been prepared by an expert reference group. I do not want to take time out of my statement to deal with the points of order that have been raised; however, I want to make it clear that this is not our report—it is the expert group's report. That is the full answer to Bruce Crawford's point of order.

The consultation is a crucial step in the Executive's commitment, as set out in the partnership agreement, to develop and implement a national sexual health strategy.

First, let me set the context. However we look at it, sexual behaviour and attitudes are changing. Behind the trends and opinions, the statistics tell us that sexual health and well-being in Scotland are poor. For example, diagnoses of chlamydia rose by 41 per cent between 2000 and 2001, followed in 2002 by a 12 per cent increase, from more than 10,000 to more than 11,000 cases.

Moreover, the rate of teenage conception in Britain is the highest in western Europe, and in Scotland slightly more than half of the pregnancies in under-16-year-olds and two fifths of those in the 16 to 19-year-old age group are terminated. Sadly, rates of teenage pregnancy are higher in areas of deprivation than elsewhere. During the 1990s, the differences in rates of teenage pregnancy between more affluent and more deprived areas widened.

If statistics are worrying, so are features such as regret, violence, abuse, coercion and disrespect that all too frequently go hand in hand with irresponsible sexual behaviour. For example, studies indicate that a significant proportion of first

sex is unwanted, particularly for young women, and that the younger a person is, the more likely it is that the sex is unwanted. One thing is abundantly clear: sexual well-being is not just about the absence of disease or lowering the incidence of this or that sexually transmitted infection. On the contrary, sexual well-being embraces a raft of social, cultural and ethical issues that must be addressed if we are to attain the level of sexual health, responsibility and well-being in Scotland to which we all aspire.

That is no easy task. It is crucial that, in developing a strategy, we have regard to and respect for the many genuinely held views on this sensitive and emotive topic. That is why, in August last year, I set up the expert reference group, which had a broad membership from the field of sexual health services and education as well as representatives from voluntary organisations and religious groups.

The group had a wide remit, which included the promotion of a broad understanding of sexual health and sexual relationships that encompasses emotions, attitudes and social context, while retaining a particular focus on measures to reduce unintended pregnancies and sexually transmitted infections, and the enhancement of sexual health services. Such an approach not only reflects the wide social and cultural influences on sexual health, but highlights the Executive's aim for a strategy that is rooted in strong relationships based on self-respect and on respect for others.

The outcome of the group's work is the proposals that are contained in "Enhancing Sexual Wellbeing in Scotland: A Sexual Health and Relationships Strategy", which was made public earlier today. I take this opportunity to express my gratitude to all the members of the expert group, under the chairmanship of Professor Phil Hanlon, and to NHS Health Scotland, which provided support for the group's work.

The reference group's proposals are being published precisely in the terms in which they were submitted to the Executive. The proposals have been built on a survey of existing sexual health services in Scotland and on an analysis of the attitudes and lifestyles found in a sample survey of Scots. The survey draws on existing research findings, both at home and abroad, and the experience of people who work in the field of sexual health. Although we are publishing the reference group's proposals in full, it does not mean that they will all form part of the final strategy agreed by the Executive. I launch the consultation today in order to inform the Executive's final decisions.

The draft strategy provides a succinct and telling commentary on the state of sexual health in Scotland, to which I have already referred. It

highlights that health inequalities, which the Executive is resolved to tackle, carry over to many aspects of sexual health, and it identifies a strong link between social disadvantage and early initiation into sexual activity.

It is apparent that improvements in sexual health and well-being are inextricably connected to broader efforts to tackle health inequalities. Of paramount importance, too, is the nurturing of self-esteem, respect for others, individual responsibility and responsibility to the wider community.

The reference group recognised that there are no simple solutions or quick fixes. No one intervention will provide a panacea. What is required is a multicomponent and multilevel programme that adopts an integrated, long-term and socially orientated approach. That is founded on evidence that shows how a range of interventions, in various settings, to address multiple influences on sexual health, can lead to significant improvements in sexual well-being.

Five key actions are highlighted by the reference group. The first is the need for national leadership to be addressed by the appointment of a national sexual health programme co-ordinator and the creation of a new national sexual health advisory committee. The second is local leadership, with all NHS boards having a sexual health strategy informed by a multi-agency strategy group. The third is the setting of clear national and local targets and goals. The fourth is to use existing mechanisms, such as local health plans, community plans and the performance assessment framework to ensure the on-going integrated delivery of the strategy's goals and vision. The fifth is to monitor progress to ensure delivery, with the proposed new advisory committee monitoring national progress towards targets.

Those key actions underpin over 100 recommendations made by the reference group. It is not the time today to focus on specific recommendations since the consultation process will give full opportunity for that.

Suffice it to say that the recommendations address the needs of those facing the greatest barriers to sexual health; outline a broad approach to sexual health promotion; respond to the importance of acquiring knowledge and skills about sexual health and well-being; set out, respectively, the roles of schools, higher and further education institutions, and parents and carers; identify the contribution of the media and mass communications; and highlight specific actions to reduce sexually transmitted infections, including ready access to services.

The group has produced a comprehensive, well-researched and positive report, which needs to be

considered in the round. I believe that its strengths lie in the integrated approach that it proposes. Particularly welcome is its affirmation of the key values of respect, equality and accessibility to clinical services and lifelong learning. I am clear that the group's proposals provide the basis for a workable and constructive framework within which progress to enhance sexual well-being can be made.

However, I am keenly aware of the many views that exist in Scotland, and indeed in the Parliament, on this complex issue. That is why we are embarking on a wide-ranging consultation before we consider which of the recommendations to accept, or whether to accept them in their entirety. Copies of the draft strategy have been placed in the Scottish Parliament information centre, and it can also be accessed electronically on the Scottish Executive website. The group has prepared a summary version that can be made available in other formats, including Braille and audio tape and in different languages to facilitate access for ethnic minority groups. For those who are interested, background supporting papers used by the group can be accessed on the Scottish Executive website.

All this reflects our determination to ensure that the consultation process is as broad ranging and comprehensive as can be arranged. In addition to the traditional means of seeking comments from groups and organisations, we will invite the Scottish Civic Forum to facilitate aspects of the consultative process and will make special efforts to engage minority groups. I hope that people, young and old, throughout Scotland will feel able to engage in the consultation process. I look forward to receiving the comments of parents, young people and other individuals, as well as organisations and professional bodies, to help to ensure that the final strategy that emerges from the consultation is a fair reflection of the views of people in Scotland.

The time is right for a mature and considered debate on this sensitive, but vital issue and I am sure that the reference group's proposals provide a helpful focus for that. I hope that the debate will not be hijacked or sidetracked by focusing on high-profile or single, contentious issues. The topic is too serious for that. Moreover, as the reference group's report stresses, success does not rest on one single intervention, but on a range of initiatives and services across the whole policy spectrum. In short, a holistic approach is needed.

I recognise, of course, that some of the issues that are raised in the draft strategy will be controversial and that complete consensus may be elusive. However, that is not a reason to do nothing, or to concentrate disproportionately on the points of difference. There is a great deal on

which we can unite and build, and the consultation will allow us to identify the common ground and the difficult decisions that may have to be made.

Members, and indeed the Parliament, will no doubt want to contribute to the consultation, and the Executive will propose to the Parliamentary Bureau that a debate be held in the Parliament on the subject before the end of the consultation period.

There is a real opportunity to make a difference. Sexual health is a dimension of health that we cannot afford to neglect if the quality of life and overall health in Scotland are to be enhanced. The reference group has shown the way in producing proposals that have regard to the diversity of views that surround the issue. The challenge for all of us now, including the Parliament, is to contribute our views in a measured and constructive way that will pave the way for improved sexual well-being for this and future generations. The pillars of that improvement must be self-respect, respect for others and strong, respectful relationships. I am confident that we can build on them together.

Shona Robison (Dundee East) (SNP): I thank the minister for an advance copy of his statement and welcome the long-awaited report from the expert reference group. I am keen that urgent action be taken to reverse Scotland's sexual ill health, but I find it frustrating that a whole generation of teenagers has grown up in the time that it has taken the Executive to get to this stage. Why did it take from December 1999—when Susan Deacon first established a new group to develop a national demonstration project on teenage sexual health—to 2002 for the current Minister for Health and Community Care to commission a national sexual health strategy, and more time still to establish an expert reference group to develop the strategy and for the strategy to go out to consultation? Will the minister confirm that the consultation will not be completed before the end of February 2004? Will he tell us at what point after that we are likely to have sight of the Executive's strategy and when we can expect some action to be taken to begin to tackle the problem? On what basis will the Executive decide which elements it will pick and choose to form part of the final strategy that it will agree? Does the minister have any views of his own as to what should be in that final strategy and, if so, will he enlighten us as to what they are?

Malcolm Chisholm: Shona Robison made a great many points. The leading one was about the time that it has taken to reach this stage, but, in a sense, she answered her own question. She said that, at the end of 1999, the Executive established a new group to establish a demonstration project—I do not have the exact name—which is a

separate issue. That project was, of course, the healthy respect demonstration project, which is on-going and from which we have set up a learning network for sexual health. Many lessons are being learnt from that project, but Shona Robison must know that that group was not the expert group. I set up the expert group in my first year as Minister for Health and Community Care. I appointed the members and gave the group its broad remit, which was important.

The expert group asked me for an extension of time to allow it, as part of its work, to carry out a more comprehensive consultation and involve more of those who have expertise in the area. There are valid reasons for the time that the work has taken.

I hope that Shona Robison will also agree that there are valid reasons for our carrying out a proper consultation on the issue, which is why it would be wrong for me to give the Executive's view of each recommendation in the report. I have made the Executive's general position absolutely clear, but it is right that the people of Scotland should be involved in deciding the final strategy on this important issue.

I will mention a matter on which I did not want to spend too much time in my statement. Given that the report comes from the expert group, it was up to that group to launch the report, which it was due to do at 1.30 today. If the report got to the media at 1 o'clock rather than 1.30, I had no control over that. The point is that the report would go to the Parliament when the expert group released it. It is not my report; it is the group's report.

Mr David Davidson (North East Scotland) (Con): I thank the minister for providing an advance copy of his statement. I, too, welcome the report and the work of the reference group. I agree with the minister that no quick fixes are available, but I have deep concern that the targets are not sufficient to deal with the growing problems of sexually transmitted infection and youth pregnancy.

Does the minister agree that the first step must be through education in a moral climate and that parents must approve what their children are taught in school about relationships and sexual health? Does he agree that parents must be supported in changing the current prevalent culture to one in which young people delay starting sexual relationships until they are mature enough and have a full understanding of the implications and risks involved? Why does the minister think that appointing a tsar will influence young people, when parents have the best opportunity to educate their children?

Malcolm Chisholm: I remind David Davidson that the proposal for a tsar comes from the expert

group which, he will accept, is a broadly constructed group that represents many key players.

To return to the beginning of the question, I observe the slight irony that the man who lambasts me every other day of the year for having too many targets is now criticising the group for not having enough targets. Passing over that, I agree that the parents' role is central and I am glad that the expert group takes the same view. Our present guidance on sex education in schools—which flows from the McCabe report, which the present report endorses—lays out that the involvement of parents is crucial. I agree entirely with David Davidson on that point.

One of the points that the group makes—partly because it was given such a broad remit—is that, apart from the headline issues of sexually transmitted infection and teenage pregnancy, there are other big issues about the social and wider ethical and cultural influences on sexual behaviour. One of the points that the group flags up, which I mentioned in my statement, is that many people regret that they began sexual activity so young. The group has taken that point on board and we also want to do that. Because the group had a broad remit, that point came through. We intended that to happen because we do not want the issue to be considered narrowly; we must consider the wider issues of attitudes, emotions and values.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): I warmly welcome the publication of the strategy and the substance and tone of the minister's statement.

Does the minister agree that, by its nature, sexual health is a deeply personal and private matter? Consequently, does he agree that the many thousands of Scots who seek treatment for sexually transmitted infections, termination of pregnancy or advice and support on a host of sexual matters, often will not speak out about their experience in the way in which patients' lobby groups and individuals in other situations will? Will the minister ensure that, in the consultation process, he employs imaginative methods of reaching out to individuals' experience in a sensitive and confidential way? Will he ensure that, in developing policy on the issue, he does not respond simply to those who have the loudest voices or who are the best organised? Despite the fact that he may not get the same number of representations on this issue that he gets on others—for the reasons that I have given—will he ensure that the necessary action is taken and that sufficient resources are provided to address the needs in Scotland on this vital health issue?

Malcolm Chisholm: I certainly agree with Susan Deacon's main point about ensuring that

the consultation goes beyond the traditional methods of involving people in this matter. As I said in my statement, we are going to set in train a series of measures to ensure that the broadest possible range of people is consulted. I pay tribute to the work that Susan Deacon did in this area when she was a minister, and to the work that she has done subsequently.

I also agree that we must ensure that we listen to those who are silent, as well as those who are vocal on the issue. We must make an effort to get a cross-section of public opinion. I am not hiding from that. We are trying to build the broadest possible consensus around the issue, which is an admirable thing to do. There is a broad consensus around the values that I and the expert group have described, concerning mutual respect and responsibility, irrespective of people's religious beliefs. Those with religious beliefs and those with no religious beliefs share in that consensus, to a large extent, and we want to build this strategy around that consensus.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The Liberal Democrats warmly welcome the strategy on sexual health and relationships—because it is about relationships. On that note of consensus, can the minister confirm that, among the 25 members of the expert group that produced the report, there were representatives of the Church of Scotland, the Catholic church, the Jewish community and organisations such as Children 1st? Can he confirm that all those representatives supported all the 118 recommendations in the report?

Malcolm Chisholm: I welcome the fact that Mike Rumbles has pointed out the key word on the front page of the document—relationships. In many ways, this is a strategy about relationships. We should welcome the fact that, unlike comparable documents in some other places, it takes a broad view and locates sexual health within relationships and within the values of respect and responsibility, which I have highlighted.

I also thank Mike Rumbles for pointing out the broad basis of the group. He referred to the religious people, and I welcomed their presence. Many sexual health professionals were also involved, and I was keen for there to be a representative of Zero Tolerance on the group as well. We wanted to build all those views and perspectives into the group. It is not up to me to speak about the precise views of all the individuals on all the recommendations; it is up to them to speak for themselves. However, the fact of the matter is that they all signed up to the report.

Patrick Harvie (Glasgow) (Green): I add my warm welcome on the publication of this draft strategy. From my background in the voluntary

sector sexual health field, I know that it has been keenly awaited and that much in the strategy will be welcomed.

Would the minister endorse the view, which is made clear in the report, that all young people—whatever kind of school they attend—should have a right to sexual health education and services, delivered in a way that is consistent with the holistic and inclusive understanding of sexual health that the minister mentioned?

Malcolm Chisholm: As I have said, in relation to education the expert group is backing the McCabe report and calling for it to be fully implemented. It has been implemented, to a large extent, but if there is still more to be done, that will be taken on board.

Equally, the group is saying that people have a right to sexual health services. There have been debates about the location of those services, and that matter is left open by the report. However, it is clear that people have a right to sex education. The guidance that we have issued on that indicates our broad approach, and much of the thrust of the document is about improving the availability of sexual health services within the broad context of the values that I have described.

Carolyn Leckie (Central Scotland) (SSP): I welcome the publication of the report, especially the contributions of professionals and agencies in providing us with a comprehensive strategy. I will focus on what I have been able to ascertain from the report in the short time that I have had it.

Paragraph 4.64, which is on contraception and termination, states that

“access should not be restricted on grounds of cost.”

The following page states that

“the availability of emergency contraception from pharmacies has helped to improve choice and access.”

Does the minister agree that, following reviews of gynaecological services, for example, there is a problem relating to access at certain outlets, and that access should not be restricted on the ground of cost? Does that apply to emergency contraception, including contraception that is available from pharmacies? Does availability of emergency contraception apply to schoolchildren? Will the minister clarify what the strategy document means and does he support free availability of emergency contraception?

