

# **MEETING OF THE PARLIAMENT**

Thursday 22 January 2004

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2004.

Applications for reproduction should be made in writing to the Licensing Division,  
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate  
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The  
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now  
trading as The Stationery Office Ltd, which is responsible for printing and publishing  
Scottish Parliamentary Corporate Body publications.

---

## CONTENTS

Thursday 22 January 2004

### Debates

Col.

<b>HIGHER EDUCATION (TOP-UP FEES)</b> .....	5037
<i>Motion moved—[Fiona Hyslop].</i>	
<i>Amendment moved—[Mr Jim Wallace].</i>	
<i>Amendment moved—[Murdo Fraser].</i>	
Fiona Hyslop (Lothians) (SNP).....	5037
The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace) .....	5040
Murdo Fraser (Mid Scotland and Fife) (Con).....	5044
Mike Watson (Glasgow Cathcart) (Lab) .....	5046
Colin Fox (Lothians) (SSP).....	5049
Alex Neil (Central Scotland) (SNP).....	5050
Des McNulty (Clydebank and Milngavie) (Lab) .....	5052
Mark Ballard (Lothians) (Green) .....	5053
Lord James Douglas-Hamilton (Lothians) (Con) .....	5055
Jim Mather (Highlands and Islands) (SNP) .....	5056
Gordon Jackson (Glasgow Govan) (Lab) .....	5058
Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD).....	5059
Dennis Canavan (Falkirk West) (Ind) .....	5061
Margo MacDonald (Lothians) (Ind).....	5062
Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	5063
Richard Baker (North East Scotland) (Lab).....	5064
Mr Brian Monteith (Mid Scotland and Fife) (Con).....	5066
Mr Wallace.....	5067
Mr Kenny MacAskill (Lothians) (SNP) .....	5069
<b>FISHERIES (DECEMBER COUNCIL)</b> .....	5073
<i>Motion moved—[Richard Lochhead].</i>	
<i>Amendment moved—[Allan Wilson].</i>	
<i>Amendment moved—[Mr Ted Brocklebank].</i>	
Richard Lochhead (North East Scotland) (SNP) .....	5073
The Deputy Minister for Environment and Rural Development (Allan Wilson) .....	5076
Mr Ted Brocklebank (Mid Scotland and Fife) (Con).....	5078
George Lyon (Argyll and Bute) (LD).....	5080
Robin Harper (Lothians) (Green).....	5082
Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP).....	5083
Mr Alasdair Morrison (Western Isles) (Lab).....	5085
Iain Smith (North East Fife) (LD) .....	5086
Maureen Macmillan (Highlands and Islands) (Lab).....	5087
Mr Jamie McGrigor (Highlands and Islands) (Con) .....	5089
The Deputy Minister for Finance and Public Services (Tavish Scott) .....	5090
Stewart Stevenson (Banff and Buchan) (SNP) .....	5092
<b>FIRST MINISTER'S QUESTION TIME</b> .....	5095
<b>QUESTION TIME</b> .....	5107
<b>EDUCATION REFORM</b> .....	5124
<i>Motion moved—[Peter Peacock].</i>	
<i>Amendment moved—[Fiona Hyslop].</i>	
<i>Amendment moved—[Lord James Douglas Hamilton].</i>	
The Minister for Education and Young People (Peter Peacock).....	5124
Fiona Hyslop (Lothians) (SNP).....	5129
Lord James Douglas-Hamilton (Lothians) (Con) .....	5132
Robert Brown (Glasgow) (LD) .....	5134
Dr Elaine Murray (Dumfries) (Lab) .....	5136
Alex Neil (Central Scotland) (SNP).....	5138
Murdo Fraser (Mid Scotland and Fife) (Con).....	5140
Ms Wendy Alexander (Paisley North) (Lab) .....	5142

Donald Gorrie (Central Scotland) (LD) .....	5144
Robin Harper (Lothians) (Green) .....	5145
Mr Stewart Maxwell (West of Scotland) (SNP) .....	5147
Mr Kenneth Macintosh (Eastwood) (Lab) .....	5149
Ms Rosemary Byrne (South of Scotland) (SSP) .....	5151
Rhona Brankin (Midlothian) (Lab) .....	5153
Mr Brian Monteith (Mid Scotland and Fife) (Con) .....	5155
Mr Adam Ingram (South of Scotland) (SNP) .....	5157
The Deputy Minister for Education and Young People (Euan Robson) .....	5159
<b>DECISION TIME</b> .....	5163
<b>KINSHIP CARE</b> .....	5176
<i>Motion debated—[John Swinburne].</i>	
John Swinburne (Central Scotland) (SSCUP) .....	5176
Trish Godman (West Renfrewshire) (Lab) .....	5179
Christine Grahame (South of Scotland) (SNP) .....	5180
Phil Gallie (South of Scotland) (Con) .....	5181
Donald Gorrie (Central Scotland) (LD) .....	5183
Carolyn Leckie (Central Scotland) (SSP) .....	5184
Scott Barrie (Dunfermline West) (Lab) .....	5185
Eleanor Scott (Highlands and Islands) (Green) .....	5186
John Farquhar Munro (Ross, Skye and Inverness West) (LD) .....	5188
Christine May (Central Fife) (Lab) .....	5189
The Deputy Minister for Education and Young People (Euan Robson) .....	5190

## Oral Answers

	<b>Col.</b>
<b>FIRST MINISTER'S QUESTION TIME</b> .....	5095
Cabinet (Meetings) .....	5096
Cabinet (Priorities) .....	5100
Organ Donation .....	5105
Prime Minister (Meetings) .....	5095
Rail Industry .....	5104
Scottish Visas .....	5101
<b>QUESTION TIME</b>	
<b>SCOTTISH EXECUTIVE</b> .....	5107
Biodiversity (Damage by Deer) .....	5114
Burns Night (Promoting Scotland Abroad) .....	5110
Business Rates (Relief) .....	5109
Hepatitis C (Ex Gratia Payments) .....	5121
Inverclyde Council (Education) .....	5122
Local Government Finance .....	5116
Maternity Services (Staffing) .....	5119
Poll Tax Debts .....	5107
Registered Social Landlords .....	5112
Schools (Fines for Parents) .....	5108
Scottish Natural Heritage (Dispersal of Jobs) .....	5113
Social Work Services Inspectorate (Delayed Report) .....	5118

---

## Scottish Parliament

Thursday 22 January 2004

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

### Higher Education (Top-up Fees)

**The Presiding Officer (Mr George Reid):** Good morning. The first item of business is a debate on motion S2M-803, in the name of Fiona Hyslop, on the impact of top-up fees on higher education in Scotland, and two amendments to that motion.

09:30

**Fiona Hyslop (Lothians) (SNP):** I am pleased to open this Opposition debate on higher education, which is the first debate that we have had on the subject since the new Executive was elected in May last year.

We have much to be proud of in our higher education sector. We must see the future of higher education not only in the context of the developments in competition for research and staff with England, but in the European and global context. Given that the knowledge economy is critical, where do we foster that knowledge if not in our universities? If we want a smart, successful Scotland, where will the ideas and intellect be fostered and promoted? Our universities are critical to the country's economic future, but they are also critical to its economic present. The university and higher education sector in Glasgow contributes £0.5 billion to the local economy; here in Edinburgh, the figure is £0.75 billion; and the figure for Scotland as a whole is more than £2.5 billion. The Executive needs to see the sector as an investment, not as a cost burden.

I say at the outset that our preference would have been to debate the Enterprise and Culture Committee's report on the issue, but as Westminster will vote on the Higher Education Bill next week, it is important that, within that timescale, we take the opportunity to send a clear message to the elected politicians from Scotland at Westminster about why the introduction of top-up fees in England would disadvantage Scotland. Regardless of the top-up fee proposals in England that we are debating today, the Government in Scotland should be planning strategically to ensure that our higher education sector is well placed to meet and maximise the international opportunities in the future. However, it is unforgivable not to do so when we have the threat of top-up fees and their impact in Scotland. The Executive has seen the English higher education

budget in the current six-year period grow at twice the rate of that in Scotland, even before the introduction of top-up fees.

The Scottish National Party will always stand up for the Scottish interest, wherever and whenever that interest is threatened. The SNP MPs at Westminster will vote on the Higher Education Bill next week because until we have financial independence and the powers to compete fairly with England and the rest of the world—and while our financial arrangements are so tightly constrained by the Westminster system—it is our duty and responsibility to do so. I make it clear that Scotland will not receive a Barnett consequential from top-up fees—which will be classed as private money—although we can anticipate some Barnett consequentials from the non-top-up fee student support package. However, in the long term, we will be at a disadvantage.

If any member is under the illusion that the bill will be backed by huge amounts of public money, I point out that, despite daily concessions from Tony Blair to sweeten the variable-fee pill, there is still no clear definitive statement of how much new money will go into the system.