Malcolm Chisholm: Carolyn Leckie has fastened on to one important sentence in the document. We will certainly consult on the matter and give a view in due course. The strategy is clear and some issues relating to the availability of contraception that she mentions have already been taken on board.

I think that all of us support the principle of access to sexual health services in general and that there is no disagreement in principle. Obviously, there is a debate about the location of such services. It is well known that the Executive has ruled out the morning-after pill in school settings, but of course the Executive is not saying that the morning-after pill should not be available. Indeed, it is available in sexual health clinics, pharmacies and through general practitioners' prescriptions. We certainly support such routes.

The Presiding Officer: About seven minutes are left for questions. If questions and answers are kept reasonably tight, we might just about get in all members who wish to speak.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): I, too, welcome the minister's statement and the publication of the expert group's sexual health proposals. However, in the consultation that the minister will undertake, will he assure members that the views of young people and of professionals will be given equal weight? Will he also undertake, in the forthcoming strategy, to examine the point that patient lifestyles and their compliance with contraception must be fully considered when determining the form of contraception to be prescribed?

Malcolm Chisholm: On the member's first question, I strongly agree that young people will have to be involved as fully as the other groups whose views will be sought. We will certainly ensure that we approach the matter in the most imaginative and innovative way that we can.

On the second question, prescribing contraception is fundamentally an issue for those who are involved in prescribing; I hesitate to intrude on their territory. However, I am sure that all of us accept the general principle that Margaret Jamieson has enunciated.

Fiona Hyslop (Lothians) (SNP): Does the minister appreciate the frustration that many members feel? We are at an important staging post in the debate, but we have not had time to read the document. Even if we had had enough time to read it, the minister says that he cannot answer many questions that he is being asked about its content and he is neatly—actually, quite clumsily—sidestepping them.

When will the minister publish a strategy? He has confirmed that this is not a strategy but is, rather, proposals that he has not endorsed. What will happen in the meantime? I managed to read page 9 of the summary document in which the reference group talks about the healthy respect project that is being piloted in all schools in Lothian. If the minister wanted to choose to pilot the project in all schools in all regions, could that be done now, or will we have to wait until some

time in the future? When will we know what the minister wants to do, rather than just what the summary content of the document is?

Malcolm Chisholm: I do not know where to start after all that. I would have thought that, as a result of the consultative steering group principles—which I thought we all supported—we would welcome the fullest possible consultation. Indeed, if I gave the final say on 100 recommendations today, I am sure that Fiona Hyslop would attack me for making consultation less meaningful, if not meaningless.

The reality is that we will have a debate in the Parliament, subject to the view of Fiona Hyslop and the other members of the bureau. That is what the Executive proposes. We will have a wide-ranging consultation that we hope will be—I am sure that it will be—more inclusive than a traditional consultation. We will end that at the end of February.

Obviously, we will produce the final strategy soon after that. That does not mean that there is no other activity going on simultaneously in this area. For example, the healthy respect programme is about to go into its next phase and the Caledonia youth project, which has set up excellent services in Glasgow, Dundee, Falkirk and Edinburgh, is being funded by the Executive. Furthermore, we give £8 million to health boards each year to tackle blood-borne viruses such as HIV and hepatitis C. Such work does not stop because we are consulting on a more general strategy, although I stress that it is important that we get that long-term strategy right.

Margaret Smith (Edinburgh West) (LD): I welcome a lot of what the minister has said, in particular what he said about respect and self-esteem. The work that can be done in our schools to build up young people's self-esteem will be as important as many of the other services that are provided.

I would like to focus on genito-urinary medicine clinics. People are being encouraged to take greater responsibility for their sexual health and to go for regular testing and screening, but there is evidence to suggest that GUM clinics do not have in place the resources to do the job that they might be needed to do, given that we can at present see only the tip of the iceberg in relation to chlamydia figures and so on. Will the minister consider properly resourcing those clinics?

Malcolm Chisholm: The section on sexual health services—roughly from page 41 to 62—is the most substantial section of the report. Obviously, the issues that Margaret Smith has raised have been examined comprehensively by the group. We should acknowledge the model of service that has been produced. There is a tiered

service that has five levels and it is proposed that various services should be networked consistently with the general model of managed clinical networks that we have for other services.

We are committed to providing funding for the services that Margaret Smith mentions but, once again, I have to say that I will be able to give details of the precise amounts at the end of the process rather than today. I assure Margaret Smith that we acknowledge that funding is required for the strategy and that we will take that fact on board.

Elaine Smith (Coatbridge and Chryston)

(Lab): The document says that it is not known how many young girls in Scotland have undergone female genital mutilation. Does the minister agree that female genital mutilation is clearly an issue of violence against women and children? Can the minister indicate at this stage whether he is committed to the recommendation that there be further research, training and education in this regard?

Malcolm Chisholm: I agree with Elaine Smith's point about violence against women. I would also like to flag up the fact that the dimension of violence against women has been built into the draft strategy. Gender is an important aspect of the issues that we are discussing today.

I thank and congratulate the group for taking such a broad view and for encompassing gender and health inequalities as well considering as the media and the other broader issues to do with social, cultural and ethical influences on sexual behaviour.

I entirely agree with what Elaine Smith says. Although I cannot respond to every recommendation today, I welcome in general terms the recommendation that Elaine Smith refers to.

Maureen Macmillan (Highlands and Islands)

(Lab): I, too, welcome the minister's statement that self esteem and respect for others will be pillars of the strategy. It is of great concern that we have the worst record in Europe for teenage pregnancies; I believe that there is a strong link between misuse of alcohol by teenagers and early sexual activity and the resulting unplanned pregnancies. I welcome the Executive's commitment to dealing with alcohol abuse and the proposal to enhance sexual well-being, but I ask the minister to assure me that he will not ignore the link between alcohol abuse and teenage sexual activity and pregnancy.

Malcolm Chisholm: I cannot disagree with Maureen Macmillan. The aspect that she raises is another dimension of the problem that will be examined. Indeed, my colleague Tom McCabe is examining the issue in relation to the broader

alcohol strategy. The sexual health agenda overlaps many other agendas, which is another way of saying that we have to approach the subject holistically.

As that was the last question, I take this opportunity to thank the expert reference group for its comprehensive, well researched and positive report. The report needs to be considered in the round—I hope that it will be considered by the people of Scotland in that way. We shall certainly do everything that we can to ensure that that happens.

Alternatives to Custody

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-562, in the name of Pauline McNeill, on the former Justice 1 Committee's report into alternatives to custody. I call on Pauline McNeill to speak to and to move the motion on behalf of the current Justice 1 Committee.

15:11

Ms Pauline McNeill (Glasgow Kelvin) (Lab): The debate that we are about to have comes from the work of the Justice 1 Committee in the previous session. It is the former members of that committee whom we should thank for their thorough report on alternatives to custody, which comprises two volumes and at least 15 recommendations. Michael Matheson represents our only continuity with the previous Justice 1 Committee; I am sure that he will provide a sharper insight into why the committee came to its recommendations. My main aim was to allow the debate to take place.

The current Justice 1 Committee and Justice 2 Committee, when discussing their future work programmes, thought it important that one of the committees should bring the report on alternatives to custody to the Parliament for debate. They wanted to do so first, to ensure that the good work of the previous Justice 1 Committee did not go to waste; secondly, to give the Executive an opportunity to respond to the report on the record and, thirdly, to establish the views of the Parliament in order to determine what further work might need to be undertaken by the new Justice 1 Committee to take the report forward.

We want to ensure that any work that the Justice 1 Committee goes on to undertake has a new focus, and we are keen to hear any new points that might be made in the course of the debate, perhaps in relation to other jurisdictions that have been more successful on community sentencing. That might give us greater depth in ascertaining what options might be available.

It is important to note the background to the debate. The justice committees heard last week from the chief inspector of prisons for Scotland that Scotland's prison population was at an all-time high of 6,723 prisoners in May 2002. The total available accommodation is 6,055 places. People are being sent to prison for longer and more people are being remanded; a staggering 49 per cent of all receptions into Scottish prisons in 2002 were on remand. In Barlinnie prison, half of the total number of prisoners were on remand. Scotland has the highest use of custody in Europe, apart from England and Wales.

We heard from the chief inspector of prisons that overcrowding is now so serious that it is affecting our ability to deliver rehabilitation and better conditions, although conditions are currently quite humane in Scottish prisons. Conditions are made more severe by the increase in overcrowding, and its impacts on staffing mean that family visits are being curtailed. Such visits are an important aspect of prisoners' lives and, vitally, of their rehabilitation.

Phil Gallie (South of Scotland) (Con): On the figures that she has just related to Parliament, does Pauline McNeill recall the early days of the then Justice and Home Affairs Committee, when it discussed these issues with the then Minister for Justice and with representatives of the prison authorities? Did not we forecast then that such overcrowding would arise, and did not those witnesses take a rather complacent view of the situation at the time?

Ms McNeill: Mr Gallie is asking me to recall a debate that I think was held four years ago. My recollection is that, in the course of our cross-examination of witnesses from the Scottish Prison Service, we were able to draw out the fact that an increase in the number of prisoners was expected—that has come to fruition.

The work that was undertaken on women prisoners by the ministerial group on women's offending showed that about 50 per cent of the female prison population are fine defaulters. Consensus has developed in the Parliament over the years that women's offending must be a priority for the Scottish Executive. The will exists, but we need to ensure that we are taking the right steps and that it is a number 1 priority. Too many women are locked up in prisons while alternatives to that should be made available.

Those are some of the background issues that have focused our minds more sharply on alternatives to custody.

Regardless of the debate, we should address the problems in our prisons. That is not a reason to turn to alternative sentencing, but it is a reason to debate what could be done better in our criminal justice system and to debate how we can give the courts more options and more confidence in alternative disposals. If the current trend continues, we will be required to build more prisons, to have a dramatic change in policy or to consider a change in the way in which our courts view the effectiveness of community sentencing and alternatives to prison. That is the theme of today's debate.

Recent figures show that 82 per cent of prisoners serve less than six months in prison. The report addresses that issue. There has been much talk about the benefits of short-term

sentencing and many witnesses have argued that the Scottish Prison Service cannot rehabilitate offenders within a short period—the implication being that we should use alternatives to custody, which have a better prospect of tackling offending behaviour. The former Justice 1 Committee recommended greater use of such alternatives. I support the committee's position, but I offer one word of caution. The Sheriffs Association points out that although it is true that short sentences do not present an opportunity to reform offenders' behaviour,

"The reconviction figures of those who receive a custodial sentence are bound to be bad"

because

"We are talking about people who are in no mood to co-operate with society."—[*Official Report, Justice 1 Committee*, 18 February 2003; c 4626.]

I agree, in the sense that we must not generalise by saying that all short-term sentences are valueless. We must indicate specifically which sentences we want to do something about.

As we heard from the Sheriffs Association, prison should be the last and best resort. We have heard on the record much important information about how sheriffs view short-term sentencing and we need to get to the root of why there is not more reliance on community sentences. Does it really boil down to a lack of confidence in the provision?

In our analysis of what is best for society, we must, as well as taking care to consider the best outcome for the offender, consider the outcome from the victim's viewpoint. To keep that balance right, it will still be necessary to use short-term sentences. The test should be whether a community sentence that is in the interests of the offender because it allows the offender to reduce offending behaviour is also in the interests of the victim. That is a complex balance to maintain, but the principle is important.

Safeguarding Communities-Reducing Offending and others have argued that prison should be an option only where it is required for the safety of the public. That is a simplistic argument and I do not entirely accept it as the only reason for a custodial sentence. Crimes of dishonesty such as house-breaking and theft may not indicate that an offender is a violent person per se and the public may not need to be protected from them. However, prison may still be appropriate in cases where the victim's private space has been violated by robbery and their personal possessions have been rummaged through, because of the harm that the offender has caused—especially if they have a long history of crime.

I believe in restorative justice and I commend the Executive on the work that it has done on that policy. However, restorative justice can benefit

society and victims only if victims agree to engage in the process.

Currently there are five community disposals, although those are not available to all courts. Since the Executive was established, it has introduced two new sentences. Probation orders are designed primarily to allow an offender to address social problems. Community service orders, on which this debate will focus, offer an explicit and direct alternative to custody. Drug treatment and testing orders are beginning to be rolled out this year and there are also restriction of liberty orders.

Drug treatment and testing orders have proved to be very effective, because they are a seriously high-tariff disposal and make the connection between offenders and drug addiction. It is important to review constantly how we apply such orders, because we must ensure that there is early intervention. I understand that to be admitted to a DTTO programme an offender must have committed a sufficient number of offences. Others who have offended four or five times may not qualify. Perhaps early intervention would be more appropriate.

The supervised attendance order is designed to reduce the number of short-term admissions to custody for fine default. I am sure that this afternoon the Executive will focus on the announcement that it has made and that the Parliament will welcome that. In the previous Justice 1 Committee's report, sheriffs argue that in almost all cases the courts do not impose a prison sentence unless they are of the opinion that no other means of disposal is appropriate. However, in order to satisfy the test of appropriateness, the alternatives must be credible and the court must be confident that the community order will commence, that the probation will be supervised and that the offender will attend for rehabilitation.

It is inevitable that there is scepticism about alternatives to imprisonment, because sentencing is often based on the offender's history. Sheriffs are discouraged from using community sentences if there is a problem with the way in which schemes are being run, if there is a delay in commencement or if there is non-compliance with that sentence. Sheriffs often find that there is a problem with a particular community scheme when a social inquiry report is presented that shows that an offender has re-offended.

Sheriff Lockhart said in his evidence to the committee:

"It is difficult to gauge effectiveness in the sense of preventing people from reoffending ... The people who are sent to prison are likely to commit other crimes when they are released, because they have already reached the end of the line."

As the current justice committees identified when they were discussing the budget process, it is difficult to assess the incidence of recidivism among those who have been given a prison sentence as against those who have been given a community sentence, because we are not necessarily comparing like with like. We suggested for that reason that there should be more research.

Sheriff Lockhart went on to say:

"There is no question of reforming an offender's behaviour during a short custodial sentence. Such a sentence is seen as a punishment for failure to co-operate with the other facilities that are available." [*Official Report, Justice 1 Committee*, 18 February 2003; Col 4626.]

In my view, support for alternatives to custody rests not just on the need to reduce the prison budget or the prison population, but on the fact that community sentencing can be more effective than prison in some cases; we need to ensure that a sophisticated approach is taken.

The previous Justice 1 Committee made a number of recommendations, many of which it is important to consider. That committee suggested that the Executive should map annually a clear picture of what programmes are available and what they can achieve. Although the Executive provides that information, it is important to make it available annually.

Fine defaulting is the main reason for court disposals in our criminal justice system, so I welcome the Executive's announcement this morning that it will recommend a supervision order, rather than prison, as the proper disposal for fine defaulting.

The use of electronic tagging orders is a new disposal that has been available to the courts since May and which has proven to be an effective community sentence. However, if we are going to use electronic tagging for remand prisoners, we need to ensure that the same philosophy applies. Just because it works for those who have been convicted, it does not necessarily follow that it will be effective for those who are on remand. However, it is an important option.

The previous Justice 1 Committee made a number of important recommendations, all of which are worthy. I commend the voluntary sector for the work that it has done on community sentencing and I know that it will be expected to do more work on that. I support whole-heartedly the former Justice 1 Committee's report.

I move,

That the Parliament notes the 3rd Report 2003 (Session 1) of the former Justice 1 Committee, *Inquiry into Alternatives to Custody* (SP Paper 826).

15:23

The Deputy Minister for Justice (Hugh Henry): I thank the former Justice 1 Committee for producing the report and I congratulate it on its work. The report is an excellent example of a committee of the Parliament not just scrutinising and holding the Executive to account, but trying to contribute to shaping policy and influencing practice throughout Scotland.

The subject is important and the debate is timely. As Pauline McNeill said, there have been a number of developments since the committee did its work, but it is obvious that much more needs to be done. The report provides a sound analysis and it is broadly consistent with what the Executive is pursuing.

We recognise that some individuals need to be imprisoned to protect the public, but we also have a responsibility to provide effective alternatives. That is in line with the report's first recommendation, which is that

"community disposals should be actively promoted ... as an alternative to short term prison sentences".

The committee concluded—I agree with this—that short-term prison sentences offer limited opportunity for rehabilitation. They help to fuel the increase in the prison population and they put a burden on local services when prisoners are released back into the community, sometimes without having had any support work done with them. We have to ask whether that is the best that we can do.

We have already made progress by extending the range of community sentences that are available to the courts. We have introduced restriction of liberty orders and electronic tagging throughout Scotland, as Pauline McNeill said. Drug testing and treatment orders will be available nationally by the middle of 2005. We have built on the success of DTTOs in the pilot drug courts in Glasgow and Fife. As the partnership agreement says, we will use that model for drugs courts, as appropriate, where they are needed. The findings of the independent evaluation of the pilots will inform our decisions on future policy on this matter.

Over the past four years, we have succeeded in creating a wide range of community sentences that target specific offences and the circumstances of specific offenders. It is encouraging that the committee's report concluded that, although there may be scope for new community disposals, it might be more effective to focus on the more efficient use of existing sanctions. That is very much in line with what we mean to do in the next four years; we want to develop and provide effective programmes that have been shown to work in reducing reoffending.

Just as the committee wants us to do, we want to focus our efforts on the needs of certain problem groups in society. We are introducing measures to deal with fine defaulters, who are a special group of short-term prisoners. We will pilot schemes that make mandatory use of supervised attendance orders for certain fine defaulters. We will withdraw the option of custody and we expect to see a significant impact on the number of fine defaulters who go into custody.

The time-out centre in Glasgow will be fully open within the next few weeks. That centre will offer an alternative to prison for women from Glasgow and the surrounding area. It combines a detox facility, a residential unit and day programmes, as well as providing health services and outreach to other community facilities. When it is fully operational, the centre will have the capacity to cater for 75 women a day and the residential unit will have 14 beds.

Similarly, in June, we set up a youth court in Hamilton to deal with persistent 16 and 17-year-old offenders. Early indications are that the process is working well. Young people are being fast-tracked into the court and on to programmes that are designed specifically to address their offending behaviour. Our aim is to get those young people off the conveyor belt of crime and to give much-needed respite to communities that suffer at their hands.

I was pleased last month to announce new funding for arrest referral schemes. Arrest referral allows individuals who have drug-misuse problems to gain access to treatment at the earliest stage in the criminal justice process. The scheme will operate within police cells or court premises and will involve close co-operation with police and court services. We now have a full range of interventions for offenders whose crimes are linked to drug addiction—for people who have their first contact with the law, through to people who have long histories of drug addiction and acquisitive crime to feed their habits.

Miss Annabel Goldie (West of Scotland) (Con): Is the minister concerned about the level of drug addiction among people who appear before the district courts in Scotland? Does he feel that adequate measures exist to bring those people into some system of rehabilitation and monitoring?

Hugh Henry: I am generally concerned about the number of people with drug addiction who appear before all our courts. At the moment, we are considering the district courts as part of a wider review. However, the Executive has made it clear that we are determined to punish and imprison those who need to be punished and imprisoned and to help those who need help and can be turned away from their criminality, irrespective of which court they come before.

Christine Grahame (South of Scotland) (SNP): Many of us share the minister's concern that we should put in prison only those who require it. Criminal justice system social workers are key to any such schemes. I am not sure of the current figures, but the figures for 1999 show that there were 627 such social workers, in 2000 there were 624 and in 2001—the last year for which figures were given to me in a parliamentary answer—there were 612. The minister might not be able to tell me now about the present number of criminal justice social workers, but—if we are considering the alternatives that he mentions—I would like to know whether the figures are going down.

Hugh Henry: That is not my understanding. I will try to get some more information for Christine Grahame on social work, but we are certainly investing more. During the past few years, we have encouraged more people to take social work courses and we are looking to see what we can do to increase the number of social workers that are available. We know that they are important to the process.

The point that I was making is that we now have a full range of interventions for offenders whose crimes are linked to drug addiction, from the point when they first come into contact with the law right through to those who have a long history of drug addiction and acquisitive crime to feed their habits. That has been supported by an increase in resources; by 2005-06, funding for those services will have more than doubled over the previous five years and will stand at £88 million.

We want to see results. Despite record investment and an increasing number of community services, we have not achieved the reduction in the prison population that we want, which is why the Executive has concluded that a more radical approach is needed. We are setting up the sentencing commission under Lord MacLean and, on the single-agency debate, we are considering how to bring together some of the criminal justice social work issues, such as what happens in prisons and how to reduce reoffending. We believe that there should be better synergy between those who work in the different processes. We need to find appropriate structures to support people.

We will also be informed by the work that the former Justice 1 Committee commissioned on public attitudes to sentencing. In the context of this debate, it is interesting that that study found that the more information participants were given, the more open they became to the use of alternatives to custody.

In conclusion, I thank the former Justice 1 Committee for its excellent report, which gives us much to ponder and points the way forward. It

coincides with much of what the Executive wants to achieve and it will be a catalyst for further action.

15:32

Michael Matheson (Central Scotland) (SNP):

As a member of the committee that was involved in carrying out the inquiry, I welcome today's debate. I must confess that I was surprised to read today's Executive press statement, which claimed that this debate on alternatives to custody is an Executive debate, despite the fact that it was initiated by the Justice 1 Committee. I know that ministers are keen to claim credit for things, but the credit really lies with the committee.

Scotland and many other countries around the world have come to treat imprisonment as more than just a possible answer; it is treated as a solution to tackling the problems of crime. In its evidence to the committee, the Scottish Consortium on Crime and Criminal Justice stated:

"prison holds much too central a place in our thinking about criminal justice, when it should be a marginal part of the response."

That highlights the particular problem that we face.

In response to the Justice 1 Committee convener's invitation to provide a sharper insight into the rationale for the inquiry, there were two main reasons why the committee chose to undertake the inquiry. The first reason was the evidence that the committee received during its inquiry into the prison estates review. In my view, it was wrong to carry out a prison estates review without considering wider custodial policy. When one considers that our nation has the third-highest rate of locking people up in Western Europe and that our prison population is predicted to grow by 16 per cent over the next decade, it is clear that to maintain the status quo is not an option.

I believe that the second reason why the committee chose to carry out the inquiry was to show leadership in pushing alternatives to custody, which is one of the routes that the Executive should take. As the report clearly demonstrates, we must ensure that we have sufficient robust community alternatives to tackle the problem of recidivism, by utilising and improving effective community disposal measures.

We must first recognise the reality about short-term prison sentences as an effective solution. Overwhelming evidence was submitted to the committee by the criminal justice forum, the director of the criminal justice social work development centre for Scotland, the Sheriffs Association, academics from a number of institutions and experts in the field, all of whom acknowledged that short-term, six-month prison sentences do little to address the problem of

prisoners who are constantly in and out of prison. The evidence revealed that short-term sentences do not provide much opportunity to rehabilitate people and to work with them to prevent reoffending. From my own visits during the prison estates review, I know that short-term prisoners felt that they had little opportunity to address their offending behaviour if they had chosen to do so.

The majority of the evidence that was submitted to the committee suggested that community-based sentences were much more beneficial to society and to the 82 per cent of prisoners who serve less than six months in prison. However, during the inquiry, it became clear that one of the main barriers to the promotion of alternatives to custody was the public's perception that we are going soft on crime.

Sentencing policy must have an element of punishment to it, but it must also be effective in tackling the problem. That is why the committee believed that there is a need to move towards more community-based alternatives; that conclusion had cross-party support.

The Minister for Justice (Cathy Jamieson):

Does the member agree that considering alternatives to custody is not about being soft on crime but is the "smart option", to quote an earlier press release? I hope that the member will welcome that and will talk constructively about the discussions on a single agency to act on those ideas.

Michael Matheson: The minister should have given me time to move on. We need a custodial policy that addresses the problem effectively. It is up to the minister to decide whether to use the buzzword "smart". We need an effective system and that is what I seek.

The committee acknowledged that community disposals should be targeted at people such as those who default on fine repayments. I acknowledge the minister's earlier announcement on that. We have our view on the issue of unit fines in tackling that problem. I repeat my concern that supervised attendance orders place a considerable burden on criminal justice social workers, who came before the committee earlier this year and highlighted the problems with the resources that are available to them. That must be addressed.

The judiciary plays a key role in implementing community disposals. We must ensure that our judiciary has the knowledge and confidence to use the available alternatives. During the committee's inquiry, the Sheriffs Association gave clear evidence that there are problems with ensuring that sheriffs have the information they need to support the programmes effectively.

The committee did not have time to consider an issue in which I have a particular interest—

periodic detention or weekend prisons. They could make a significant contribution to tackling overcrowded prisons and recidivism. The proposal has worked successfully in countries such as Australia, New Zealand, Scandinavia, Canada and the United States of America, and I hope that the Executive will consider it.

If we get the balance right between locking up those who should be locked up and working with those who should be in the community and should receive community disposals, we can achieve a balance in our custodial policy that will make Scotland a better place.

15:38

Miss Annabel Goldie (West of Scotland) (Con): I welcome the opportunity to acknowledge the work of the former Justice 1 Committee in compiling such a full and informative report. This is an occasion on which it is helpful to consider not only a certain aspect of law and order in Scotland but the wider picture.

Pauline McNeill spoke eloquently about the report and the current backdrop to it. Unfortunately, alternatives to custody fall to be considered only when people have committed crimes and have been convicted of those crimes and appropriate disposals have to be considered by the court. It is of paramount importance to meet head on the challenge of reducing crime in Scotland. We have a Scotland where a crime is committed every 1.2 minutes.

Christine Grahame: I think I must have misheard the member. The alternatives to custody inquiry also dealt with remand prisoners who are not convicted.

Miss Goldie: I thank Christine Grahame for drawing attention to my perhaps sloppy use of text.

This is a Scotland where serious crime exists. Violent crime is up since 1997, vandalism is up since that time, and drugs-related crime is up 37 per cent over the period. Sadly, this is a Scotland where a quarter of our people do not feel safe outside their own front door.

The most important question to be answered is why the Executive is not tackling that problem at grass-roots level by providing more police in our communities to catch those who commit crime and to deter those who are tempted. Our police numbers are now only marginally greater than they were in 1997, but many more obligations fall on our police, which take them out of operational duty. I have referred before in this chamber to the New York experience. We should draw from that the fact that in New York there is one police officer for every seven recorded crimes, whereas in

Scotland we have one police officer for every 27 recorded crimes.

Of course, although by taking the same approach we could reduce dramatically the incidence of crime, we shall always have to consider appropriate disposals for those who commit crime. In my judgment, the court has to be the sole determinant of what is an appropriate disposal. As I have stated frequently, if that is a custodial sentence, the sentence served should be the sentence imposed and any element of remission should be earned. Indeed, one of the important views to come out of the Justice 1 Committee's report was the reflection of public attitudes to sentencing, which ranged from public backing for greater truth in sentencing to a lack of understanding by the public about early release, and an increase in cynicism about and distrust of the system.

Among other disposals, we have fines, about which the Deputy Minister for Justice has been voluble. Inevitably, his press release focused attention on that issue, and it is to that issue that I wish to address my remarks. According to a parliamentary answer, the amount of outstanding fines in 2001-02 was £11,533,923. We know from the former minister Richard Simpson that many people expunge their fines by presenting on a Thursday morning, and they are out by Friday—in other words, there is a 24-hour write-off of liability, which is a very smart option. Incidentally, that process costs the taxpayer somewhere between £400 and £500. What is shocking is that non-payment of fines has reached that level.

Cathy Jamieson: Does Annabel Goldie accept that there is a difference between the amount of fines that is outstanding, which may be being paid by instalments, and the amount of fines that are written off?

Miss Goldie: Yes, I accept that there is a difference, but it is also relevant to assess in some quantifiable form the figures that we are talking about. The figure in the answer to the parliamentary question is, by any standards, a very significant figure, and it should not be forgotten by the Executive.

We should also remember that the court has determined the fine having regard to the circumstances of the convicted criminal. The convicted criminal should then pay the fine, and non-payment should be robustly pursued by diligence. Statutory provision exists for that, as does statutory provision to allow for the deduction of fines from convicted criminals on benefit.

The question that the public wants to pose is, how many extra police would have been provided if many of those fines had been paid or ingathered? That is the question that the minister

must answer. What effort has been expended on recovering fines? The Deputy Minister for Justice referred to that in his speech, and I know that he referred to it in an earlier interview, but there is little evidence to demonstrate how effective recovery processes have been, and whether they have been instigated to any extent.

What is deeply disturbing is that, because of the apparent inertia in recovering fines, significant numbers of people have ended up in prison. Apart from the legitimate question of whether that is a sensible use of resource, sadly we seem to have fallen into a culture of, "Won't pay, see no need to pay and have no intention of paying. Go direct to jail." That may suit the publicity seekers of this world, such as Tommy Sheridan, but would not much more good be achieved if those fines were pursued—as the law provides for—and the prison option became academic?

Supervised attendance orders, to which the minister referred, raise an important issue. A Conservative Government introduced those orders and affirmed them with the Criminal Procedure (Scotland) Act 1995 but, if I understand the minister's press release correctly, he proposes that supervised attendance orders will become mandatory if there is a fine default. That is objectionable. It is not the power of the Executive to interfere with the proper discretion of the courts.

The Deputy Presiding Officer (Trish Godman): Please wind up.

Miss Goldie: If I may conclude, Presiding Officer, I was quite generous with my interventions, so I thought that I might get a little elasticity.

It seems to me that the Executive, in purporting to deal with the problem, is not solving the obvious aspect, which is to do more to collect fines that are due. It is walking away from the real problem, which is how to cut crime in Scotland.

15:45

Margaret Smith (Edinburgh West) (LD): I welcome the opportunity to speak in the debate. Like previous members who have spoken, I pay tribute to the work done by the Justice 1 Committee in the previous session of Parliament.

It is clear that there is quite a lot of consensus among key players in the debate, whether they be members of the Justice 1 Committee and Justice 2 Committee, the Executive, the voluntary sector—which does a wonderful job in providing community disposals in the schemes in which they work—or the Scottish Prison Service.

We are talking against a background of a rising prison population—6,700 people in 2002. Her Majesty's chief inspector of prisons for Scotland

pointed out last week when he spoke to a joint meeting of the Justice 1 Committee and Justice 2 Committee that the major problem facing our prisons today is overcrowding, which has a substantial impact, as it causes stress and tension within our prisons and takes up management time. It also affects the ability to deal with the needs of prisoners and to provide throughcare at the end of their sentences. Crucially, it also hinders effective rehabilitation.

That brings us to why we want to arrest people. We arrest them and put them into custody for a number of reasons. There is an issue of justice, and Pauline McNeill mentioned victims. In this debate, we should never get too far away from the rights of victims. For obvious reasons, it is easy to focus on the rights and needs of prisoners, but we must consider the issue from the balanced point of view of the needs of the justice system overall. We should always remember the needs of the victims. They, along with many of us—I think all of us—want an effective justice system, which delivers a service that will help rehabilitation, so that other people will not fall victim to the criminals to whom they fell victim.

Within the custody system, we must see the need not only for justice but for punishment, public security, rehabilitation and deterrence. In relation to several of those points, we are seeing that prison does not work. Prison is not working as a deterrent, nor is it working in terms of rehabilitation. The chief inspector of prisons for Scotland made that clear last week.