On 15 January, Tim Yeo, the Conservative education spokesperson, asked Mr Clarke:

"There is a substantial burden of new costs associated with the Government's Higher Education Bill—costs that have increased as a result of some of the concessions that the Secretary of State has been forced to make. Will these costs be met within the higher education budget or by additions to that budget?"

The answer from Mr Clarke was:

"The former."—[*Official Report, House of Commons*, 15 January 2004; Vol 416, c 941.]

One concern is that a raid on the existing higher education budget will have a knock-on effect in Scotland. Clause 1 of the bill will establish a research council under the Department of Trade and Industry to implement the Government's privatising agenda down south. While I am on the subject of research, we cannot and must not accept the Westminster Government's plan to polarise research and to develop an elitist ivy league system.

The Scottish Labour MPs' problem is that they are exercising their vote, but doing so against the Scottish interest. The Tories' problem is that their sole Scottish member will not even stand up for Scotland, but prefers to sit on his hands—sometimes.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Principle.

**Fiona Hyslop:** Excuse me—Peter Duncan has voted at least 37 times on English affairs, including three times on top-up fees, one of which was as

recent as June last year. That is hypocrisy in action.

There is a clear consensus that we must take action to address the funding issues in Scottish universities and that the bill will disadvantage Scotland. Our choice is whether to try to influence the vote before it takes place—from our unique perspective and armed with the Enterprise and Culture Committee's report—or to react after the event. Do Scotland and Scotland's Parliament lead or do they follow?

As the Deputy First Minister well knows, I accused him of sleepwalking through the issue and of exhibiting complacency and arrogance towards the sector by not acknowledging that there was a problem.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** If the minister is sleepwalking, surely he is doing so subconsciously and therefore he cannot be blamed?

**Fiona Hyslop:** Although I have concerns about the minister's well-being—particularly given that he has told 700 of my constituents that he is delighted that their jobs are moving elsewhere—I perhaps will not be as cruel as Mr Monteith is.

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** Does Fiona Hyslop acknowledge that, in the light of the white paper from the Department for Education and Skills, the Executive set up a review of higher education funding back in the summer of last year in anticipation of the possible impact? That is not sleepwalking; that is taking a measured step to examine all the issues. It is the SNP that has only recently woken up to the issue.

**Fiona Hyslop:** I welcome the fact that the Executive has set up a private and secret review group.

I return to my point that, whether or not there was a debate on top-up fees in England, the Executive should have been considering the issues anyway. What has the Executive been doing for the past four years? I know—it has ensured that while the overall Scottish budget has increased by 23 per cent, the higher education budget has increased by only 15 per cent.

Political pressure and pressure from Universities Scotland forced last week's admission from Jack McConnell that something must be done and that Scotland's funding advantage is more in the order of 3.6 per cent and not the 20 per cent that the Executive has been hiding behind. Because the SNP has forced a debate on the issue, we have seen movement today in the Executive amendment, which makes some kind of acknowledgement that there would be a disadvantage for Scotland. We thought that

progress was being made until we started hearing from the true voice of Labour at Westminster that top-up fees in Scotland are inevitable.

Top-up fees are wrong in principle and we should rule them out. Student debt is already a serious problem for young people. The Prime Minister's logic seems to be that the new measures are okay because students already have debt. We either have financial independence under the SNP to grow the economy and our higher education system or we will be softened up for top-up fees from Labour. Who do we believe on those issues?

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

**Fiona Hyslop:** No, I want to carry on.

Unless we see a concerted effort from the Labour-Liberal Executive to come up with financial provision, we have no option but to believe that the Executive is being softened up for the post-2007 introduction of top-up fees. The SNP can stop that by using the powers that financial independence can bring. Who speaks for Labour on the issue? Which minister was Sam Galbraith referring to in his conclusions the other night on "Newsnight"?

We have given options for tackling the short-term challenge: we should use the £47 million from the council tax consequentials, which would not cut other budgets and would keep up with the pace of investment elsewhere. I want our universities to maintain their competitive position and to continue to produce world-class research. From the Executive, I hear the silence of lambs. It might be too much to expect the roar of lions, but all the SNP is asking the Executive to do—and giving members the opportunity to do—is to speak up and speak out for Scotland's national interest.

I move,

That the Parliament believes that the Higher Education Bill published by the Department for Education and Skills on 8 January 2004 will have an adverse effect on Scottish higher education and therefore calls on all Scottish MPs to vote against the bill at Second Reading.

09:40

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** I take great pleasure in having the opportunity to move the Executive's amendment to the Opposition's motion, which I will briefly dismiss. Unlike the Conservative party, I believe that Scottish MPs elected to the Westminster Parliament should feel free to vote on issues in that Parliament. In our parties, we can discuss with Scottish MPs which way they should vote, but it is pompous and preposterous for one Parliament to tell members of another Parliament which way

they should vote. We all know that, if the Westminster Parliament were to pass a motion saying what members of this Parliament should do, the biggest howls would come from the SNP benches. There is an absolute reek of hypocrisy. The SNP would be the first to squeal if the boot was on the other foot.

**Margo MacDonald (Lothians) (Ind):** I am certain that the minister is aware of the section in the Scotland Act 1998 that allows Westminster legally to override any decision of this Parliament.

**Mr Wallace:** Yes, but no one is suggesting that that is what is happening here.

Scotland's distinctive higher education system is a national asset, as Fiona Hyslop acknowledged. We have world-class universities in Scotland that are vital to our economic success. The Executive is determined not to let their status diminish. In that regard, I am pleased that we have the support of the Enterprise and Culture Committee. I want to take this chance to place on record the fact that I welcome the committee's recent thorough and thoughtful Scottish solutions inquiry report, which makes a very helpful contribution to the debate. Paragraph 3 of the executive summary of the report supports the principle that higher education is fundamental to Scotland's economic development and success.

As I said yesterday at the University of Glasgow, growing the economy is the Executive's top priority. I believe that investment in higher education has a hard and irrefutable business rationale to it. It is vital to boost skills and knowledge in our work force and to increase our research and development capacity. For that reason, as well as for the broader social and cultural reasons that we also rightly prize, we will take whatever action is necessary to ensure that our universities retain a competitive advantage in relation to the rest of the United Kingdom and in a European and global context. That aim is bound to require some additional investment as well as some creative thinking on the part of universities. That is acknowledged by the Enterprise and Culture Committee in its findings, when it says that it

"believes that universities have a responsibility to continue to seek other sources of funding, and to work to maximise best value for public funding."

**Mr John Swinney (North Tayside) (SNP):** On the question of investment, can Mr Wallace square his remarks about the importance of investment and sustaining the competitive advantage of our universities with the fact that support to the higher education sector is now a much smaller proportion of the Scottish Executive's budget than it was when he became the Deputy First Minister?

**Mr Wallace:** I can testify to the Executive's

investment in higher education. Since the Parliament was established in 1999, investment in education in real terms has increased every year. It has gone from something like £600 million a year to £800 million a year at the end of the spending review. If spending is less as a proportion of overall expenditure, that is because in areas such as health, expenditure has also increased, which is something that the SNP has called for many times. No one can gainsay the sustained increase in investment that the Scottish Executive has put into higher education.

We want to consider these matters properly. That is why we want to quantify Scotland's present advantage and the challenges that we face. We recognise that the universities are under pressure and that we need to make sure that the extra investment meets the needs of the sector. That is where we take a rather different line from that taken by SNP members, who seem to have woken up only very lately to the importance of supporting our higher education institutions properly. The SNP manifesto for the election last year makes only a passing reference to the core funding of higher education. It suggests only that the SNP's proposed review of student finance would be able to look in passing at the

"the overall context of ... higher education funding".

That is why I find it a bit rich of Fiona Hyslop to say that we should be planning strategically. There was no strategic planning for the core funding of higher education in last year's SNP manifesto.

It was clear that Fiona Hyslop seemed to have missed the fact that our strategic planning has been such that we have not only established the third phase of the higher education review but initiated two previous phases of work to examine other aspects of higher education in Scotland. Phase 2 of that work reported in March last year.

It was only at the end of last year that SNP members became switched on and decided that higher education was extremely important to them and that they would commit the one-off consequential from the Chancellor of the Exchequer's pre-budget report to the long-term funding of the sector. Until then, their priorities for extra spending had been wide and diverse—from litter bins in Stirling to new rail bridges in Dornoch.

**Fiona Hyslop:** Will the minister give way?

**Mr Wallace:** I do not have time. As I indicated to Fiona Hyslop, we have been engaged in a proper and detailed process, building on our higher education framework document, published last March, which in turn built on 18 months of detailed discussion with the sector.

Further, we have conducted our higher education review. The fact that Fiona Hyslop

described that as “private and secret” shows how much attention she has been paying to the situation because, having conducted its Scottish solutions inquiry, the Enterprise and Culture Committee endorsed our approach, concluded that the Executive’s measured approach was “wholly appropriate” and—wait for it—commended the “open and inclusive” process that we have put in place. Far from conducting a private and secret process, we have engaged stakeholders, university principals, staff and students.