The Justice 1 Committee's report contains a number of important recommendations. One is the need to reduce the use of short-term prison sentences. The highest level of reoffending—55 per cent—is among people who have been sentenced and who have served three to six months in prison. There is a lack of rehabilitation. The proper time and resources are not being spent on people when they serve short-term prison sentences. Where possible—this is not appropriate for everybody—we must move away from short-term sentences and replace them with community sanctions.

Another issue is the imprisonment of fine defaulters—20 per cent of people sentenced to prison are fine defaulters. That tends to go against what we would consider to be natural justice. Many of those people are among the poorest in our society. Many of them are women, who have all sorts of other issues. Many of them are people whom we should be helping because they have drug problems, alcohol problems or a variety of other problems. We must examine the issues behind people's offending behaviour and deal with them. It seems to me that to imprison people for fine defaulting is not only ineffectual but plain

wrong, when we could use alternatives such as supervised attendance orders. I welcome the minister's announcement today.

Would a victim of a crime think it is more effective if someone is banged up for a relatively short period of time, comes out and carries on doing the same thing or that it is more effective to put them on an effective community supervision order, which might cause them to address some of the reasons why they offend in the first place? The key point is which option is the most effective. That is the route down which we should be going. We should put in place measures and targets to reduce the number of defaulters in prison and to address their behaviour in other ways.

Another issue is the number of people who are remanded in custody. Half the people who are in our prisons, such as Barlinnie, are on remand. That is a ridiculous state of affairs. The number of people on remand is increasing. Safeguarding Communities-Reducing Offending in Scotland and others suggest that we need to resource bail schemes with some sense of urgency. They point to the fact that 82 per cent of people in some of the bail schemes in which they have been involved did not offend while they were on bail. They also said that not a single one of those people failed to turn up in court. Yet again, it is a question of what is effective.

Restorative justice brings people face to face with the consequences of their crimes. There are very few victimless crimes, but a lot of criminals act as if such crimes exist. Bringing criminals face to face with the victims of their crimes, where the victim feels that that would be helpful to them, would be a good step forward.

The Executive is taking forward a number of those issues. I applaud it for what it is doing. The proposed sentencing commission is to consider bail and remand, the ways in which fines are determined and the effectiveness of means of reducing reoffending—all of those are good moves. Although people have concerns about it, the single correctional agency is worth considering, as it could bridge the gap between prison and non-custodial sentences in the community. We need to find ways that are effective. One other issue that emerged from the report is the real need for an audit of available services; they need to be effectively measured.

At the end of the day, it is crucial that the judiciary is confident that, if it puts people into the community system, they will be effectively monitored and, if they breach their disposals, quickly brought back to court. The public must also have confidence in the system.

The Deputy Presiding Officer: We move to the open debate. I call Maureen Macmillan, who has six minutes.

15:51

Maureen Macmillan (Highlands and Islands (Lab): I have been busy scoring out part of my speech, as I thought that I would not have time to get it all in, but perhaps I will be able to.

Like Michael Matheson, I am one of the remnants of the Justice 1 Committee from the first session of the Parliament. Like him, I was very involved in the report, which took us a year to produce. We took a lot of evidence and made many visits to prisons and community projects in which offenders were being offered alternatives to custody. The report is one of the most interesting that I have worked on in the Parliament. What emerged from it was the idea that the offenders who would benefit from alternatives to custody are minor offenders. As Margaret Smith said, they are the 82 per cent of prisoners who serve sentences of less than six months.

We have to consider that a short prison sentence might be counterproductive. For example, the offender might lose their job, be introduced to drugs or make criminal connections as a result of the sentence, all of which make it more likely that they will reoffend. I believe that the aim of the criminal justice system should be to prevent reoffending and thereby cut crime. The victim of a crime will not be impressed if an offender comes out of prison after a couple of months and immediately repeats their crime. Their short time in prison means that no programmes on anger management or cognitive behaviour are possible. Prisoners on short-term sentences of between three and six months have the highest reoffending and return-to-prison rates of any group of prisoners.

It seems that short-term prison sentences do not prevent reoffending. In addition, they cost a great deal more than non-custodial alternatives. Evidence suggests that non-custodial alternatives are at least as successful, if not more successful, at preventing reoffending. However, the only evidence that we have is from the organisations—mostly voluntary organisations—that offer the alternative programmes. We need an objective evaluation of the success of community disposals. Pockets of information and evaluation are available, but the criteria are inconsistent and there is a lack of collation of the results from across the country.

The committee was made aware of the successful disposals that are run by the voluntary sector in particular parts of the country. However, no matter how successful they are, those disposals are not replicated throughout Scotland and, crucially, their year-on-year funding is not guaranteed. That can lead to anomalies, such as a sheriff who is aware of a successful programme in an adjoining sheriffdom but is unable to use it.

That is postcode sentencing. Where a disposal is accessible, there is also concern that sentencers are unaware of it, or if they are aware of it, have no information on its success rate. That seems to be the case particularly with restriction of liberty orders, which, although they are available throughout Scotland, are used in some sheriffdoms but not in others.

We note that the publication of a directory of community disposals will be piloted in Lothian and Borders. Indeed, the Sheriffs Association welcomed such a step, because it wants that information. We hope that such a directory will soon cover all of Scotland and that it can be easily updated and incorporate evaluations of the programmes. We also hope that knowledge of the diversity and effectiveness of what is available will enable sheriffs to use community disposals more often and to use a succession of community disposals for repeat offenders. Perhaps that will mean that they will not try such disposals only once and then send the offender to jail, but will consider a hierarchy of community disposals, which might be better at keeping down reoffending rates.

As the committee was aware of the public's perception that community disposals are a soft option, it held a civic participation event to explore the issue. The event showed the public to be more thoughtful than popular wisdom would have us believe they are and demonstrated that they were willing to support community disposals if the outcomes were successful in preventing reoffending. Communities want to see evidence that the community disposal has happened and that the offender has been dealt with.

The Executive should try to build more public confidence in community disposals. A three-year community sentence with intensive input might be a far better option than three months in prison with little chance of access to rehabilitation programmes. Such a community sentence is a big commitment for an offender, who will perhaps come out of the experience more mature and grown-up and less likely to reoffend than if he went to prison for a few months.

Much of the overcrowding in our prisons is due to the increased number of people being remanded in custody. Many of them pose no danger to the public and are remanded purely because of their chaotic lifestyle or vulnerability. That is particularly the case for women. Indeed, on a visit to Glasgow sheriff court, we were told by a sheriff that women were remanded in custody for their own protection.

The committee considered that prison was not the place for remands who are not a public danger. In that respect, we welcome the creation of the time-out centre in Glasgow, which I hope

will present an alternative to remand for women. We also believe that there must be more investment in bail supervision schemes and bail hostels, and more support for the vulnerable and chaotic in the community instead of simply putting them in prison. I note that the Executive has asked the sentencing commission to address as a priority the question of how we deal with remands.

Concern about the complexity of the funding streams used to deliver community disposals combines with concern over the patchiness of provision, particularly in rural areas. Those two points were made very forcibly when the committee took evidence in Inverness. For example, Peter Flanagan of Barnardo's Scotland pointed out that his organisation relied on seven different funding sources, while Highland Council said that it relied on eight. As a result, I ask the Executive to examine the funding of disposals to find out whether a more straightforward system could be introduced.

15:58

Christine Grahame (South of Scotland) (SNP): I feel a sense of déjà vu to be speaking about justice again. However, it is a subject that I enjoy.

The subject of alternatives to custody is a bit of a political hot potato. We all understand why people—particularly victims—feel an immediate sense of justice when an offender is caught, confesses or is tried and is imprisoned. If only things were so simple.

The criminal justice system should balance the need to be punitive with the need to rehabilitate. Initially, most people have a very simple idea of the matter. However, the civic participation event that Maureen Macmillan referred to—which the Solicitor General for Scotland also attended—revealed that when people are informed of the complexities of disposing of offenders they realise that the whole issue takes on shades of grey. I am glad that the Parliament is debating the issue and hope that we move on with it, because it has been on the go for four years.

Apart from the fact that the matter is not simple, I should point out that prison fails as far as short-term sentences are concerned. The majority of people who serve a six-month prison sentence reoffend and are back in prison six months to two years later.

It costs £14,000 to keep someone in prison for six months; however, it costs £1,325 for a community service sentence, £1,250 for probation and £4,860 for a restriction of liberty order. Alternatives to custody provide a better solution in certain circumstances as far as the public purse is concerned, not to mention the fact that custodial sentences fail.

As others have said, it is disgraceful that so many people are in prison on remand. Some 49 per cent of prison receptions are parties who are on remand—they are untried and therefore not convicted. If those people are convicted, many of them do not end up with a custodial sentence.

The committee found that, although a wide range of community penalties is available, the prison population continued to rise. It was clear that community disposals were at least as effective as short-term imprisonment. Other members might address the fact that we found the provision of alternatives to be patchy throughout Scotland and that we found funding for the voluntary sector in particular to be very bitty. Some people were seeking funding from five or six sources that came in at different times; they spent their time trying to build funding to continue worthwhile programmes. We suggested in our report that an index be compiled of alternative to custody and diversion from prosecution programmes that worked so that we did not have to keep reinventing the wheel.

I heard what the minister had to say about women in custody, which is a great tragedy. One can hardly consider that situation without examining the first preliminary report from the new chief inspector of prisons, in which he comments on Cornton Vale. I cannot remember how often we returned to Cornton Vale when I was the convener and a member of the Justice 1 Committee. The report says:

"The joint thematic review 'Women Offenders—A Safer Way' had recommended that 'the number of women offenders who are sent to prison could and should be reduced'. The 2001 inspection of Cornton Vale restated this and it was suggested then that 'Restriction of Liberty Orders might be a useful alternative for some petty offenders, who might otherwise be sent to Cornton Vale—especially at a time when numbers were reaching record levels.'"

The situation does not seem to have changed. I heard what was said about the time-out centre. The problem is that it is Glasgow-centric and women offenders are scattered throughout the rest of Scotland. We have never resolved the issue that arises at Cornton Vale, which is that many of the women are there because they were soliciting, and they were soliciting because they were on drugs. They are sad, not bad. There are bad people there, but there are many sad people who keep coming through the revolving doors. This Administration has had four years to do something about that and I can see nothing that has changed except the promise of the time-out centre that we have only just received. It is a huge issue.

Ms McNeill: I take the member's point about the length of time that it has taken to address the time-out centre, but I do not want her to disregard the importance of the centre. The reason why sheriffs

do not often recommend community disposals is because health facilities are not available, whereas they are available at Cornton Vale. Such facilities will be available at the time-out centre. I am sure that the centre will work—it needs to be rolled out, as I have argued all along. It is an important development that I hope the member recognises.

Christine Grahame: I am glad that the centre is going to happen, but I am concerned about the time that it has taken and the fact that it will be based in Glasgow. Women with such problems come from throughout Scotland. Behind just about every such woman is a family of children whose lives are also disrupted. We say in our report that the time-out centre should be made available to women across Scotland. Our report also states that there is a requirement for adequate residential places for women offenders Scotland-wide. That is a huge issue for women who are in prison for different reasons from men.

I repeat what I said to the minister about criminal justice social workers—not just social workers. In 2001, there were 612 criminal justice social workers and in 1999 there were 627. Perhaps the minister's researchers will tell us before the end of the debate how many criminal justice social workers there are today.

16:04

Mike Pringle (Edinburgh South) (LD): Why do we need alternatives to custody? As others have said, it is because we send too many people to prison. We have one of the highest incarceration rates in the European Union, with 115 prisoners for every 100,000 members of the general population. We are beaten only by England, Wales and Portugal. That compares with Northern Ireland, where there are 60 prisoners per 100,000, and Finland, where there are 52 prisoners per 100,000.

As we all know, it is expensive to keep people in prison—Christine Grahame has just given the figures, so I will not repeat them. The vast majority of custodial sentences are for short periods: about 82 per cent of custodial sentences are for six months or less. A sizeable proportion of the prison population has not been sentenced to imprisonment: in 2000, 42 per cent were remand prisoners and 23 per cent were fine defaulters, so 65 per cent of those received into prison had not been sentenced to imprisonment or had not been given a prison sentence for their original crime.

In his written evidence to the Justice 1 Committee, Bill Whyte from the University of Edinburgh highlighted that

"Around 38% of custodies in 2001 (average length 10 days) were for fine default for an average outstanding fine of £259".

The committee backed support for concrete measures and targets to reduce the number of fine defaulters who are being sent to prison, and I am pleased about the statement that Hugh Henry made on “smart options” in his press release today. Bill Whyte also gave evidence that approximately 13,000 people were held on remand. Most do not get a custodial sentence, so the alternative of bail supervision should be the preferred option for those offenders.

In his evidence to the justice committees on 4 November this year, Dr Andrew McLellan—to whose report Pauline McNeill and Margaret Smith have referred—highlighted one of his top priorities by saying that the Scottish Executive should “Stop overcrowding”, and added:

“Of the statistics that lie behind overcrowding, the report draws particular attention to the rapid rise in the number of people who are on remand, which has been quite startling over the past two years and has made a considerable contribution to the rise in overcrowding.”—[*Official Report, Justice 1 Committee and Justice 2 Committee*, 4 November 2003; c 95-96.]

Other members have referred to Cornton Vale, but I make no excuse for doing so as well. The rise in remand prisoners is most evident at HMP Cornton Vale: 50 per cent of those who go into the prison are on remand, and most do not end up with a custodial sentence. Many of the prison population of Cornton Vale are there for fine default. Their average sentence is nine days, and their average outstanding fine is £214.

I highlight one particular issue that I have highlighted before—I make no excuse for doing so again. It is a disgrace that many of those fine defaulters are in prison for non-possession of a television licence. Why is that so? It is because those women, some of whom are single mothers, are usually at home looking after their families when the knock on the door from the enforcer comes. I well remember being castigated in the district court by the lawyer because I imposed a sentence of 50p a month for the fine defaulter who came in front of me having been fined £80 for not possessing a television licence. I was told that 50p a month was uncollectable, so my answer was “Don’t bother collecting it.”

Five principal community sentencing options are available to the Scottish courts. The greater use of those powers would reduce prison populations, and I will highlight three of them. Supervised attendance orders are not used nearly enough: only 75 orders were made in 2002. The orders are specifically designed for fine default, and the fact that 38 per cent of offenders are imprisoned for fine default raises the question why they are not used more. I contacted a district court not far from the Parliament to be told that they used to use such orders much more, but they use them much less now. Why is that?

The community service order is another disposal that is available to the court but not used nearly enough. In 2000, only 4 per cent of those convicted were given community service orders, which were also introduced to keep people out of prison. Again, the question is why they are not used more.

We see alternatives to custody in use in other places. New South Wales uses home detention orders, which were introduced in 1996 and more than 79 per cent of them have been completed successfully. Home detention orders confine convicted offenders to their homes under special conditions that allow them to continue to work at home by using telephones and modern computers.

The third alternative to custody is the drug treatment and testing order, which is being trialled in various parts of Scotland, where it is proving effective in tackling drug-related crime. While we are on the subject of drugs, the attitude to cannabis in some police forces where a warning or fixed penalty is given to offenders who possess small amounts for personal use—I have said this before—should be the policy of all police forces in Scotland. Possession of small amounts of cannabis should be no reason for offenders ending up in prison.

We must have the public behind us. If we are to recommend the increased use of community disposals, it is imperative that the public, and victims in particular, are confident in their use. I believe that, once members of the public are aware of offenders’ circumstances, they will begin to see that community disposals are more effective than imprisonment in many cases and they will accept that such disposals are the right way forward.

16:10

Colin Fox (Lothians) (SSP): As someone who is about to be transported to Australia, I am acutely aware that the concept of alternatives to imprisonment is relative in the debate. I welcome the previous Justice 1 Committee’s extensive debate and report on this important issue. I also welcome my colleague Patrick Harvie’s attendance, because I was beginning to feel as if I was in solitary confinement.

They say that a measure of a civilized society is how it treats its offenders, which is the central issue in the debate. How does Scotland treat its offenders? We jail far too many of them. Scotland’s prison population was at record numbers last year and again this year. Mike Pringle referred to the fact that Scotland jails 115 people in every 100,000, which is more than twice the figure for Sweden and nearly three times that

for Finland. As well as jailing more people, we sentence them to longer sentences, even though there is no evidence that increasing the length of sentences is a deterrent to crime. Given that background, the debate is urgent—I share the urgency that Pauline McNeill and other members have expressed.

Some offenders must be imprisoned to protect the public, but 80 per cent of sentences are of less than six months and are handed out to people who are no threat to the public. That point is central to the issue that we are discussing, as are Scotland's record in rehabilitating offenders and the risk of reoffending in Scotland. Given that 58 per cent of those who are sent to jail reoffend within two years—that is far greater than the figure for their counterparts who are on probation—it is important that we consider alternatives to custody.

Before I come to the alternatives, I must mention the report that was delivered recently to the justice committees by the new chief inspector of prisons. That report makes it clear that Scotland's prisons include good regimes and bad ones. We have some very bad regimes—too many people are imprisoned in squalid conditions with woefully poor and ineffective rehabilitation programmes. The point is not only that prisons are overcrowded and provide insufficient opportunities for prisoners to spend their time valuably. People are not sent to prison to be punished there; the fact that they are sent to prison is the punishment. I hope that, in the debate, members will not forget that taking away someone's liberty is the greatest punishment that we can mete out to them. I certainly never underestimate that as a punishment.

I accept the point about the confidence of sentencers. I also accept that the confidence of the public acts as a background to the atmosphere around alternatives to incarceration. I recognise—as, I am sure, do many other members—that alternatives that oblige offenders to put something back into society are preferable to those that make them feel excluded and allow them to play no part in, or to opt out of, society.

Ms McNeill: I note the member's point that societies can be judged on the way in which they treat their offenders, but they should also be judged on the way in which they treat their victims. I whole-heartedly support the direction that the debate is taking, but does the member agree that we need the support of victims for our approach to restorative justice and alternatives to custody, to ensure that we balance the system between offenders and victims?

Colin Fox: I accept entirely that the victims of crime have a role in the matter. However, we must look at the broader picture and realise that, sometimes, being a victim of a particular crime does not give a person the broadest vision of the

situation in the country as a whole. Nonetheless, I accept the valid point about the victims' role in restorative justice and other such matters.

In my final minute, I will address rehabilitation and rates of reoffending, which are central to the debate. It is clear that the reoffending rate following rehabilitation is not as high as when people come out of prison. The salient issue that was raised in the report is the fact that those who are not imprisoned manage to hold down a job, their house and relationships, whereas those are the biggest problems that offenders who are coming out of jail face in their quest to be rehabilitated.

I welcome the Executive's announcement that fine defaulters will no longer be jailed. To answer Annabel Goldie's point, I am sure that that has nothing to do with Tommy Sheridan's experience. The report highlights the fact that most non-custodial options seem to be used as alternatives to fines, not—as they increasingly ought to be—as alternatives to short sentences. The sentencers have to reconsider that.

Her Majesty's chief inspector of prisons last week told the justice committees that the number of people that a country sends to prison is a political choice: it is a political choice that we send to prison 115 out of 100,000 people, in contrast to what happens in Finland. Scotland and the Executive must act to bring down the prison population by addressing the causes of crime and the backgrounds of people who are in our prisons. The Executive must ensure that it gives adequate resources to rehabilitation and the reduction of reoffending rates.

16:16

Margaret Mitchell (Central Scotland) (Con): Prison is the ultimate deterrent. In so far as it ensures the protection of the public—the number 1 priority for our criminal justice system—it works. It has already been stated that, in May 2002, the Scottish prison population was at an all-time high and exceeded the total available accommodation. That is worrying; however, the best way in which to stop overcrowding in prisons is to cut crime through having a greater police presence on our streets to deter and detect crime.

Nevertheless, within the prison population there is a significant number of people for whom an alternative to a custodial disposal is the most appropriate way in which to address their offending behaviour. Those people fall into two main categories: those who are held on remand and those who default on their fines. As Christine Grahame pointed out, remand prisoners account for a staggering 49 per cent of all receptions into Scottish prisons. All have been charged with a

crime but have not been convicted. Many of the crimes are alcohol related—a fact that is starkly illustrated by the latest crime statistics from Lanarkshire. In Lanarkshire, 40 per cent of all violent crime, 78 per cent of assaults, 88 per cent of incidents of criminal damage and 40 per cent of recorded domestic crimes are alcohol related. In addition, 19 per cent of police call-outs—one in five—are to pubs and clubs.

Clearly, there is a need to address the problem through putting more resources into rehab centres to tackle alcohol abuse and provide an alternative to custodial remand. The rehab centres will have more success because referrals will be made at the time of arrest, when people have to face up to the full consequences of their drinking problem. Furthermore, the provision of alcohol rehab centres fits neatly with the Justice 1 Committee's recommendation that

"the Executive should ensure that there is sufficient investment in bail schemes to address the number of people on remand ... where bail would be appropriate".

Equally, for the many people who are on remand, a possible alternative to custody is the use of restriction of liberty orders—more commonly referred to as tagging—to monitor the movement of those who are, for example, deemed likely to abscond while they await trial. However, in considering bail schemes, there is a crucial caveat. No one who represents a danger or a potential danger to the public should slip through the bail net. There must be rigid and stringent monitoring of those who are granted bail. That will ensure that cases such as the recent high-profile case involving George Everson—a paedophile who reoffended while he was on bail in June, after appearing before Arbroath sheriff court charged with the possession of thousands of pornographic photographs—are a thing of the past.

The second category of people who are suitable for alternative to custody disposals are fine defaulters. There are two types of fine defaulter—those who have the means to pay and can pay but wilfully choose not to pay, and those who genuinely cannot pay for one reason or another. For wilful defaulters, courts should make greater use of section 221 of the Criminal Procedure (Scotland) Act 1995, which provides that, in any case in which a court considers it expedient, the court may issue a warrant to order a fine to be recovered by civil diligence. In addition, section 24 of the Criminal Justice Act 1991 provides that, where any fine has been imposed on an offender, the court may apply for the fine to be recovered by means of deductions from income support benefit.

Supervised attendance orders have an important part to play for those who genuinely cannot pay. A recent pilot scheme in Hamilton has proved successful in using such orders to help to

address problems that led to fine defaults in the first place. I urge the minister to go further and make supervised attendance orders a disposal of first instance rather than, as at present, a disposal that can be imposed only when, for example, an 18-year-old is brought before a court, fined and then defaults on the fine. Such orders would be much more effective in curbing youth crime and would be in line with the Executive's commitment to early intervention.

In conclusion, the success of alternatives to custody will depend to a large extent on the willingness to comply of those on whom they are imposed. Any breaches must be cracked down on with custodial sentences in order to safeguard the public—that view is endorsed by Mark Hodgkinson of the Association of Directors of Social Work. Equally, if alternatives to custody are to be successful, it is vital that they are not a soft option and are not perceived as being so. They must be adequately monitored, enforced and evaluated.

16:22

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to contribute to the debate and congratulate the previous Justice 1 Committee on its report. I acknowledge the substantial amount of work that has been done by those who were involved at every stage in the process—some were involved throughout.

There is sometimes a false division in such debates. That division has not appeared today, but people can often be characterised as being tough or soft on alternatives to custody, or alternatives to custody are said to be good or bad. It is as if custody is always better or is never effective. If we are to progress, the key test seems to be that alternatives must be shown to be working, but the hard question relates to what the definition of "working" is. Nothing operates in a vacuum. Any action that is taken or any approach that is promoted has consequences. It is clear that there is no perfect answer, but it is also evident that doing nothing is not an option.

For me, what works will be determined by our ability to challenge offending behaviour through rehabilitation and to divert from and deter offending behaviour. It will be determined by our ability to deter potential offending, which is particularly important among young people for whom a pattern of offending behaviour has not yet been established.

Early intervention is needed. We must understand the power of the peer group in that context as well as we understand it in other contexts. We must get messages out to young people about what the consequences of offending behaviour are.

Finally—and perhaps most important—what works will be determined by the support and confidence that any action or disposal gives to the victims of crime and by the capacity of punishments to mark the seriousness of particular crimes.

Margaret Smith spoke about key players' being basically in agreement. The challenge is that significant key players—those who have experienced crime in our communities—are often not signed up to the approach that we are discussing. The challenge is to persuade people that alternatives to custody are a reasonable approach.

Alternatives to custody must be robust and thorough and they need to be monitored. Support for criminal justice social work programmes is rising from £44 million in 2001-02 to £88 million in 2005-06, but we need to ensure that we get value for money. We need to have a sense of authority from the programmes and a belief that they matter. People need to be assured that there is close scrutiny and follow-through and that we are not simply ticking a box.

Police in my constituency told me that they sent out 100 letters to parents of young people who were caught gathering in a large group and causing a bit of disturbance. That was an extremely low level of intervention, but not one parent responded to the police in any way. Some of them might have been too embarrassed to do so, but others might have thrown the letter in the bin. Knowing which proportion had which reaction would allow us to decide whether that action was effective.

Equally, if alternatives to custody are not visible and monitored and do not register on a community's radar, they can become discredited. That will affect offenders and potential offenders and, most seriously, it will undermine the faith of victims in the system. That impact must be understood. Worryingly, it might result in people taking the law into their own hands or, more likely, in a reduction in the reporting of offending and an increased feeling of powerlessness among those in our communities who already have little power.

If those who have bullied their local communities are seen not to suffer any consequences when their behaviour is reported, they become much more powerful. They do not have to do anything; they simply have to be. In my constituency, someone went around bragging to those who had complained about their behaviour that they were "untouchable". How much less powerful must someone who experiences such behaviour feel?

The issue is linked to the broader issues of bail, bail conditions and their effective enforcement, and a real understanding of how intimidation

works in communities. For example, in relation to issues such as domestic abuse, we hear that we need to have more anger management courses and deal with people's drink problems. However, men with drink problems who abuse their partners often do not cause trouble in the pub, where they manage to control their anger, but only do so at home. Sometimes, their drink problems are used as an excuse for domestic abuse, not an explanation of it.

Annabel Goldie talked about effective policing. I understand the need for visible policing and argue for it in relation to my community. However, I would argue that effective policing is undermined every time nothing happens to someone who has been charged with a crime by a police officer and has been found guilty in court. That makes it less likely that people will report crimes again and makes the police less confident when they go back to the communities. We have to address that.

Work is being done in Glasgow in relation to community reparation orders. We have to be wary of fads and fashions. The policy has to be hard-headed. The orders provide an opportunity for damage to be repaired but there are limitations: offenders can take the graffiti off a wall but they cannot rebuild a school that they have burned down. That is an important point because fire-raising and vandalism now account for 23 per cent of all recorded crime and the number of such offences has risen by 15 per cent in the past four years. We need to examine who is committing those crimes and involve the voluntary sector more.

It is interesting to see those who advocate alternatives to custody picking away at those alternatives, on the ground that they are too restrictive. We can convince people that alternatives to custody are credible if they are robust. It is odd that electronic tagging, which is a community alternative to custody and, therefore, less harsh, and the extension of tagging to under-16s, so that it can be used to target individuals in a way that does not stigmatise a group of people as a youth curfew might, are criticised as being unacceptable because they are too tough. It is easy to find fault. Perhaps those who take the argument down that road need to be more honest. If they were, we would be able to have a debate about the balance of punishment, deterrence, the rights of victims and communities in the justice system and the right of our society to mark out particular crimes as serious and to have peace.

Alternatives to custody are a legitimate part of the system, but they must be robust.

16:29

Donald Gorrie (Central Scotland) (LD): I welcome what the minister said, which shows that the Executive is progressing. However, the feeling that friendly critics, such as me, have is that, although the Executive is progressing, it is doing so at the rate of a rather amateur marathon runner. We would like it to speed up, if not to the rate of a sprinter, then perhaps to that of an 800m runner or something similar. Furthermore, progress has to be more focused.

I am a veteran of the previous Justice 1 Committee and know how hard members worked on the report. The report is excellent, although, in my view, it has one major omission. Because of the time scale involved, we did not investigate the period before the stage when people either go into custody or experience alternatives to custody. The current antisocial behaviour debate has shown yet again the importance of assisting offenders' families at an early stage so as to help to prevent the young people from going in the wrong direction. It is also important to help schools to deal with young people better and to help voluntary organisations such as clubs to provide better facilities. That all relates to this subject, in my view.

I will re-emphasise some of the many good points that were made in the debate. We must have a gazetteer of successful projects, so that everyone knows where they are located and can try to copy them. We are still in the position of a medieval map maker: where there might be a project, we draw a picture of an elephant—and rather inaccurately. We really must know what is going on; if we did, we might do things a bit better.

We need continuous funding of good projects. A great many projects are provided through local government, Government agencies and the voluntary sector. Those projects must live from year to year, because they do not have enough money. Continuous funding is required for projects that are shown to be good.

We must also measure effectiveness in order to find out whether projects are good or not. I take Johann Lamont's point that we must show that alternatives to custody are robust and that they work. We must therefore examine them carefully. My suggestion is that, instead of having some sort of boss person for alternatives to custody, we should have an inspector of alternatives to custody, as we have an inspector of prisons. The whole area is so confused that having a boss person would be a bad thing, as it would encourage the entire voluntary sector to be the same, which would be wrong. It would be useful to have an inspector, who could identify good and bad projects and get us to copy the good ones.

Hugh Henry: Donald Gorrie has identified a real need. We must examine good practice and eliminate bad practice. Before building on the good practice, however, we clearly need first to know what is going on. I hope that Donald Gorrie and others will take the opportunity of the debate that we have started on creating a single agency to contribute such views, which would be influential in forming any conclusions that are arrived at in the debate.

Donald Gorrie: I thank the minister for that and take on board that advice, or rebuke, in whatever spirit it was meant.

As other members have said, and as the committee's report says, we must persuade the sentencers of the effectiveness of alternatives to custody. We also need to persuade the media and the public of that. There must be a general perception that alternatives to custody work and that we are not all being wet liberals. I am allowed to be a wet liberal, but others are not—I try not to be one either.

Among the good points that were made in the debate are the ideas of weekend prisons and of collecting fines in a better way than we do at the moment. Those suggestions deserve support. Part of the investment that we want the Executive to make must be in bail hostels, so that people who are on bail, while having some sort of control over their lives and being kept out of jail, turn up when they are meant to. Other possibilities include residential accommodation for people with drug problems, which is very much cheaper than keeping them in jail. Restorative justice needs to be looked into. Although it is not a panacea, it can contribute a lot.

My final point is that overcrowding harms the progress of existing prisoners. Therefore, if we can keep people out of prisons, we will make two people much better for the price of one.

16:34

Bill Aitken (Glasgow) (Con): Given my enfeebled state, I will, with your indulgence, Presiding Officer, speak from a sedentary position. I hope that this state of affairs will not last too much longer.

There have been many worthy and sincere contributions this afternoon and I would be more than churlish were I not to congratulate the former Justice 1 Committee on its work. However, I believe that a number of the views that I have heard this afternoon are based on fairly radical misconceptions of the realities of the situation.

Can we start from the basic agreement that we are all unhappy that there are so many people in prison? As Colin Fox and Mike Pringle, among

others, said, we in Scotland tend to jail more people per head of population than similar jurisdictions do. However, those members omitted to state that people in Scotland commit many more crimes and offences per thousand of the population than people in other jurisdictions do. That fact must also be considered.

Let us examine some of the issues that have been raised. First, it has been said that there are far too many people in prison for fine default. That is true, although I point out to Mike Pringle that in the most recent year for which figures are available only one person was in prison for not paying a fine for failure to purchase a television licence. That is wrong, but it is a minimal problem.