I expect to receive the phase 3 report of our higher education review at the end of next month. Given that we have embarked on a process that the committee believes is wholly appropriate, open and inclusive, it would be wrong to prejudge that report or have a knee-jerk reaction to it before we have seen it. We will take the report forward and it will inform the spending review that will take place later this year. That is a proper and responsible process. The fact that any legislation from Westminster will not begin to come into effect until 2006 will give us time to do that.

We are building on a strong track record. We have increased funding from £600 million in 1999 to £800 million by 2005-06. In the three years covered by the previous spending review alone, the Scottish Higher Education Funding Council saw a rise in cash terms of 15 per cent, which is 6.9 per cent in real terms. That level of investment speaks for itself. One of the things that it should say to people is that the Executive takes higher education extremely seriously and that when we say that we will take the necessary steps to retain a competitive edge for our universities, we mean it.

What we do will be driven by Scottish priorities, not by knee-jerk reactions to what happens across the border. I remind the chamber that Scotland has a lifelong learning strategy and that the Enterprise and Culture Committee’s report particularly stressed the need to continue to consider further and higher education side by side. I was sorry to note that Fiona Hyslop’s speech said nothing about the importance of the role of further education colleges, not least with regard to providing a large volume of vocational higher education.

Our approach makes sense for Scotland. The Executive has a good story to tell. Since 1997, the SNP has changed its policy on student support more times than one would care to imagine. Its 2001 UK election manifesto was described by its own student group as a seriously watered-down version of the SNP’s policy and as having led to a real sense of disappointment in the Federation of Student Nationalists. That manifesto also says that attempts to mitigate the impact of policy moves south of the border will not work in the long term.

However, the Executive will not give up so easily. We are proud of our Scottish higher education institutions. Our support for them has increased since devolution.

We have a good record and a strong starting point, which we will defend. Above all, we will do whatever is right for the needs, circumstances and priorities of Scotland, at the right time and through a measured process. We have set our own agenda for higher education and lifelong learning and we will not be deflected from it by opportunists who want only to make headlines.

I move amendment S2M-803.2, to leave out from “believes” and insert:

“recognises that Scotland’s distinctive higher education system is a valuable asset which must be maintained and developed for the good of the nation; further recognises that its competitive advantage must be maintained; welcomes the commitment in the Partnership Agreement that the Executive ‘will not support the introduction of top-up tuition fees’ in Scotland; notes that the Enterprise and Culture Committee’s report on its Scottish Solutions Inquiry considers that the Executive’s decision to respond to developments in England by proceeding with a third phase of its higher education review in order to establish a robust evidence base ‘is wholly appropriate’, and looks forward to this third phase of the review reporting in the early spring.”

09:49

**Murdo Fraser (Mid Scotland and Fife) (Con):** I welcome the opportunity that this debate provides for the Conservative party to set out its opposition to top-up tuition fees north and south of the border. I also welcome the opportunity to expose the shameless opportunism of the SNP on this issue.

We have always opposed the introduction of tuition fees and top-up fees in Scotland and in England, and Michael Howard and his Conservative colleagues in the House of Commons have been leading the opposition to them. Top-up fees might deter students from less well-off backgrounds from applying to universities. The previous Conservative Government had an excellent record in extending higher education to all and we think that top-up fees could reverse that trend.

One of the reasons why the Scottish Conservatives oppose top-up fees in England and Wales is that we recognise that they might have a detrimental impact in Scotland. I am a member of the Enterprise and Culture Committee and other speakers in the debate have referred to the committee’s report, which makes that point perfectly clear. There is concern that universities in England and Wales have higher incomes and that they will therefore be able to pay higher salaries. They might attract staff from Scotland and might have a higher status in the eyes of overseas students.



There is a growing political consensus that top-up fees might have a detrimental effect on the Scottish sector. That is why our amendment calls on the Executive to respond to the bill by bringing forward proposals to address the impact on Scottish universities and Scottish students, whether they study here or elsewhere in the United Kingdom.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** For accuracy, will the member concede that the issue is not so much academics' salaries as their background support packages, because there are national pay scales to govern these matters?

**Murdo Fraser:** That is a fair point. Universities have the opportunity to offer additional support packages to academics, so the base salary is not always the most important factor.

The support of other parties and the Labour rebels is welcome, but it is the Conservatives who will lead on the issue at Westminster so that we can—as we must—defeat top-up fees.

The stance that the SNP has taken on the issue is both hypocritical and politically opportunistic. The SNP supports an independent Scotland. If Scotland was independent, no one in Scotland would have any say whatsoever about what happens in the English higher education sector. Even if we were an independent country, there would still be a knock-on effect on Scottish education because we have a single market in the UK with cross-border flows of students and staff—that would remain the position in an independent Scotland. The SNP proposes a policy under which we would have even less say on the impact on Scottish universities than we have at the moment.

The SNP's real agenda is now apparent. It has no real interest in supporting higher education in England or even, I suspect, in Scotland. It is trying to ensure that MPs who represent Scottish constituencies vote on an issue in which they have no direct interest, and it hopes to encourage an English backlash that will destabilise the current constitutional settlement. No unionist, of whatever party, should have any truck with such an approach.

The SNP approach is not just politically opportunistic but tactically inept. It would have made much more political capital if its Westminster MPs had decided to abstain and had shown up Labour MPs on the issue. Typically, the SNP has not had the wit to see that political opportunity but, given its past record, we should not be surprised about that.

**Alasdair Morgan (South of Scotland) (SNP):** Will the member take an intervention?

**Murdo Fraser:** I am sorry, but I am in my final minute.

In contrast to the SNP's opportunistic stance, the Conservatives have a principled stance and our Scottish MP, Peter Duncan, will abstain from the vote on the issue.

We recognise that the current constitutional settlement is imperfect. In an ideal situation, the Speaker would certify which of the bills that are before the House of Commons apply to England and Wales and which affect the whole of the UK. MPs who represent Scottish constituencies would vote only on the latter. Until that happens, there is a judgment to be made on all pieces of legislation and Peter Duncan is quite right not to vote on this particular issue. Unlike the stance that has been taken by the SNP, which picks and chooses when to have principles, our stance is consistent.

I urge MPs who represent Scottish constituencies to follow Peter Duncan's lead and abstain from the vote on tuition fees in England. I have no doubt that if they do so, the damaging proposal of top-up fees will be defeated and we will avoid the dangerous consequences to the UK of this unpopular and unwanted policy being carried through for England on the back of votes from the Labour MPs who represent Scottish constituencies.

To conclude, I contrast the principled stance that we have taken with the opportunistic and tactically inept stance of the SNP. We want tuition fees to be defeated both north and south of the border. If all the MPs who represent Scottish constituencies follow our principled lead, I have no doubt that top-up fees will be defeated. I urge them to do so.

I move amendment S2M-803.3, to leave out from "will" to end and insert:

"imposing top-up fees may have an adverse effect on Scottish higher education; calls on the Scottish Executive to set out its proposals for dealing with any consequential impact on Scottish universities and on Scottish students if top-up fees are introduced in England; rejects the politically opportunistic stance of the SNP on this issue which is intended to destabilise the Union, and calls on all Scottish MPs to follow the lead of Peter Duncan MP, Shadow Secretary of State for Scotland, and abstain from voting on this Bill and, indeed, all Bills that relate only to England and/or Wales."

09:54

**Mike Watson (Glasgow Cathcart) (Lab):** As always, it was instructive to listen to Fiona Hyslop's opening remarks. I was astonished to hear her say that the Executive should see the higher education sector as an opportunity and not as a "burden". I hope that I have quoted her correctly. I would like to see evidence that the Executive sees the sector as a burden, bearing in mind the increases in funding that have already

been outlined and which will, no doubt, be referred to again in the debate.

The standard of the research that Fiona Hyslop put into her speech was revealed by her amazing comments about the secret cabal or group that is the phase 3 review of higher education in Scotland. Jim Wallace mentioned that the Enterprise and Culture Committee, of which I am a member, said in its report that the group is open and inclusive. To show how open and inclusive it is, I point out that it includes groups such as Universities Scotland, the Association of Scottish Colleges, the Association of University Teachers, the Educational Institute of Scotland, the National Union of Students Scotland, Unison and the Scottish Higher Education Funding Council—it is hardly a secret group.

**Fiona Hyslop:** Will the member take an intervention?

**Mike Watson:** I will in a moment.

Fiona Hyslop might want to respond to the most surprising thing, which is that the committee is chaired by her colleague Alasdair Morgan, and includes Brian Adam as a member. I sat through most of the meetings, if not all of them, and I do not remember the view being put forward that it was a secret group—we welcome the study that is being undertaken. I would welcome Fiona Hyslop's comments on that.