Mike Pringle also pointed out that 23 per cent of the people in jail in 2000 were fine defaulters. I suggest that the figure is much lower now. When I last asked, something like 26,000 means warrants were outstanding in the Strathclyde police area alone. That suggests that cases of fine default are being pursued with something less than alacrity. There is probably a difficulty there.

Why are the fines not being paid? In many instances, the alternatives to custody are derisory. This afternoon, we have heard about the Thursday morning walk-in, which effectively expunges a £200 fine. However, there is another aspect to the problem. Many of the people who are fined have absolutely no intention of paying. As I have said before and will say again, the easiest way of getting fines paid and of avoiding sending people to jail for non-payment is to deduct fines at source from salaries, wages or benefit. If we did that, the problem would not arise.

Cathy Jamieson: To an extent, I accept the point that Bill Aitken makes. However, does he accept that when we try to do that for people on low incomes—especially people on benefits—the deduction of fines comes very far down the list of possible deductions? In some instances, it is simply not possible to collect fines by such means.

Bill Aitken: Yes, but the minister must accept that, when fines are imposed by the courts, they are ordered to be paid by instalments. Courts will inquire into offenders' means to ensure that they have a basic subsistence. The problem that the minister identifies should not exist.

Much play has also been made of the high number of remand prisoners. Again, that is an issue of concern. However, why are those prisoners on remand? They are on remand because in many cases they have already breached bail and have continued to offend while on bail. About 50 per cent of the cases that are dealt with by the custody court at Glasgow sheriff court on a Monday relate to people who have been arrested on warrants after failing to appear

for trial or an early court appearance. More and more people are remanded in custody because they do not turn up for their trial and continue to commit offences while they are on bail. That is the crux of the matter. Until the minister recognises that, we will be talking in a total vacuum.

A number of alternatives to custody exist. There is community service, which is of value—but only if sentencers have confidence that it is likely to be of value. I doubt whether 50 per cent of the community service that is imposed is carried out. I know that 75 per cent compliance is considered satisfactory and would not be reported as a breach. In those circumstances, is it surprising that sentencers have no confidence in community service?

I would like to refer to a number of speeches that members have made, but I do not have time to do so. However, Johann Lamont, who is living with the problem, encapsulated the arguments extremely well. The Executive should listen to people like her, who live on the wild side of life to some extent, rather than to academics and the social work fraternity—they have had their chance and have expressed their view. If we talk to people who operate in the real world, we may come up with some answers.

16:39

Nicola Sturgeon (Glasgow) (SNP): Dare I say it, but Bill Aitken is scarier when he is in a sedentary position than he is when standing up.

I welcome today's announcement on fine defaulters. It rarely if ever makes sense to lock up people for fine defaulting when their original offences did not warrant imprisonment. That is the commonsense approach. To some extent, the Tory position on that is the triumph of dogma over reason. However, the Executive's approach will work in practice only if there are adequate numbers of criminal justice social workers. Christine Grahame has already alluded to the shortage of criminal justice social workers; the evidence on the ground is that, in many cases, they are already struggling to deal with supervised attendance orders. That is an important point, on which the ministers should reflect.

It is instructive to reflect on the fact that the debate with which we are grappling is not peculiar to Scotland. Even in the United States, which is hardly the most liberal or lenient of sentencing nations, there is a dawning realisation that simply sending more and more people to prison, often for minor offences, is neither sustainable nor sensible. While I was scanning through some of the American literature, I was interested to note that the motto gaining currency in the United States is that it is not enough to be tough on crime—one

also has to be smart on crime. That is the approach that we need to take in Scotland, although far be it from me to imply plagiarism on the part of the Scottish Executive.

Christine Grahame got it right when she said that we need more of a balance between punishment and rehabilitation. We are sending more and more people to prison. As Michael Matheson said, we have one of the highest levels of use of custody in Europe. On top of that, average prison sentences are getting longer. In spite of all that, however, reoffending rates are not improving. It does not take great genius to work out that we must be doing something wrong.

Many members have said—I agree with them—that prison is of course necessary in some cases and for some categories of offender, either because the offender presents a risk to society or because the interests of justice demand a prison sentence, whether a short-term or a long-term one. However, prison is not appropriate for everyone who currently finds themselves in prison, particularly if the sentence is short.

It is important that we get across the message that alternatives to custody are not soft options. Michael Matheson was absolutely right to make that point. Community disposals do not offer easy rides for offenders, but in the right circumstances they provide more appropriate and more effective sentences. As Colin Fox said, they also avoid the complete disintegration of an offender's life through family breakdown or loss of employment, which in turn can increase the likelihood of reoffending.

In that context, the previous Justice 1 Committee's report is excellent. As a number of members have said, it highlights the fact that community disposals are more cost-effective than prison and, according to the available evidence, better at tackling reoffending than prison is. However, Pauline McNeill was right to introduce the caveat that, because the people who end up in prison are the most complex and difficult offenders, it is perhaps not a huge leap of logic to say that reoffending rates among them will be higher.

The key question is how we make more use of alternatives to custody and, crucially, how we cut the number of prisoners on remand. The point has been made that, although half of prison receptions are prisoners on remand, something like a fifth of males and half of females on remand do not go on to receive custodial sentences. We have to reduce the number of prisoners on remand, although I agree with Johann Lamont that that must go hand in hand with more stringent bail conditions in certain circumstances. Bill Aitken is plain wrong to suggest that the majority of people on bail breach bail conditions; the statistics show that that is not true.

The report highlights the fact that the problem is not that the options do not exist, but that they are not available widely enough and are not used. That is the central point. Judicial discretion is the cornerstone of our justice system, but some of the most important recommendations are the ones about raising awareness of the alternatives and increasing confidence in them among the judiciary. I reiterate Christine Grahame's point about criminal justice social workers, which goes to the heart of the matter, and I commend the report.

16:44

The Minister for Justice (Cathy Jamieson): I will try to do justice to what has been an interesting debate. In the weeks and months since becoming Minister for Justice, I have argued that we must tackle these issues head on. We must raise our game in trying to tackle some of the serious problems; we must prevent crime in the first place and deal effectively with the impact of crime on victims and communities; and we must address some of the problems in our justice system.

Pauline McNeill opened the debate extremely well by reminding us of some of the difficulties that we face. She referred to Andrew McLellan's reports and to the problems of short-term prison sentences. It is worth remembering that 83 per cent of all custodial sentences in 2001 were for less than six months. That is not enough time to deal with the problems that some people who end up in custody have. The programmes are not necessarily there. Crucially, people are not always supported when they go back into local communities and often reoffend very quickly. A total of 71 per cent of people who have been in custody reoffend within four years. The figures are slightly better for probation and community service, but we should recognise that there is a caveat in relation to those figures.

Prison may be the most appropriate place for the most serious offenders and violent offenders. We have many tasks: we must protect the innocent, protect the public, ensure that victims are supported and deal with issues in communities at the same time as dealing with offending behaviour.

Michael Matheson made a number of valid points, especially on the background to the committee's decision to hold an inquiry into the issue. He raised a particular concern about the possibility of weekend prisons. Far be it from me to suggest it again, but the debate on a single agency would give us the opportunity to consider a greater mixture of approaches to custodial and non-custodial options and to remove some of the arbitrary dividing lines between those options. If it is considered safe for someone to be out and

about in the community during the week, there may be more constructive things for them to be doing at weekends. I am interested in considering some of the restrictions on liberty that will allow people to address their offending behaviour and to put something back into their community.

Annabel Goldie and Margaret Mitchell demonstrated between them that, although a week is a long time in politics, 12 hours is enough for the Tories either to change their policy from the one that they announced in their press release or, at least, to refine it. I am not sure that the Tory front-bench team has a clear view. They seemed to be at cross-purposes at various points. Annabel Goldie suggested that our use of legislation introduced by the Tories was somehow objectionable because we actually intended to use it for the purpose for which it was intended. I remind her, and I think that Margaret Mitchell mentioned this, that the Criminal Procedure (Scotland) Act 1995 allowed for the introduction of supervised attendance orders as a direct alternative for minor fine defaulters—those who were to pay fines of up to £500. We can introduce such measures by using existing legislation. Margaret Mitchell also asked whether we could use supervised attendance orders as first-instance orders. Yes, we can—we created that power in the Criminal Justice (Scotland) Act 2003 and there are sometimes strong arguments for using it.

Annabel Goldie spoke about the number of outstanding fines, but I do not recognise the set of figures that she gave. We want to take every opportunity to collect fines that have been imposed. However, in some circumstances, imprisoning someone will cost the public purse more. I am sure that the Conservatives are not suggesting something that would not be a good use of public money, quite apart from being ineffective. As Hugh Henry said, we will make progress with pilot projects.

Various points have been made about restrictions of liberty—especially for those on bail—as an alternative to being remanded in custody. Johann Lamont made another powerful contribution on the safety of communities and ensuring that victims are not harassed and subjected to further intimidation. That is, of course, very important, which is why we have asked the sentencing commission to consider the whole issue of bail and remand.

Christine Grahame spoke about criminal justice social workers. I always like to be able to answer a question when asked. The figures are as follows: in 2000, there were 624 criminal social workers; in 2001, there were 612; and, in 2002, there were 642. At the moment, the vacancy rate among criminal justice social workers is not as bad as that in other forms of social work, although I would

hesitate to suggest that we should start a bidding war among different parts of the social work service, which is vital in our local communities.

I will briefly mention a couple of other contributions. Margaret Smith talked about the importance of throughcare rehabilitation. Maureen Macmillan spoke about funding. The Scottish Executive funding that goes to local authorities and to the voluntary sector is for a three-year period. There are some instances in the youth justice agenda where various projects rely on bits of short-term funding, but it should be possible for local authorities and the voluntary sector to plan on the basis of funding for a three-year period. Maureen Macmillan also mentioned information for sentencers. The directory was piloted in Edinburgh, Lothian and the Borders during the summer. We have had some positive feedback on it and we will, of course, look at the matter in the future.

The debate has been helpful. I am sorry that I do not have time to develop Colin Fox's contribution about transportation to Australia, but I will just say that I hope that he comes back, unlike some of the deportees of the past.

16:51

Mr Stewart Maxwell (West of Scotland) (SNP):

This afternoon's debate has been interesting and informative and we have heard many well-informed contributions from all parts of the chamber. I join the many members who paid tribute to the previous Justice 1 Committee's work in producing the report. I was glad that so many members took the time to congratulate members of that committee on an impressive piece of work.

I am also glad to see that the Tory party—in the form of Bill Aitken—remains tied to the hang-'em-and-flog-'em solution. That might be the Tories' way of reducing prison numbers, but it is certainly not my way.

One of the committee's main recommendations, in relation to the appropriate use of short-term custodial sentences, was that community disposals should be actively promoted. If we accept that prison should do more than just punish and should be used proactively to rehabilitate offenders, and if we accept that short-term prison sentences offer limited opportunity for rehabilitation, we must accept the logic of the argument and recognise that custody is often the wrong option for people who are given short sentences. In light of that, it is particularly disappointing that the prison population in Scotland is historically high and that 80 per cent of all custodial sentences are for periods of less than six months.

Prisoners who serve short-term sentences of

between three and six months have the highest rates of return to custody. More than half return to custody within six months to two years, as I believe Christine Grahame pointed out earlier. The Executive has confirmed that it is disappointed with the figures and has concluded that the best way forward to achieve a more effective and integrated system would be to establish

“a single agency to deliver both custodial and non-custodial sentences in Scotland”.

I hope that the Executive's assumption is correct and that future sentencing policy will be more in line with the recommendations in the previous Justice 1 Committee's report.

The imprisonment of fine defaulters causes great concern. Many members—indeed, practically all who contributed to the debate—mentioned fine defaulters. I welcome the announcement about the two pilot projects, which will replace imprisonment for fine default by the mandatory use of supervised attendance orders in the areas that the projects cover. I agree with the minister that it is important that the use of such orders—at least in the pilot schemes—should be mandatory. If it is not, we might end up in the same position as we are in now, where the courts do not use the alternatives to custody that exist. When the pilot schemes end, we will be able to examine that.

However, the announcement raises some questions. In the statement on the Executive's website, there is no mention of any commitment to provide the resources that the pilot projects will require. I assume that resources will be made available on the ground and I hope that we receive clarification on that as soon as possible.

Many members talked about restorative justice. The committee endorsed the incorporation of

“restorative justice methods ... into community disposal programmes, wherever appropriate.”

Johann Lamont, Pauline McNeill and others mentioned victims and it is important that we take into account not just the situation of those who commit crimes, but the effect on victims. The phrase “wherever appropriate” in that context is important and relevant. If a crime has a significant impact on identifiable victims, the restorative measures that put victims' interests at the heart of the criminal justice system must be an option at all stages of the process. The Executive's plan to introduce community reparation is to be welcomed as far as it goes, but I am not sure that it meets the committee's recommendation.

Many members raised the question of the information that is available to sentencers. It seems, certainly to those on the outside, that sentencers do not understand or are not aware of the complete range of options for alternatives to

custody. If we are to provide a range of alternative sentencing options, we have to provide those who impose sentences in our courts with up-to-date and accurate information about what is available. The report states:

“The Committee welcomes the imminent publication of a directory of community disposals as a pilot in Lothian and Borders. The Committee recommends that the directory should be made available nationally ... The Committee also recommends that the directory should be electronic to ensure that it can be easily updated. It should contain information on the evaluation of local programmes as well as comprehensive information on the availability of programmes.”

That issue was raised by several members, including Donald Gorrie. It is important that sentencers have to hand that list or directory—the word “gazetteer” was used—so that they can properly evaluate the possible alternatives to custody.

The Executive has agreed that the directory should be made available electronically and should include the kind of information that the committee requested. I welcome the Executive's response and I note that it is evaluating the pilot exercise that took place during the summer. I hope that the evaluation will not delay the introduction of the directory.

The committee believed that the sentencing information system that is in use in the High Court should be extended to sheriff courts, but the Executive remains to be convinced on that point. I agree with the Executive that a great deal of planning and work would have to go into extending the system, but that of itself should not be an obstacle to the introduction of any system that might improve the implementation of justice in Scotland. It has been said that the sentencing information system is not being used to best effect in the High Court and it might be necessary to consider the matter further before any decision to extend the system is taken.

One of the biggest hurdles that any plan to introduce alternatives to custody faces is the public's perception, about which Johann Lamont made a pertinent contribution. Any attempt to introduce community disposals on a wider scale without informing and educating the public could fail. It is essential that the public understand that any move towards community disposals is being taken to reduce reoffending and crime and to make people and communities safer. That is why I welcome the work carried out in November 2002 by the University of Strathclyde, which showed that the public are more supportive of community-based options, services and programmes for offenders than was previously thought. Once the public are better informed about how community disposals operate, they will begin to support them and understand how they are the better option in

many cases. The public realise that simply locking people up fails to address reoffending.

The question of resources runs through much of what has been said in the debate and much of what is contained in the report. That question is critical and is not just based on a never-ending demand for more. The issue is whether the resources that have been allocated match the resources that are required. The report states:

"The majority of evidence received by the Committee demonstrated the requirement for more resources to be invested into community disposals in order to promote their greater use."

It is clear that the majority of the recommendations cannot be isolated from the overriding requirement for more resources to be invested. Hugh Henry stated today that the Executive is increasing the funding for criminal justice social work by £44 million over five years. In evidence to the joint justice committees on the budget, social work representatives said that that funding was insufficient to meet the ever-increasing demands that are being placed on the criminal justice social work system. The Executive must acknowledge that there are genuine concerns among organisations working in the area that the resources provided do not match the resources required. There is a danger that resource availability will be patchy across the country.

The report states:

"The Committee has established that Scotland has a wide range of community penalties available, but that the prison population continues to rise. It is also clear that community disposals are at least as effective as short term imprisonment."

I hope that the Parliament agrees with that, although I accept what Pauline McNeill said in her opening remarks about the fact that we are not necessarily comparing like with like. We have to be careful about taking things at face value. It is important that we understand that there may be a difference between those who are given non-custodial sentences and those who are imprisoned.