**Fiona Hyslop:** I do indeed want to comment. My concern is that this is the first debate that we have had on higher education since this Government came into office. It would have been helpful to and instructive for the public in Scotland to know not just that the review was taking place but what it has done and what it has influenced. We have review after review after review, but it is results that matter.

**Mike Watson:** As I understand it, the group will report next month. At the moment, we do not know the final form of the bill or even whether it will be passed by the House of Commons. The issue is an imprecise one, just as it was when the Enterprise and Culture Committee considered it. In fairness, the Executive is doing as much as it can, given the imprecise nature of the issue. That has not prevented continuing increases in investment in Scottish higher education throughout this session of the Scottish Parliament.

On the hypocritical content of the SNP motion, which tells MPs how to vote, how indeed would we react if Westminster told us how to vote? All MPs were sent a copy of the Enterprise and Culture Committee's report, which contains clear recommendations, including a recommendation that the Scottish Executive should significantly increase its investment in higher education in real terms. I am sure that MPs will have read the report

and I hope that they will take it into account when they vote, but I am not going to tell them how to vote any more than I would want them to tell me how to vote.

We dismiss higher education in Scotland rather too easily. We must recall that in 2002-03, funding per student, excluding support, was £146 in Scotland and £122 in England, which represents a difference of some 20 per cent. It is certainly incumbent on the Executive to do whatever it can in the spending review to ensure that that level is maintained. Anyone who listened to Jim Wallace yesterday will have heard him stress that his main ambition in the spending review is to build on the substantial investment that is already being made in tertiary education in Scotland. That is the Executive's position and we should support it.

Fiona Hyslop made a rather dismissive comment about Barnett consequentials. There will be consequentials if, as looks likely, the scheme includes considerable DFES student support. That is not to be dismissed—it will be on-going and we have to accept that. That is not to say that there are not threats in the bill being passed as drafted—those threats are recognised in the committee's report and I am sure that they will be taken on board by the Executive.

The SNP has commented that any increase that is applied in England should also be applied in Scotland through general taxation. That is what John Swinney said on "Newsnight" two or three months ago, and on that occasion he prayed in aid Professor King from the University of Abertay Dundee and Dr Ian Johnston from Glasgow Caledonian University. In fact, those two august academics have argued for a graduate tax. The SNP must be clear about where their support comes from and to what extent they are supported.

My final point is on the SNP's call on the Executive to rule out ever applying top-up fees. For a start, we cannot top up fees in Scotland because we do not have any fees. The SNP should be asked whether, if it was ever in a position in which it could influence such matters, it would, in principle, outlaw raising personal or business taxes to pay for the unspecified maintenance of the advantage that we have over the English universities. That point needs to be answered because, as usual, the SNP has lots of ideas but no outline of how it would fund them. The Executive has indicated through its policies in the past four and a half years that higher education is a priority, and I am sure that that will continue in this year's spending review.

**The Presiding Officer:** It is extremely difficult to manage debates on subjects as important as those that we have this morning within the very short time that is available. We want to encourage

dialogue, but at the same time we must have a balanced list, so it is likely that some speakers will drop off the list, even though speeches are now limited to four minutes.

10:00

**Colin Fox (Lothians) (SSP):** As I watched the debate on variable top-up fees unfold at Westminster in the past few weeks and saw the dwindling number of Labour rebels, it brought to mind the famous description of a shiver running through Labour ranks desperately looking for a spine to run down.

The Labour Party's U-turn on top-up fees is surely as stark as any political volte-face in living memory. I remind the minister that Labour's 2001 election manifesto said:

"We will not introduce 'top-up' fees and have legislated to prevent them."

It does not say much about the Labour Party's powers of prevention when it cannot even resist itself. The amendment that the minister moved today, in which he says that

"the Executive 'will not support the introduction of top-up tuition fees'",

has the same hollow ring to it.

It is clear that nothing discredits politics in this country as much as a lie, a U-turn and a blatant betrayal. As one Labour MP put it, the impression is that,

"once you have sold the principle, you will sell everything else as well."

In truth, the significance of the debate on top-up fees is that the Labour Party is now applying its Tory free-market philosophy to education; that is precisely what we are debating. In one way, that is an entirely dog-bites-man story, because we have seen that happen repeatedly.

It would be one thing if the Labour Party stood up and said, like John Maynard Keynes, "When the facts change, so do our opinions", but the reality is that nothing has changed. Top-up fees are the extension of Labour's pursuit of individualism over common cause. In the Labour Party's theory, universities are now businesses, and the logic is simply that those businesses must be allowed to charge their customers a fee. Labour's ultimate legacy will be education as a commodity. On "Newsnight" on Monday night, Tony Blair said, in that bewildering way that he has of making the most immoral suggestions sound meek and mild:

"It's only right, surely, that those who gain from a university education should pay for it, isn't it?"

The reality is that they do pay for it already. If his argument is taken to its logical conclusion, what

will he say next: that only the ill should pay for health care or only pensioners should make a contribution to their pension when they retire? That is the logic of his argument. To add insult to injury, it comes from a man who did not pay for his education in that way—neither did Charles Clarke, Jack Straw nor any of the proponents of top-up fees in the UK Parliament. It is no wonder that the country at large is sick of the debate.

Top-up fees represent a double jeopardy—a second tax. According to figures that I saw on Monday, when top-up fees are introduced postgraduates will be on a tax rate of 41 per cent, once taxes and the fees are added together. Students will pay a higher rate of tax than the richest men in Britain; they will pay a higher rate of tax than the Prime Minister, who is on £200,000 a year, when they are on £15,000. That is the reality.

I am in favour of extra funds for universities—they are long overdue—and I would like the bill to include measures to reintroduce maintenance grants for all students, provide rent-free accommodation for those students who need it and pay proper wages to staff in universities. Members might ask how those would be paid for, but I pre-empt their question: they should be paid for out of general taxation by, as the NUS has suggested, taxing those on incomes of over £100,000 a year at 50p in the pound, which would bring in £4.6 billion, and increasing company taxation in line with taxes throughout Europe, which would bring in £2 billion.

In spite of those suggestions, the Prime Minister says that there is no plan B; his creator said, "There is no alternative." The reality is that the problem is less about getting into a university than it is about staying in one. For students, the universities have changed from being gatekeepers to being repomen and bailiffs. I hope that the bill will be defeated at its second reading, but I fear that the Thatcherisation of the Labour Party means that it has gone too far and that those who oppose it are too weak and ineffectual to stop it.

10:04

**Alex Neil (Central Scotland) (SNP):** I will mention two or three things that are growing into myths in Scotland before I go on to deal with the substantive issue.

First, the Tories have an absolute cheek to say that they will not vote on behalf of Scotland when, for 18 years, they used their English majority to overrule every one of Scotland's interests and the Scottish people's democratic wishes.

**Murdo Fraser:** Will Alex Neil give way?

**Alex Neil:** I do not have time, unfortunately.

The second is the Labour-Liberal Democrat myth that tuition fees have been abolished. Sam Galbraith—God bless him, the only honest Labour politician of recent years—gave the game away the other night when he stated clearly that it was a myth in the minds, not the brains, of the Liberal Democrats that tuition fees had been abolished. How can they be abolished when, after students graduate, they have to pay them back? By definition, fees have to exist to be paid back.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Alex Neil said that students have to pay their tuition fees back but, of course, the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 specifically says that the money is ring fenced for student support; it has nothing to do with fees. It is not possible to top up something that does not exist.

**Alex Neil:** Mike Rumbles has just proved Sam Galbraith right.

The third myth, which was reiterated by Mike Watson, who has not done his research, is that there is a 20 per cent differential in our favour at the moment between the spend on universities south and north of the border. All the objective research shows that the differential is nearer 3 per cent than 20 per cent.

**George Lyon:** Does Alex Neil not accept that that is because we have a 50 per cent participation rate in Scotland, unlike the universities south of the border, which are desperately trying to play catch-up to reach the level that we have in Scotland?

**Alex Neil:** George Lyon's numeracy is as good as his literacy. We were talking about pounds per head, which totally defies the nonsense that he has just uttered.

I will try to do something that neither the Tory speakers, Liberal Democrat speakers nor Labour speakers have done: deal with the fundamental issues. First, we need to ensure that our universities are second to none not only in the UK and Europe but, as Fiona Hyslop said, worldwide. We cannot create a smart, successful Scotland without heavy investment in our universities—the structure and the students. I hope that we are all agreed on that point.

The second fundamental issue is that, to achieve that objective, we must recognise that Scotland's universities are grossly underfunded. Even if we were not having the debate about top-up fees south of the border, we would still face the need for additional funding for our universities.

As I have only a few seconds left, I will deal with the third point. When the Cubie report was published, the SNP proposed a comprehensive programme for the funding of our universities; we

called it Cubie plus. The Executive did not implement the Cubie report—it implemented only part of it—but had it implemented the report in full plus the additional measures that the SNP suggested, we would not be in this situation today.