I hope that we can all agree that the report is a comprehensive study into alternatives to custody. I congratulate the members of the previous Justice 1 Committee on carrying out an important piece of work and ask the Executive to consider the recommendations in the report seriously. I ask the chamber to support the motion, which I am happy to second.

Parliamentary Bureau Motions

17:00

The Presiding Officer (Mr George Reid): The next item of business is consideration of two Parliamentary Bureau motions. I ask Patricia Ferguson to move motion S2M-589, on the designation of a lead committee, and motion S2M-591, on membership of a committee.

Motions moved,

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the Victim Statements (Prescribed Offences) (Scotland) Amendment Order 2003 (SSI 2003/519).

That the Parliament agrees that Brian Adam be appointed to replace Tricia Marwick on the Standards Committee.—[*Patricia Ferguson.*]

The Presiding Officer: The questions on those motions will be put at decision time.

Business Motion

17:01

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-590, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, which sets out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 19 November 2003

2.30 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Stage 1 Debate on the Vulnerable Witnesses (Scotland) Bill
<i>followed by</i>	Financial Resolution in respect of the Vulnerable Witnesses (Scotland) Bill
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 20 November 2003

9.30 am	Scottish Socialist Party Business
12 noon	First Minister's Question Time
12.30 pm	Ministerial Statement
2.30 pm	Question Time
3.10 pm	Executive Debate on Progress in Respect of Fuel Poverty in Scotland
<i>followed by</i>	Motion on Planning and Compulsory Purchase Bill - UK Legislation
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Wednesday 26 November 2003

2.30 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Debate on Procedures Committee 3rd Report 2003: The Founding Principles of the Scottish Parliament
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 27 November 2003

9.30 am	Executive Debate on Violence Against Women
12 noon	First Minister's Question Time

2.30 pm

Question Time

3.10 pm

Executive Business

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

*followed by
Ferguson.]*

Members' Business.—[Patricia

Motion agreed to.

Decision Time

17:01

The Presiding Officer (Mr George Reid): There are three questions to be put as a result of today's business. The first question is, that motion S2M-562, in the name of Pauline McNeill, on the Justice 1 Committee's report into alternatives to custody, be agreed to.

Motion agreed to.

That the Parliament notes the 3rd Report 2003 (Session 1) of the former Justice 1 Committee, *Inquiry into Alternatives to Custody* (SP Paper 826).

The Presiding Officer: The second question is, that motion S2M-589, in the name of Patricia Ferguson, on the designation of a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Justice 1 Committee be designated as lead committee in consideration of the Victim Statements (Prescribed Offences) (Scotland) Amendment Order 2003 (SSI 2003/519).

The Presiding Officer: The third question is, that motion S2M-591, in the name of Patricia Ferguson, on membership of a committee, be agreed to.

Motion agreed to.

That the Parliament agrees that Brian Adam be appointed to replace Tricia Marwick on the Standards Committee.

Terrestrial TV Channels (Rural Areas)

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-544, in the name of John Farquhar Munro, on access to terrestrial TV channels in rural areas. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes that residents in parts of the Highlands and Islands do not receive independent terrestrial TV channels unless they purchase an encryption card from BSkyB on a regular basis; further notes with concern that access to terrestrial channels in those communities with analogue relay systems will be removed when the analogue signal is switched off in 2010; believes that TV licence payers should not have to pay more because of their geographical location, and considers that Her Majesty's Government should take action to ensure that all UK TV licence payers have unrestricted access to terrestrial TV channels.

17:04

John Farquhar Munro (Ross, Skye and Inverness West) (LD): The issue of social inclusion, rightly, occupies a large amount of the business that is dealt with in this chamber. Although the motion that I bring before the Parliament today is based on reserved matters, its implications impact dramatically on the social inclusion agenda.

Recent developments surrounding access to terrestrial television channels in remote areas of Scotland will have significant implications for the Executive's efforts to engender equality between communities, both rural and urban.

The main principle behind the motion is simple. I do not consider it fair for one community to have to pay a supplement for a service that is received free of charge by another. For years, many of my constituents had to contend with not only the fog and snow of the northern weather extremes, but the fog and snow of disrupted TV reception caused by a very weak analogue signal; the same could be said for much of rural Scotland.

With the advent of digital and satellite technology, an opportunity emerged for communities located in the interference shadow of mountains, glens and other geographical features to receive—free of charge—high-quality terrestrial TV reception through satellite dishes and digiboxes, with the aid of an encryption card known as Solus, which was provided by the BBC. That opportunity has now been withdrawn. In Gaelic, the word "solus" means light, but I do not see much light at the end of the tunnel.

Following the BBC's relocation of its free-to-air channels to the unencrypted Astra D2 satellite, the

BBC signal is accessible without an encryption card, so it no longer needs to subsidise Solus.

As BSkyB replaces the old network of Solus cards, Highland viewers must now purchase a new card at a cost of approximately £23 to view ITV, Channel 4 or five. The card must be renewed every two years and, as yet, there have been no guarantees from BSkyB that the price of the cards will not increase dramatically on renewal.

Another consequence of the BBC's relocation of its free-to-air channels is that Highland viewers will now obtain BBC terrestrial through the United Kingdom-wide BBC digital network. That allows Scots all over the UK to choose to watch the Scottish regional opt-out—for example “Newsnight Scotland” or “Eorpa”—from wherever they are in the UK. However, there is a severe downside. The £16 million, 38-games-a-year contract with the Scottish Premier League has its copyright limited to broadcast in Scotland only. As the digital network goes out UK-wide, BBC digital is prohibited from broadcasting Scottish Premier League fixtures. Viewers in the Highlands and Islands are advised to attempt to view the match through the fuzz of analogue reception. I ask the Scottish Executive to make representations to the BBC to urge it to rectify what is tantamount to a restricted service.

Where a person chooses to live should not affect the services to which they are entitled. That is the key principle of social inclusion and of the motion. A resident in a remote part of my community such as Dundonnell or Applecross, who pays the licence fee, should get the same access to terrestrial channels as someone who lives in Inverness or Aberdeen, without restriction. The supplemental card charge represents a restriction on terrestrial viewing in the Highlands and Islands.

When we are working so very hard in the institutions of the Parliament to enhance the quality of life in our remote and rural communities and we are striving to encourage settlement in every corner of Scotland, the introduction of the charge sends out an opposing message to all the families and companies we seek to entice to the Highlands and Islands and could act as a catalyst for the depopulation of our remote communities.

I am sorry to say that that negative message was crystallised in the reprehensible comments of the Minister for Sport and Tourism, Richard Caborn, during the adjournment debate on this very subject at Westminster last month. When the minister was asked whether people aged over 75 could be exempted from having to pay for the new encryption card—an exemption that would give similar benefits to those that they enjoy for their television licence—he responded by saying:

“The difference between being 75 and over and living in a particular area is that of choice.” —[*Official Report, House of Commons*, 21 October 2003; Vol 411, c 252WH.]

In effect, Richard Caborn was suggesting that, if people want to enjoy the benefits of modern-day living, they should move. It was an absurd comment to make.

The debate comes at a time when access to terrestrial TV in the Highlands is restricted by the introduction of the supplementary charge for digital viewers and when many rural communities across Scotland, who have depended for decades on self-help relay schemes, are facing televisual oblivion with the analogue switch-off that is scheduled for 2010. The self-help schemes relay a boosted analogue signal via cables to every home in the communities that they serve. Little provision has been made to upgrade the hardware in those systems to take the digital signal in 2010.

It is imperative that the Scottish Parliament recognise the significance of the restriction of service to rural communities. The supplement that is needed to pay for encryption cards in the first place; viewers' inability to pick up SPL fixtures and the BBC digital network; and the lack of provision to upgrade self-help relay schemes—they all represent fundamental steps backwards in the social inclusion agenda and hinder the efforts that are being made to enhance the quality of life in our rural communities.

The TV licence payer should not have to pay more as a result of their geographical location. I urge the Parliament to encourage Her Majesty's Government to take action to ensure that all UK TV licence payers have unrestricted access to terrestrial TV channels.

17:12

Alasdair Morgan (South of Scotland) (SNP): First, I want to draw attention to the curious way in which motions for debate are given titles; I presume that the chamber office does that, but I am not sure. The motion is entitled “Access to Terrestrial TV Channels in Rural Areas” and yet it talks only about the Highlands and Islands. That conveys a mindset that afflicts far too many people in Scotland, from those in Government downwards, who think that our rural areas are confined totally to the Highlands and Islands. We have to disabuse them all of that assumption. It is clear that the problems to which John Farquhar Munro referred in his motion and in his speech affect not only the Highlands and Islands but many other parts of rural Scotland, in particular the south-west and south of Scotland.

If members go to Dumfries and Galloway, they will find that there are places in the west of the region where people cannot receive Scottish

Television or Border Television. People in those areas have to receive Ulster Television, which is often not very enlightening. Equally, if one goes to the east of the region, one will find many areas in which people cannot receive BBC 2 from a Scottish transmitter; they have to receive it from the English transmitter.

In my house in Crockettford, I have sometimes been able to receive BBC 2 Scotland and get the dubious benefits of its "Newsnight Scotland" programme by moving my aerial to point to the BBC 2 Scotland transmitter. The concomitant of that is that the reception on all my other channels is fairly punk. That is the extent to which I will go to watch the stars of the Scottish Parliament appearing on television at about 11 o'clock. Throughout much of Dumfries and Galloway nobody can receive channel 5, but that may be one of the benefits of living in the region.

One of the more modern alternatives—the BBC Freeview service—is almost totally unavailable in most parts of the region. That is not a very good sign given that we are only seven years away from the alleged switch-off of the analogue system. Given their past record, I do not really expect the authorities that are responsible for such matters to make tremendous progress in the seven years between now and the switch-over.

As a result of the very poor quality of reception or the unavailability of many TV channels, people have switched to satellite to receive transmissions. John Farquhar Munro referred to the Solus card system, so I do not need to go into it in much detail.

Channel 4, five and ITV have been very helpful in providing a new card system, which costs £20 plus a renewal fee the next time that BSkyB changes its set-up. Those channels did not cause the problems in the interim and they have done as much as they can to be helpful to viewers. However, that should not distract us from the fact that the inability of the Government and the BBC to reach an arrangement on this matter caused the problem in the first place. Given that owning a television makes one liable to pay a fairly hefty licence fee, one should be entitled to receive services from the one terrestrial provider that is wholly funded by revenue from that fee. In this day and age, the majority of people in any area of the country should be able to receive standard terrestrial television channels. It is a scandal that the matter has not been addressed before and I look forward to the minister's reply.

17:16

Maureen Macmillan (Highlands and Islands) (Lab): My problem with the debate is that I really do not understand the technology. I speak as someone who has not been able to get her new

video to record anything. My old video is now in Edinburgh, but I cannot fix it into the television. I think that it is a cable television; in any case, it has too many wires and plugs for me to cope with.

I think that I have analogue television at home. I know that I can receive channels 1 to 4 on the south side of my house and only channel 5 on the north side. I do not know the difference between analogue and digital and do not really care about it, except for the fact that we will soon have to shift from an analogue to a digital system. That move will disadvantage people who live in rural areas, because they will not receive the services that they should receive when they pay their licence fee. However, following on from Alasdair Morgan's comments, I should say that Bristow Muldoon, the member for Livingston, has told me that some people in his constituency will not receive the service because they live in the shadow of a hill. The problem is not confined to rural areas, but probably affects every part of Scotland.

To inform and enlighten myself a little better, I read the House of Commons debate to which John Farquhar Munro referred. My eye lit on a particular paragraph, which says:

"The third factor is the sheer inefficiency of analogue broadcasts in spectrum terms. Digital transmission uses a fraction of the capacity of analogue broadcasts while increasing choice, giving access to interactivity and driving electronic programme guides to help viewers in a multi-channel environment. Switching off will allow us to work the spectrum much harder."—[*Official Report, House of Commons*, 21 October 2003; Vol 411, c 251WH.]

I do not have a clue what that means. However, I realise that it will severely disadvantage people in the more remote areas. We have to find a solution before we switch over to digital and should not simply accept the fact that people—particularly, as John Farquhar Munro pointed out, old-age pensioners—will just have to pay £23 every couple of years for a card to enable them to access something that they can currently access free of charge.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I am sure that Maureen Macmillan, with her knowledge of the Highlands, will agree that the community of Achfary in Sutherland is a classic example of a very remote community that is losing out very badly on this front.

Maureen Macmillan: Yes. That is one of the affected communities. I am also aware that members of Parliament for areas in the Highlands and for other areas—including David Stewart, who is the MP for Inverness East, Nairn and Lochaber—have been active in promoting the issue and trying to obtain a solution to it.

I ask the minister to make representations to the UK Government and the BBC to see whether we

can fix the problem, because it is a social inclusion issue, as John Farquhar Munro said. It is another example of the problem in the Highlands that remoteness means that people lose out on services. The problem is capable of a solution and I hope that a solution will be found.

17:20

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I add my congratulations to John Farquhar Munro on gaining parliamentary time to raise an issue that is important not only to his constituents in the Highlands and Islands but to my constituents in the south. The Presiding Officer is achieving a north-south balance in the debate that is to be welcomed.

I have received many complaints from constituents who are frustrated about the lack of reliable analogue reception for terrestrial telly and about the lack of alternatives, which goes to the nub of the issue. Much of the subject is reserved to Westminster and I have worked closely with my Westminster colleague Michael Moore to press broadcasters and the Government on the importance of ensuring real free-to-air services from the BBC and ITV to the areas that can receive them only through satellite broadcasting.

In correspondence with Michael Moore, Greg Dyke—the BBC's director-general—argued that since moving its digital services to a new satellite in July this year, the BBC has saved £85 million. He told Mr Moore:

"In the interests of all licence payers, the funds released will pay for the production of new programmes, and also enable viewers to see all BBC regional services by satellite wherever they live in the UK."

The concern of those in the Highlands is that because many viewers have been left high and dry by Sky Television's recent decision to replace all existing encryption cards and because the BBC no longer has an obligation to subsidise the provision of the Solus card, people in some of Scotland's remotest areas are discriminated against. I draw attention to Mr Dyke's inability to provide what he terms services to all BBC licence holders.

People in many parts of my constituency who cannot receive digital terrestrial television, and thus cannot use the set-top digital box technology that would complicate Maureen Macmillan's front room even more, have been caught over a barrel. In Roxburgh and Berwickshire, my colleague Euan Robson conducted a survey of viewers who lived to the south and south-west of Hawick that found that a third of respondents had extremely poor reception of BBC 2, as Alasdair Morgan said. Furthermore, only a third of respondents could receive channel 5 and therefore receive the free-to-air digital Freeview service.

To make the founding principle that the licence fee should be universal for universal services a reality for the affected viewers in my constituency and others, the UK Government must bang heads together. The Government has acted to work with broadcasters to try to alleviate problems. The self-help relay scheme to which John Farquhar Munro referred is an example of that, but such schemes suffer because of the number of people who have opted for BSkyB services, for which they pay. Many constituents do not wish to choose the Murdoch BSkyB option.

I appeal to the minister to work closely with Westminster colleagues. If there were ever an issue on which the reference to proactive working in the concordat between the Department for Culture, Media and Sport and the Executive could be used for the benefit of some of our constituents—whether mine in Midlothian or those in the deepest Borders—this matter is it. I hope that the minister will agree to meet me and other members to make progress on the subject.