I tell the Executive members to waken up, forget the cheap jibes and do something for Scotland's universities.

10:09

**Des McNulty (Clydebank and Milngavie) (Lab):** Alex Neil's trademark is cheap jibes, so we can start from there.

In recent years, Scotland has outperformed not only the rest of the UK but the rest of the world by successfully increasing the number and proportion of young people from poorer backgrounds who enter higher education. Glasgow Caledonian University, where I worked for more than 20 years before I entered the Parliament, has been outstandingly successful in that regard, but many other Scottish universities have excellent track records too. The SNP fails to recognise those facts, and the only explanation that I can come up with for its opposition to the graduate endowment scheme, which has been so successful in boosting participation, is its ingrained habit of running Scotland down.

It is clear to everyone in higher education that more money is needed if our universities are to maintain their competitiveness—not only with their English counterparts but internationally. However, the underlying issue is that in recent years university staff salaries have not increased at the same rate as those of other workers. That is the main element of the money that is needed. We must address that issue if we are to attract top-quality people into academic life and to keep them there.

**Phil Gallie (South of Scotland) (Con):** Des McNulty referred to the increase in the number of students who are going to university and to Glasgow Caledonian University. Does he acknowledge that the increase happened during the Tory term in office, or is there a coincidence in that it happened only after Des McNulty left Glasgow Caledonian University?

**Des McNulty:** Part of the increase occurred during the Tories' period in office, but the record since 1997, when Labour came to power, shows that there has been a further significant shift forward. That is to be welcomed by everyone. It is not a question of who delivered what—we all have an interest in improving and boosting participation.

Every time that the SNP sees a political advantage in promising additional spending, it makes a commitment knowing that it will not have

to deliver. That is fundamentally dishonest. The SNP cannot have Jim Mather and Fergus Ewing running round the country saying that they will reduce taxes, at the same time as it says that it will spend more and more on transport, education and health. There is a debate to be had about the genuine implications for Scottish higher education of what is proposed south of the border. I am concerned that if a variable fees scheme is introduced, it is likely that a future Administration—perhaps a future Conservative Administration—will increase the level of fees sharply. That is what the conservatives in Australia did. The most meaningful commitment that we can get from Michael Howard is not to put up variable fees if they are introduced.

There is also a genuine concern that the Government's estimates of the average repayment period do not take account of the differential in average earnings between men and women. Men on average earnings may take between 10 and 12 years to repay their debt, whereas women on average earnings may take between 15 and 20 years to repay exactly the same amount of debt for exactly the same course. That is a genuine issue. It is the kind of question that we should be debating. The differential impact of top-up fees may have a significant effect on the choices that people make—not only on their choice of courses for which to enrol, but on their future life decisions.

The UK Government has changed its scheme by making fees and grant remission in the form of bursaries available to poorer people. However, for the SNP to argue that general taxation should cover the funding needs of the universities is fundamentally dishonest. The argument that we need to have in Scotland concerns how we should modify the current scheme to take account of the needs of our universities and the implications of the new proposals in the rest of the UK. I still believe that consideration should be given to a graduate tax scheme, which would link payments to the benefits derived from university rather than to costs associated with the course. I know that many other people in higher education share that belief. That is the serious debate that we need to have. It does not help that the stance that the SNP takes in this debate is that characteristic of the ostrich—head in the sand, bottom up.

10:13

**Mark Ballard (Lothians) (Green):** We have heard that universities are the intellectual boiler houses of Scotland, with an international reputation. It is worth while to consider some international comparisons. Only two Organisation for Economic Co-operation and Development countries charge outright variable fees for higher education. One is Australia; the other is the USA.

Even before top-up fees are added, the USA spends per capita from public funds a much higher proportion of its gross domestic product on higher education. It is an almost unprecedented move—the only exception is Australia—to shift from a state education system to a system based on variable fees. I believe that that is a very risky step to take.

I came to Scotland—to the University of Edinburgh—in 1990. I was an intellectual migrant to Scotland. I hope that, like other such intellectual migrants, I have made a contribution to Scotland since I arrived. I am very worried about what the introduction of variable fees in England will mean for future England-born students who want to come to Scotland. There is a huge lack of detail about what the measures will mean. Will English students who come to Scottish universities have to pay top-up fees, as they would if they studied at a university in England? If so, over a four-year course, that will be a major disincentive for English students to come to Scotland.

**Fiona Hyslop:** The urgent need for action to be taken and reports to be implemented now is illustrated by the fact that the University of Edinburgh is already having to draft publications to attract students who will graduate in 2008. The university has no idea what the Scottish Executive plans. Is that not a problem here and now for the university?

**Mark Ballard:** I agree completely that that is a major problem. A corresponding problem is that if the University of Edinburgh and similar universities do not manage to attract English students to Scotland, as happened previously, there will be a gap in their student rolls. How will that gap be filled? There is a complete lack of detail concerning the impact of the new measures.

It is a week before the Higher Education Bill is debated at Westminster. Before the bill's second reading, we need more details from the Scottish Executive concerning the impact of the measures on Scotland. It is no good saying that a report will be published in March, as it will appear after the vote. The information that we need is missing. If there is a head-in-the-sand approach, it is being taken by the Executive. The Executive has finally recanted its belief that top-up fees in England will not affect Scotland, but it is still uncertain about how they will do so. Until we are certain about the effects of top-up fees, it is not prudent to proceed with an experiment that has been done in so few countries and to move to a system of variable top-up fees.

My underlying fear is that Professor Sutherland, who was the principal of the University of Edinburgh when I studied there, is right—that there is a choice to be made between state funding of education and a free market, and that

variable fees will open up a free market in education. Professor Sutherland talked about students being charged the market rate. That is what I am worried about, and that is what I think variable fees will end up meaning.

10:17

**Lord James Douglas-Hamilton (Lothians) (Con):** All of us have an interest in the pursuit of excellence in education. I have two sons at universities, one in Scotland and one in England.

Today I wish to speak about the very important representation that the British Medical Association Scotland has made. I do so in particular because the University of Edinburgh is a recognised centre of excellence for medicine and medical education. The BMA Scotland is particularly concerned because it fears that the introduction of top-up fees in England will make Scotland suffer a shortage of doctors. It believes that access to university should be based not on the capacity of the student to pay but on academic ability, with equity of access to medical schools for all young people.

One key point that worries the BMA Scotland is that medical students' courses last five to six years. The costs of medical courses are much more considerable than those of other degrees and from year 3 the academic year consists of up to 50 weeks for medical students, as opposed to 30 weeks for students on other courses. The concentrated nature of the work, coupled with the length of the term, makes it very difficult for medical students to supplement their income through part-time work. They also have other expenses—books, clothing, stethoscopes and essential travel to and from clinical placements.

Medical degrees in England could easily incur top-up fees, with the result that they will cater either for the very poor or for the very wealthy. That would have the knock-on effect that many more students from England, predominantly from the middle-income bracket, would apply to Scots universities but return to England to practise, leaving Scotland short of doctors. In other words, we would have a brain drain—something that Harold Wilson deplored before he became Prime Minister.

There is a danger that the introduction of top-up fees will have two effects. First, there may be a big influx of predominantly middle-income bracket students from outwith Scotland. Secondly, there may be a brain drain of staff and graduates after qualification.

We believe that access to universities should be based on merit and excellence and be open to all. The Scottish university system should provide sufficient graduates to meet Scotland's needs. The

great worry is that Scottish universities may lose their competitive edge. There is a shortage of doctors in Scotland, although Scotland produces infinitely more doctors than the number of doctors who work for the national health service in Scotland. I understand that there are more than 200 vacant consultant posts in Scotland.

The BMA is opposed to top-up tuition fees. However, if top-up fees come in south of the border, the Executive should examine closely and monitor the inevitable impact on our universities and our medical facilities and be prepared to come up with effective solutions to the problem.

Will the Deputy First Minister please keep a very close eye on the situation and keep it under review? The First Minister has given this commitment:

"We will ensure that whatever proposals are finally agreed by the House of Commons, the Scottish university system will stay ahead of the game."—[*Official Report*, 4 December 2003; c 3966.]

I hope that the Deputy First Minister and his ministerial colleagues—incidentally, I am surprised that neither of the education ministers is present, because this is an extremely important issue for Scotland—will, individually and collectively, honour the First Minister's commitment. I hope that they will keep in mind the particular difficulties of all students in Scotland, including medical students, who must not be forgotten.

10:20

**Jim Mather (Highlands and Islands) (SNP):** I hope that we all agree that education in general and university education in particular should be a vehicle for unhindered social mobility. However, top-up fees are likely to have the opposite effect—especially here in Scotland.

In an ideal Scotland—with the right economic conditions—education, hard work and ambition should be the only attributes that people need to have successful and fulfilling lives. However, if the economic conditions are not optimal and the education system is diluted or damaged, the other two attributes will not be enough to deliver the full potential of individuals and their nation. That must be the likely consequence of top-up fees.

That view is endorsed by the many voices from all parts of the political spectrum who have weighed in with their concerns on the issue. Implicitly, all those voices are recognising that the current devolved settlement is producing complexity, unforeseen consequences and adverse outcomes for Scotland.

The reason for that is straightforward. Scotland without financial freedom—the defining attribute of a distinct economy—is almost powerless to

alleviate the adverse effects of moves such as the application of top-up fees down south. We can alert people to the fact that the proposal will do nothing to improve growth, increase incomes or reverse our population decline. The SNP will continue to make the case that Scotland will always be boxed in and inhibited while the United Kingdom Parliament exclusively retains all the economic levers and takes decisions that undermine our competitiveness.

I do not need to stress the point—it is increasingly obvious—that Scotland is being denied the chance of the optimal economic performance that we need to provide adequate funds for our universities; to remove the fear of debt as a barrier to education; to retain skilled academics; to attract bright, motivated students; to attract research funding; and to bring all that to bear to maintain and hone Scotland's long-term competitive edge.

Certainly, the Executive cannot achieve those objectives when the only option that it has is to raid its finite pot of money in the upcoming spending review. The bleakness of the situation is perhaps best expressed by a Universities Scotland spokesman, who stated:

"If top-up fees go through, students in England are going to be taught in better classrooms, work in better laboratories and better libraries and be taught by the best staff. If we get nothing, we are going to end up with second-class students—a massive betrayal of our reputation of being the best in Britain."

**George Lyon:** Given that Jim Mather is on the record many times as saying that he wants to cut taxes in an independent Scotland, how on earth would he maintain the current level of spending on higher education in Scotland?

**Jim Mather:** It is not a zero-sum game. I am ambitious for Scotland and ambitious to build the revenue of Scotland.

If we want to continue to be the best in Britain, the status quo is becoming less and less sustainable, as it puts us at an increased competitive disadvantage and will make unhindered social mobility the subject only of nostalgic discussion. That is a deep affront to people of my generation and of my working-class roots who were beneficiaries in a previous era of unhindered social mobility; it is a deeper affront to a new generation of young people, who can see the benefits of such a strategy accruing to their contemporaries in Finland and Ireland.

Therefore, the situation cries out for a better approach and a strategy that can deliver both a vibrant, competitive, growing economy and thriving universities. The strategy that is needed to provide that better future is simple. It is one that answers the call from Lord Sutherland of Houndwood, who stated in yesterday's edition of *The Scotsman*:

"the real solution has to be found in tackling deprivation, which includes educational deprivation."

The solution in question is the one that we have been promoting for years and which has recently been winning more and more converts. It is the solution that will never go away. It is to give Scotland the financial independence that it needs to compete. In the context of this debate, financial independence would allow Scotland to emulate role-model countries and learn from wise heads such as Stewart Sutherland. That would enable us to produce the blend of economic conditions and university funding that works elsewhere and would give us the power that we need to compete, grow and root wealth and talent in Scotland.

10:25

**Gordon Jackson (Glasgow Govan) (Lab):** The question—[Applause.] Thank you.

The question of whether what is happening in England will have a serious knock-on effect in Scotland is serious. The motion states that it will, the Tories say that it might and the Executive says that it will not. Who knows? Frankly, I do not know and I do not think that anyone can be sure of what will happen. Until we see these matters working out in practice, it is impossible to make such predictions.

However, an equally serious question is what we in Scotland should do if a funding gap is created. On that issue, I suspect that I part company with most members. The motion and the debate are based on the assumption that what is happening in England is wrong in principle. Fiona Hyslop says that it is, and so do Colin Fox and Murdo Fraser—that is an unholy alliance if ever I saw one. I happen to disagree.

If universities need additional funding, the proposals that are currently at Westminster are a rational and equitable means of providing that.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** Will the member give way?

**Gordon Jackson:** No. I do not have time.

Under the proposals, no student requires to make payment up front and no student therefore needs to be deterred from going to university because he or she is unable to find the money. That is very important.

Poorer students will be better off while at university, thanks to the new support package of maintenance grants and bursaries. Such repayment as is required will come into force only when the student is earning decent money and is therefore reaping the reward of their years at university. If members look in detail at what is proposed, they will see that in a variety of ways the repayment system will be much fairer and easier than it has been.

**Bruce Crawford:** Does Gordon Jackson really think that it is fair that someone who is training to be a consultant will end up having to pay back not £30,000 but £40,000? That might be okay for families that have two incomes coming in, but it is not okay for the majority of the public.

**Gordon Jackson:** I think that it is okay, because it is better than any alternative that is being suggested.

The overall result is that those who come from a poorer family will be much better off in the short term while they are at university and no worse off in the long term. People who are from a better-off background will of course be required to make some repayment as and when their earning power makes that possible, but even they will not be required to make payment up front.

That is a fair and rational method of dealing with any current funding gap. Those who instinctively and, if I may so, sometimes irrationally disagree need to tell us what a better solution is. I notice that there has been no detailed analysis of the proposed system by any of its opponents. Of course, one answer is general taxation, but even if those of us who make more were taxed more, that would not be a better way forward in the real world, where priorities have to be fixed in education and beyond.

We should not be telling our Westminster colleagues that they are doing wrong. We should support them in what they are doing and I say bluntly that if there is a funding problem as a result, we should be prepared to follow them.

**The Deputy Presiding Officer (Trish Godman):** Before I call Jamie Stone, I should say that there are still three or four members who wish to speak. Therefore, speeches after Jamie Stone's will be down to two and a half minutes.

10:28

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I am sure that Gordon Jackson enjoyed his supper with Sam Galbraith last night.

We should be in no doubt that the future prosperity of our economy, and indeed of our nation, depends on the performance of our higher and further education sectors. I am afraid that the Scottish National Party has, again, chosen to make cheap political points rather than to consider the substantive issue of how we should ensure that our universities play a key role in the future.

I have to say to Fiona Hyslop that her contribution to the debate was misdirected and premature. It was misdirected because the real debate is surely about the substance and detail of what we can do to ensure that our universities

maintain their competitive advantage, rather than about telling Westminster MPs which way they should vote. That is up to them and, as Jim Wallace said, we would not like it if MPs told us how we should vote.

Let us be quite honest and straightforward about the fact that the Scottish Executive's position on the matter is absolutely clear. It was written into the partnership agreement that there would be no top-up tuition fees in Scotland. Watch my lips: there will be no top-up tuition fees in Scotland. The Executive opposes in principle the introduction of such fees. Indeed, that principle led us to abolish tuition fees in 2000. As the father of three children who attend Scottish universities, I can tell members that my children have been among the first to reap the benefit of the abolition of tuition fees. I received an e-mail from a friend who attended the University of St Andrews with me and who now lives in Devon. It said, "Alas and alack; my children are approaching the stage that yours are at. What a pity it is that we do not live in Scotland." Facts are chieftains that winna ding.

**Murdo Fraser:** Does the member agree with the former Minister for Children and Education's authoritative comment that the claim that tuition fees have been abolished is merely a con?

**Mr Stone:** Ah, yes—dear Mr Sam Galbraith. I am sure that he is enjoying a happy retirement and that we are all glad to see him in his retirement. Sam Galbraith once famously referred to one of Fiona Hyslop's colleagues as needing a good cormorant—[*Laughter.*—]—or, rather, cousin of the cormorant.

Liberal Democrat MPs at Westminster will defend the principle that top-up fees should not be introduced and Liberal Democrat MSPs in the Scottish Parliament will do the same. Unlike the Tories' position, our position is consistent. Murdo Fraser—and anyone else in the Tory party—might like to consider two points. First, the Tories' policy of opposition to top-up fees is linked to a cut in the number of students who gain access to higher education. Will the Tories spell out which universities and departments will be cut and which young people will have their dreams shattered? Secondly, on 31 October 2002, Brian Monteith said that the need for income

"may require the best universities to charge top-up fees ... There is no reason why this should not be allowed".

What is the Tories' position? Do they support Brian Monteith's policy on top-up fees or Michael Howard's anti-fees stance?

The Enterprise and Culture Committee commended the Executive's approach, which recognised the need to consider the wider issues. I welcome that approach and I hope that when the review reports next month it will provide the



evidence that we currently lack. I urge the minister to take heed of the committee's report on Scottish solutions; I know that he has done so.

The Executive amendment is sensible. It recommends a gradual and considered approach rather than a knee-jerk reaction. We cannot play fast and loose with the issue; we must get it right. I know that the Executive will do whatever need be done and I will take great pleasure in supporting the minister in that endeavour.

10:33

**Dennis Canavan (Falkirk West) (Ind):** When tuition fees were introduced by the Westminster Government, we were told that top-up fees would not be allowed. That commitment was reiterated in the most recent Labour Party manifesto. However, next week, Tony Blair, aided and abetted by some Scottish Labour MPs, will attempt to ditch that commitment.