17:24

David Mundell (South of Scotland) (Con): I welcome the debate and congratulate John Farquhar Munro on securing it. As others have said, the issue affects not only the Highlands but the south of Scotland. It affects the south-west of Scotland particularly, for the issues on which Alasdair Morgan touched, because of the difficulties that we have in receiving ordinary BBC signals. Those come about because of the technical issues that have been talked about—the Isle of Man, Northern Ireland and the north of England all being within a relatively small spectrum and the difficulty of getting the signal through. It is extremely difficult in Dumfries and Galloway to get BBC 2 Scotland because it is right at the end of the spectrum. That means that people in communities there do not have the same access to information about what is going on in Scotland as they otherwise would. I do not have people queuing up to say that they missed First Minister's question time, but I do have people queuing up to say that they do not get "The Beechgrove Garden", which is an important issue to many viewers.

Alasdair Morgan: Is Mr Mundell trying to draw any correlation between that fact and the election results?

David Mundell: Well, the one party that is growing in Galloway and Upper Nithsdale is the Conservative party, is it not?

It is clear that heads need to be banged together on the issue. I have raised it repeatedly with John McCormick, who has an excellent guy called Noble MacPherson who will speak to individual

constituents about how they might adjust their aerals.

The basic problem is that people pay a licence fee but do not get the services for which they pay. Freeview, the BBC's new service, is being paid for out of those licence moneys. I recently had the pleasure of being with party colleagues in Blackpool, where I heard an impassioned plea from Gavyn Davies, the chairman of the BBC, for the retention of the licence fee as a method of funding the BBC. However, the minister and others need to make it clear to the BBC that, if its services are not going to be available to everyone, the argument for a universal licence fee is undermined.

The same group of people appears to be excluded from all forms of technology: our constituents who cannot receive ordinary television are exactly the same people who do not have access to broadband technology, which would be an alternative way to receive information, and who are not going to receive the new generation of internet and video mobile phones. We are creating a category of person who will be excluded from the entertainment and educational benefits of technology as well as from simply being part of the communal social experience. Access to football, as I am sure that the minister appreciates, is part of that communal experience, and it is ridiculous that, under the new arrangement for access to BBC services on satellite, football coverage is blanked out.

There are Westminster issues. I commend the work of my Westminster colleague Peter Duncan MP, who is petitioning the Westminster Parliament on the roll-out of digital television and the need for it to be available throughout rural areas. It would be a great pity if, when the benefits of digital television come, they are not available to rural dwellers.

17:29

Stewart Stevenson (Banff and Buchan) (SNP): It strikes me as ironic that David Torrance's excellent programme, which we see on Grampian Television on Thursday night and which will undoubtedly cover this debate, is least likely to be seen in rural areas of Scotland, particularly in the Highlands and Islands, where coverage is extremely patchy, unless people are prepared to pay Sky Television for the privilege of seeing it.

As parliamentarians, we are privy to, and indulge in, certain privileges, sad people that we sometimes are. Last night—down here, of course—I watched on digital television the adjournment debate in another place 400 miles south of here, on the subject of fishing, which David Mundell's colleague Ann Winterton initiated.

On the other hand, I suppose that my constituents and others were spared watching the incompetent response of Ben Bradshaw, who masquerades as a fisheries minister in that other place.

The issue is not only about paying for satellite coverage, because there are certain places in Scotland where satellite coverage is not possible. In the village of Pennan in my constituency, which is a conservation village, satellite dishes are not permitted. In Gamrie, as in Pennan, there is an additional technical problem: the cliff to the south rises too steeply to allow for the 43° declination. I say that to add further confusion for Maureen Macmillan. What the problem boils down to is that they cannae see the satellite because of the cliff.

Maureen Macmillan: Will the member also explain the term "spectrum" to me?

Stewart Stevenson: Twenty years ago, it was a computer, but nowadays it is where the signal comes through the ether. Just as we have the different colours in the spectrum of the rainbow, we have different notches in the radio spectrum.

In the north, we are further away from the satellites because they are over the equator, which means that our reception is diminished. The signal is also affected by the weather. Wet weather, which is not uncommon in the north, means that our signal quality declines. The technology used for digital television transmission and Freeview was designed for metropolitan transmission, which is one reason why ITV's ONdigital service was a flop. The content was pretty poor, but there were also technological problems. As David Mundell said, broadband could solve the problem, but it ain't going to.

Jeremy Purvis rose—

Stewart Stevenson: I am sorry. Unless the Presiding Officer says otherwise, I am running out of time.

We would need up to eight times the speed of the ADSL technology before broadband could deliver broadcast quality television. Although that speed is being rolled out in some cities and towns, rural areas are least likely to get it.

My constituency is remote—it covers eight communities with schools that fall within the Scottish Executive's definition of remote rural communities, which is a town with a population of fewer than 10,000 people that is more than 30 minutes' drive from a town with a population of more than 10,000 people. The issue covers the whole of Scotland.

One little ironic ray of hope is that Freeview digital television does not actually work very well in the south-east of England. That will energise people elsewhere to consider the issues of technology and of equity. Let us hope that the

technology continues to exercise the minds of people in the south and that that gives the minister the opportunity to persuade the south that the north should be treated equitably. As technical solutions are developed to solve problems in the south, let us have investment to solve our problems. Equity is the name of the game. We subsidise health in Glasgow; let us be prepared to subsidise television in rural areas.

17:33

George Lyon (Argyll and Bute) (LD): I add my congratulations to John Farquhar Munro on bringing the matter to the chamber. During my summer tour with my colleague Alan Reid, the issue was one of the most frequently raised matters, certainly among the reserved issues that my colleague covers. Many constituents came to our surgeries in the more remote and rural areas of Argyll, complaining bitterly about the changes that had resulted in their purchasing a Sky card to allow them to access the BBC, ITV, Channel 4 and channel 5. Those people had paid their licence fee to the BBC and bought their digibox, but the threat that Sky could switch off the Solus card at any time convinced many of them to buy access to Mr Murdoch's BSkyB, at a cost of around £12.50 per month, on top of the money that they had already spent. In anyone's language, that is an outrageous proposition. The anger that is felt by many of my constituents about the situation is extreme.

The announcement by Richard Caborn during the recent debate at Westminster—which was initiated by my colleague Alan Reid—that viewers will be able to continue to access ITV, Channel 4 and channel 5 by purchasing a replacement Solus viewing card for the sum of £20 plus VAT, over the next two years, is a welcome step in the right direction. However, it is unfair that people will have to pay that extra charge for the privilege of watching terrestrial TV channels. There is also no certainty that that will be the charge for the foreseeable future: the charge may go up over time.

There are two other concerns, which John Farquhar Munro and other members have referred to. The first is the fact that viewers in the Highlands and Islands who receive BBC channels digitally cannot watch Scottish Premier League matches because of the BBC's move to the new Astra satellite. Depending on whether one talks to the lady or the gentleman of the house, that is viewed as a good or a bad thing. However, it highlights the fact that viewers in rural areas are treated as second-class citizens when it comes to TV reception.

The other concern is that of small, remote communities such as Cairndow, Ford and Glendaruel, in my constituency, which cannot

access terrestrial TV without the help of a relay station, built on a hill with a cable coming back down into the village. Such systems were originally established with the help of Government and local authority grants to the communities, enabling them to build the relay stations and put in the cabling. Technical assistance in that process was provided by BBC and ITV technicians. With the analogue switch-off due to take place in 2010, there is no commitment from either local authorities or the Government to give such communities any assistance in upgrading their relay stations to digital capability. Additionally, as more and more viewers in those communities buy BSkyB satellite services, they are unwilling to contribute to the maintenance and upgrading of the relay systems. That is a double whammy, and the big worry is that those systems will fail and break down, as there is no way in which the money can be raised to upgrade them to digital capability.

The issues are equality and inclusion, as has been said. The present system seems to be chaotic and penalises people who live in remote and rural communities. It is a reserved matter, but it has a disproportionate effect on rural Scotland. Therefore, I ask the minister—with his deep knowledge of rural issues and his background in the rural communities—to take the issue up with his Westminster colleagues and the BBC, as a matter of urgency, and to press them to find an equitable solution for everyone who lives in rural Scotland.

17:38

Alex Fergusson (Galloway and Upper Nithsdale) (Con): Like other members, I congratulate John Farquhar Munro on having brought the matter to the chamber. I share Alasdair Morgan's point of view. He spoke about people often thinking that rural Scotland refers only to the Highlands and Islands. During the election campaign, I was pretty much convinced that John Farquhar Munro thought exactly the same. Once, during that campaign, when I rounded the corner into Gatehouse of Fleet, in the very heart of Galloway and Upper Nithsdale, I came upon a signpost urging me to vote for John Farquhar Munro. I am glad that, just as his election campaign travelled successfully into the south-west of Scotland, the Presiding Officers have seen fit to allow his motion to succeed likewise.

The motion addresses an issue that, as members have said, affects every part of rural Scotland. It is important and is often raised on the doorsteps. The reason for that is quite simple. As John Farquhar Munro rightly pointed out, TV services and the reception that people get should

not depend on where they live—especially as everyone pays the same licence fee. We have a standard licence fee; therefore, we have a right to expect a standard reception.

Most of the practical points have been covered, and there is nothing to be gained in repeating them. One of the things that disturbs me is the reception that one gets—if members will forgive the pun—from the BBC when one raises the issue with it. I have found the BBC's attitude to be rather arrogant.

Recently, I was told that the development of coverage by the addition of more transmitter sites is politically and technically complex. I agree with Stewart Stevenson that there will always be places in which, for geological or geographical reasons, there will never be adequate reception, but it is rather insulting simply to be told that development would be politically and technically complex. I presume that the political difficulty concerns people's inherent dislike of masts. However, given the forest of masts throughout most of rural Scotland nowadays, I do not believe that such development is as impossible or as difficult as has been made out.

Stewart Stevenson: Will the member take an intervention?

Alex Fergusson: I will always bow to Stewart Stevenson on technical matters.

Stewart Stevenson: Perhaps the member is not aware that the signal strength of digital transmissions is normally approximately one five hundredth of the strength of analogue transmissions and that it is therefore technically possible to put transmitting antennae on much smaller masts and perhaps even to use some mobile phone masts that already exist.

Alex Fergusson: I am grateful to the member. He is correct—I was not aware of that. What he says backs up and confirms what I am saying. I do not accept that the matter is as politically difficult or technically complex as the BBC would have us believe. We live in a technical age and I do not believe that the technical problems to which the BBC refers are as difficult as it would have us believe. Frankly, the BBC is rather arrogant in that respect. Just because people live in rural areas, that does not necessarily mean that they deserve political or technical ignorance.

That is all that I want to say. George Lyon talked about unfairness. There is unfairness. I could go further than that and say that there is almost discrimination towards those of us who live in Scotland's most rural areas.

The Deputy Presiding Officer: The member has one minute.

Alex Fergusson: I do not need any more time,

Presiding Officer. The issue is simple. I do not like the arrogant response that one receives when one asks questions. I look forward to what the minister will say.

17:42

The Minister for Tourism, Culture and Sport (Mr Frank McAveety): I thank John Farquhar Munro for securing the debate.

I should always begin discussing such matters by saying that the issue is primarily dealt with by the Westminster Parliament. Liberal Democrat colleagues have already raised the matter in discussion with the relevant ministers at the Department for Culture, Media and Sport. However, the issue is important for Scotland as a result of its geography and the adverse reaction of people if they do not have access to Scottish Premier League games other than old firm matches. There is a challenge for many folk and members hear about such concerns as they go round the country.

Members have legitimately discussed historic problems with reception throughout our country, and the changeover's economic impact on individuals who have been asked to make contributions in situations in which reception was previously guaranteed. Problems with the quality of reception have also been mentioned.

The First Minister has raised the matter verbally with Tessa Jowell, so I assure members that it is on the Executive's horizon. Following the debate in the House of Commons, we will take up the issue with DCMS ministers and try to find ways in which to resolve matters. It is not only the issue that we are discussing that is important; David Mundell alluded to other aspects of technology. It might be better to try to pull those aspects together, knowing that we are moving forward with a variety of different approaches, in order to address technological developments. We want everyone to be involved in that.

Jeremy Purvis: The minister mentioned discussions with Westminster colleagues. Will he extend discussions to the BBC? The BBC has estimated that there will be savings of £85 million. An element of those savings could be used to offset costs to constituents who have no choice but to receive digital television by buying the new £20 card. That would put some of that money to good use. Could the minister appeal to the BBC?

Mr McAveety: I would be happy to discuss with colleagues and MSPs how to raise and discuss such issues. Obviously, I cannot give the member any guarantees about how the DCMS will respond, but I am happy to take up such issues on behalf of members and to find out whether progress can be made.

We must acknowledge, as many members have tonight, that there has been some movement, although at a cost of £20 plus VAT for a card. I hope that that figure will remain stable irrespective of what happens in the next two or three years. The fact that there have been debates in the House of Commons and the Scottish Parliament should concentrate the minds of politicians on ensuring that that is the case. I recognise that there is an element of unfairness in a situation in which some people who pay the licence fee do not have the full benefit of that spending, as people in urban Scotland do.

There have been discussions about the cost that have resulted in welcome developments. The UK Government's position is that subsidising the cost of obtaining a Solus viewing card is a separate issue from that of the licence fee. The viewing card is an element of equipment that is necessary for satellite television consumers who purchased the system in order to enable them to receive the free-to-air channels. The Government has never subsidised the cost of purchasing TV equipment and does not intend to do so. Although that is the stated position of the UK Government, I think that we should still be able to raise certain issues and I will be happy to do so.

Listening to Maureen Macmillan's speech, I wondered whether "Confessions of a Technophobe" might make a good television programme.

Maureen Macmillan: Will the minister take an intervention?

Mr McAveety: I will, but I cannot guarantee that I will give you as erudite an answer as Stewart Stevenson often does. He is the kind of individual whom other pupils must have hated to sit beside in school.

Maureen Macmillan: May I demonstrate that I have expertise in some areas by pointing out that in the business bulletin the word "licence" is twice misspelled in the motion?

Mr McAveety: I share Maureen Macmillan's passion for sorting out grammatical mistakes. Maureen Macmillan has many other talents and I am sure that she will develop a technological talent in years to come. Indeed, I look forward to her taking up her post as the sound person in the new Scottish Parliament building.

A number of members have asked how we can ensure that the concerns of more isolated communities are considered in relation to broader developments in the BBC and other programme providers. We have to use the opportunity that is presented by the UK Government's intended switch to digital television to iron out the practical problems that have emerged because of recent developments. Obviously, the establishment of the

Office of Communications—Ofcom—gives us an opportunity to have such issues addressed in the reports that it will produce by March 2004 on developments in the digital market. We need to consider ways in which we can influence the debate that will take place in the DCMS.

I acknowledge what George Lyon said about my deep knowledge of the issues that face rural communities in Scotland. I confess that, when I was a child, our impoverished family took an annual trip to Hoggenfield loch. That has stood me in great stead as I have addressed this issue today.

We need to ensure that the companies that are involved engage in dialogue among themselves so that they recognise that a decision by the BBC to change over to digital will also have an impact on the commercial broadcasters. Through the intervention of the UK Government, some of those issues have been addressed.

This evening, there has been acknowledgement that there are differences throughout the UK, but that those differences are accentuated by Scottish geography and topography. There are fundamental issues involved. I am not an expert in those matters, but I think that we should be able to pull together some of the ideas that have been raised and discuss them with colleagues in the DCMS and with representatives of the broadcasting companies to ensure that they are addressed more effectively.

There is a great incentive to try to ensure that the Scottish public can view the activities of the Scottish Parliament. There is no point in our having a Scottish Parliament if the key issues that we deal with are not accessible by the public. I hope that that will enhance the work of Parliament.

I am not too convinced about David Mundell's metaphor involving "The Beechgrove Garden" and what is produced in the Parliament—I will leave others to imagine the punch line to that—but we need to ensure that there are effective ways in which people can access television programmes from throughout the range of BBC channels, through the licence fee.

I would be happy to meet members to discuss some of the issues that have been raised this evening and thereafter to summarise those points and raise them directly with DCMS ministers, thereby opening up areas of the debate for the future. I thank members for the time that they have taken to attend this evening's debate.

Meeting closed at 17:50.

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