Is it any wonder that young people are disillusioned with politicians? Is it any wonder that more and more young people do not even bother to turn up to vote? They see politicians parading themselves on the telly, proclaiming in patronising tones that they want to "engage" with young people. When I was a boy, "engaged" meant that the phone was blocked or the lavvy door was locked. Now the blocked minds of politicians are trying to lock the minds of young people and throw away the key.

Education is the key to the liberation of people, in particular young people and especially those from disadvantaged backgrounds. Top-up fees would deter many such young people from going to university, because they would face carrying a millstone of debt around their necks for many years after they graduated.

That might be difficult for someone like Tony Blair to understand. He comes from a privileged background and neither he nor his family had to make the sacrifices that many families have to make so that someone can go to university. However, there are MPs in the House of Commons, some of whom represent Scottish constituencies, who should know better. Those politicians paid no fees and received generous student grants to enable them to go to university, but now they are kicking away the ladder of opportunity for many young people.

I urge the Executive to stand firm in its commitment not to introduce top-up tuition fees and I ask the First Minister and the Deputy First Minister to join me in urging all MPs who represent Scottish constituencies to vote against the Higher Education Bill next week, because the bill is a reactionary piece of proposed legislation that will do immense damage to higher education in Scotland and south of the border.

10:36

**Margo MacDonald (Lothians) (Ind):** Dennis Canavan has demonstrated why it is absolutely relevant that this Parliament should make heard its point of view on top-up tuition fees. We have a lobbying function because we are a devolved Parliament and we occasionally have to go cap in hand to our Westminster colleagues.

If I was a Westminster MP, I would vote alongside Tam Dalyell, against the Government's proposal. I would do so first, for the same reason as Tam Dalyell: he will break his principled self-denying ordinance, which prevents him from voting on measures that apply only to parts of the UK other than Scotland, because he believes that it is more important to prevent the introduction of a policy that will militate against the best interests of Scottish universities. He is as correct about that as he was when he pointed out the flaws and idiosyncrasies in the Scotland Act 1998, which placed us in the position that we are now in—although many members of the unionist parties in the Scottish Parliament sincerely believe that it is possible for us to produce and carry through a distinctively Scottish agenda, as the Deputy First Minister suggested.

The other reason why I oppose the Government's proposal is, of course, that the ethos of the Scottish Parliament has been to build a sense of community in Scotland. Although I can make plenty of detailed criticisms of the Executive's programme, I believe that the Executive's intention is to try to bridge the gaps in opportunity that exist between different groups of people and different regions in Scotland. I hope that I will not be proved wrong, but I do not expect to hear a defence of the policy on top-up tuition fees that is constructed along the lines of the patronising, selfish, stupid and divisive defence that has been offered by Tony Blair and some of his supporters. Dustbin men, hospital cleaners and porters have the same interest as doctors, lawyers or MSPs in ensuring that all parts of our education system are as good as possible and that entry to higher education depends on the ability to learn, rather than on the ability to pay.

The people who benefit financially from having obtained a university degree should pay their dues through income tax, when they are earning the big bucks. No one will be deterred from going to university by the knowledge that they will pay the top rate of tax when they earn more than £100,000 per year. However, people will, by the knowledge that they could choose a cheaper degree and pay £20,000, be deterred from attending a university at which they would pile up a debt of £30,000. I was that student—that answers Gordon Jackson's point. It is not just the fact that someone gets a degree that matters; the sort of degree that they get and what they can do with it matters, too.

The credo that is being introduced in England will leach over the border. Every member of this Parliament has a duty to oppose such a distortion in the balances of responsibility among all sections of society.

**The Deputy Presiding Officer:** You must finish now.

**Margo MacDonald:** The Executive might feel that it will get an under-the-counter payment through the Barnett formula if it does not present too much opposition, but it is highly unlikely that that will happen. How can the Executive expect to be treated with respect if it is prepared to risk our educational heritage?

10:39

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** One of the most important legislative changes that the Scottish Parliament made in its first session was to abolish student tuition fees. The fact that we are now having this debate on the effect of the proposals to allow English universities to charge students even higher tuition fees demonstrates how right we were to abolish fees altogether for full-time students in Scotland.

There has been a huge amount of misinformation in the media about the fact that our students do not pay tuition fees, but pay into the student endowment fund after they graduate. Sam Galbraith has made much of that recently. That he fails to understand what was done just confirms how weak was his grasp of what was going on.

**Bruce Crawford:** Will Mr Rumbles give way?

**Mike Rumbles:** I would if I had the time, but I do not.

I well remember when the Education (Graduate Endowment and Student Support) (Scotland) Bill was first published. It failed to ring fence the endowment payment strictly for student grants. I brought that to the attention of ministers and, almost uniquely, the bill was immediately withdrawn and republished as it should have been in the first place. Our legislation makes it clear that the endowment fund can be used only to help students. It cannot go to the universities for them to spend on what they wish. One cannot top up something that does not exist, but one can ask the Scottish Executive to increase its payments to our universities, and that is what our university sector is doing.

I have never understood Gordon Jackson's argument that our students should pay for the tuition because they benefit financially from their university education. Anyone who benefits financially will automatically contribute more through income tax. That is what income tax is

designed for. What could be fairer than income tax?

I have no doubt that top-up fees are unjust for English students down south, but that is an issue for our MPs, and we should not be telling them how to vote. They are all over 21 and they can make up their own minds. The coalition Administration will not countenance the return of tuition fees to Scotland for our full-time students, whether they are top-up fees or not.

10:41

**Richard Baker (North East Scotland) (Lab):** Once again, a debate on student funding has provoked a wide range of strongly held opinions. Nobody disagrees that the prospect of top-up fees in England represents a major challenge to our higher education sector, but we should all be clear that the challenge is to keep Scottish education where it is now—ahead of the game. We have heard various figures quoted, but what is undeniable is that higher education in Scotland has for many years had higher levels of funding than higher education in the rest of the UK has had, as Mike Watson illustrated.

The rest of the UK is playing catch-up on student funding. When other members were taking their seats in the first session of Parliament, I was campaigning for better student funding in my role as president of NUS Scotland. In that job, I met countless people who had benefited from Labour's policy of widening access. The introduction of bursaries for poorer students remains one of the most significant achievements of the Scottish Executive, and we heard from the minister about the significant increases in funding that the Executive has pledged to higher education.

Challenges there may be, but the doom-mongers among the SNP and Tory members are well wide of the mark. Ever since I have been involved in the debate on university funding, it has benefited from processes of careful consideration. From Cubie to Dearing to the Executive's own current review of lifelong learning, the debate represents the strategic thinking that Fiona Hyslop demanded. By contrast, as Jamie Stone said, knee-jerk reactions and political point scoring that are backed up by no practical proposals for long-term funding of higher education benefit no one, least of all students.

In this Parliament, far from there being a gloomy outlook, there will be no fees; it is right to say that they are not fees but contributions to bursaries. We will also review the level of bursaries for poorer students.

**Bruce Crawford:** Will Mr Baker give way?

**Richard Baker:** I am sorry, but I do not have time.

In the long term, if top-up fees in England proceed, there are a number of measures that we can take that will help our universities to compete without disadvantaging students. Legitimate concerns, which were constructively outlined by Mike Watson and Des McNulty, include the possible impacts on academic staff and on Scottish students studying in England.

However, a number of tools to deal with those issues have been suggested in the Enterprise and Culture Committee's report. The report's suggestions should be implemented. There should be better support for staff, particularly junior support staff, and institutions should be encouraged to diversify their funding streams through working more with business, for example. We must also prioritise any possible Barnett consequential for higher education.

Those useful proposals are in stark contrast to the paucity in the Opposition's response to the situation. An example of that is the opportunism of the Tories. Murdo Fraser accuses Labour of opportunism, but what could be more opportunistic than to oppose a policy without proposing an alternative. Phil Gallie and Murdo Fraser talked of the Tories expanding access, but at least until the demise of Iain Duncan Smith the Tories' policy was to restrict access to higher education.

The SNP, which has no ideas or plans for increasing investment in higher education, instead indulges itself once more in misguidedly using today's debate to attack the constitution. I agree with Murdo Fraser that to do so is irrelevant because an independent Scotland would face exactly the same challenges. Mike Watson's questions about how we would pay for what Opposition members propose have gone unanswered. Jim Mather supports the comments of Lord Sutherland, who advocates an entirely free market in higher education. It is surprising that Jim Mather should support such a view.

Perhaps all Parliaments in the UK should in future give more consideration to how their decisions will affect one another. When there were changes to student funding here, the SNP did not suggest that we consult MPs first. Now SNP members tell us to tell Westminster what to do. If the reverse were true for the Scotland Act 1998 or any other act, they would be furious with MPs.

Today's debate has been another example of the Opposition being high on criticism but short of ideas on finding a way forward. The Executive is well placed to meet the challenges and to give Scotland's universities and colleges the support that they need to continue to be accessible to people in every part of our society and to be

among the best, not just in the UK, but in the world.

10:45

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** It is such a pleasure to join in this debate, especially as my name has been mentioned so often. I must draw to Parliament's attention the fact that as soon as Jim Wallace stood up to reply to the Opposition, he turned towards the Conservative benches. Even in what is called Opposition time, Jim Wallace notes that the real opposition to his Executive comes from our benches, not from the SNP.

The first point that I would like to pick up from the debate concerns the principle of SNP members at Westminster voting in the debate on top-up fees. Fiona Hyslop has told us that that is right and proper until such time as we have powers in this Parliament to address matters of higher education. Do not we actually have those powers? We certainly have the legislative powers. Whether one likes the graduate endowment or not, and whether one wants to abolish it or not, that legislation was passed here; it is a Scottish creation. We have those legislative powers, but is it perhaps that we do not have financial independence? Well, I am sorry to say to the SNP that we have a thing called the tartan tax. If we seriously believe that more funding is required, we can raise the basic rate of our income tax, find more money and give it to the universities. Do I hear about that from the SNP benches? No, I do not, because it is a policy that the SNP has dropped.

**Mr Stone:** Will Mr Monteith give way?

**Mr Monteith:** I do not have enough time to take interventions—Mr Stone knows that.

The SNP does not have enough principles. It is not so much a case of "The Silence of the Lambs", because Fiona Hyslop is no Clarice Starling—maybe she is Hannah Lecter, Hannibal's long lost sister. The real silence is coming not from the Executive, as she suggests, but from Alistair Darling, the Secretary of State for Scotland, who has the University of Edinburgh in his constituency. That is where the silence is. Let us hear him argue in the pages of the *Edinburgh Evening News* and *The Scotsman* for top-up fees, which he will no doubt vote for. There is also the silence of Anne McGuire, MP for Stirling and Parliamentary Under-Secretary of State for Scotland. With so many University of Stirling students in her constituency, she will still vote for top-up fees in England and Wales. That is where the silence is and that is where, I believe, the point of attack should be.

Alex Neil tried to tell us that decades of Tory policies that were imposed on us against the wishes of Scots mean that our MPs in Westminster must vote against top-up fees. We have had almost 300 years of what I love to call the great union of Great Britain. In that time, we have had Liberal Governments with majorities from Scotland voting against England's wishes, and Labour Governments voting for policies against England's wishes because their majorities came from Scotland. That is part of the deal and it is a deal that I am quite happy with. What we have now is quite different: we have Scots MPs making decisions on English policies that no UK MPs can decide on for Scotland. For that reason, Peter Duncan is quite right and quite principled to abstain in the vote.

The bare-faced duplicity that exists comes from members who say that they will not introduce such policies, but do. Tony Blair said that there would be no tuition fees, but they were introduced. Tony Blair said that there would be no top-up fees in his time in the next Parliament, but he introduced them just after that. The Executive parties tell us that there will be no top-up fees. I say to members: if those parties are returned to government in 2008, watch this space.

10:50

**Mr Wallace:** I will again do the courtesy of addressing Brian Monteith first. He asked why his name had been mentioned a few times in the debate. I rather suspect that it is because of the official Conservative press release that he issued on 31 October 2002, in which he said:

"To fund this may require the best universities to charge top-up fees. There is no reason why this should not be allowed".

Given that the whole thrust of Murdo Fraser's speech was that top-up fees are fundamentally wrong, we can now see where the gaps are appearing.

Murdo Fraser and Richard Baker pointed out the opportunism of the SNP in calling on Scottish MPs to vote in a way which, if the boot was on the other foot, they would be howling about. The SNP position is hypocritical. Indeed, as Murdo Fraser and Richard Baker also pointed out, if Scotland was an independent country, there would be no Scottish MPs at Westminster to vote on fees. Murdo Fraser rightly highlighted the consequences that the SNP fears could still apply in respect of the flow of students unless, that is, the SNP is suggesting that an independent Scotland would somehow or other put up the barriers.

Jim Mather said that everything would be different if we had fiscal autonomy, but he ran away from George Lyon's question about whether

that meant that the SNP was going to raise taxes to fund all that he proposed. I am also interested in Jim Mather because he quite properly pointed out the importance of higher education. However, in his wish list for the Highlands, which he published in *The Press and Journal* on 3 January this year, there was a deafening silence about the importance of the UHI Millennium Institute, which is an important higher education institution for the Highlands and Islands.

I could not quite follow Murdo Fraser's argument when he said that Michael Howard was leading the fight against tuition fees with such strength and conviction that Peter Duncan would abstain. He said that that was a matter of principle—no doubt it was the same kind of principle that I am told led Peter Duncan to vote on the Mersey Tunnels Bill.

That apart, some important issues have been raised in the debate. I welcome the robust way in which Jamie Stone reminded us of the partnership agreement commitment, as set out in the Executive amendment, which states:

"the Executive 'will not support the introduction of top-up tuition fees' in Scotland".

I repeat and reaffirm that commitment.

**Bruce Crawford:** Will the minister give way?

**Mr Wallace:** No, I have not got very much time and I gave way in my opening remarks.

We need also to nail the myth that tuition fees have not been abolished in Scotland. Of course they have been abolished in Scotland. *[Interruption.]* I declare my interest—I have a daughter who is in her first year at the University of Glasgow and I am not paying any tuition fees for her course. The graduate endowment is ring fenced to fund student support—the kind of student support that, as Richard Baker pointed out, we also want to see being improved.

If the SNP wants to abolish the graduate endowment, its members must say where, in times to come, they will find the additional resources to increase and improve student support. I assure Dennis Canavan that we stand by the commitment in the partnership agreement.

The review of higher education was mentioned on a number of occasions. Fiona Hyslop wondered whether the review had done anything. I say to her that the phase 2 report that was published in March last year is pretty comprehensive. It seemed to me that Fiona Hyslop did not know that the phase 3 review is going ahead. It will look into all aspects of the possible implications for Scotland of the proposals south of the border.

Members quite properly mentioned that there could be implications for cross-border flows of

students and for recruitment and retention of staff. It was because we identified those possible implications that a working group was set up as part of the review to try to get some sort of handle on what might happen. We have never denied that there could be implications. What we said was that, until we saw the shape of the UK Government's legislation, it would be difficult to quantify the nature of the implications. That is a perfectly sensible way to proceed. Fiona Hyslop suggested that the review is "private and secret", but it is actually Richard Baker's successor at NUS Scotland who is chairing the working group that is considering the cross-border flow of students.

Lord James Douglas-Hamilton raised the question of medical students. We will keep the issue under review. At the moment, we are conducting an inquiry into medical education. That inquiry, which is led by Sir Kenneth Calman, is due to report soon and we hope that the report will help us to identify the steps that we will need to take to ensure that we have an adequate supply of the doctors that Scotland needs in the long term. I reassure Lord James Douglas-Hamilton that the matter is one that we take very seriously indeed.

**Lord James Douglas-Hamilton:** Will the minister give way?

**Mr Wallace:** No—I am in my last minute.

I believe that there is consensus that universities are an important investment for Scotland and that they are important for our economic future. We believe that we have an advantage. As we say in our amendment, the

"competitive advantage must be maintained".

I assure Parliament that we put that in our amendment because we will stand by it and we mean it. I believe that higher education is one of Scotland's rich and valuable assets and it is an asset that we do not want to diminish. It is an asset that we want to see flourishing as we go forward into the coming years of the 21<sup>st</sup> century.

10:56

**Mr Kenny MacAskill (Lothians) (SNP):** Albert Sorel said that politics divides those who seek to change the world to suit their ideas from those who seek to modify their actions to suit the world. The debate encapsulates that. Those of us on the SNP benches classify ourselves in the former category, but it is clear that the Executive members fall into the latter category. Rather than drive forward with an agenda that would give Scotland a prosperous future in a new millennium, they sit back and allow events at home and north and south of the border to affect us—indeed, to buffet and, ultimately, to damage us. If "do less, better" is the Executive's maxim, the public's

exhortation is, "For God's sake, do something." To do nothing is most certainly not an option.

There are several aspects to the debate. The first is the question of voting in the Parliament in England, which was raised in particular by members on the Tory benches. Let us be quite clear that it is the duty of every Scottish elected representative, no matter how high or how humble, to defend Scottish interests. It is their duty to do so in every chamber, at every opportunity and in every forum or jurisdiction. To vote against top-up fees is not only to defend Scotland's students and universities, but to defend all Scotland's economic interests. For Scottish MPs to fail to vote would be an abdication of responsibility and to vote for top-up fees would damage and undermine their constituents and their country.

Another aspect is the question of whether tuition fees have been abolished. I do not want to mull too much over the private grief between the Liberal Democrats and their Labour colleagues. The fact of the matter is quite clear: Sam Galbraith's statements are irreconcilable with those that were made by members on the Liberal Democrat benches and—in particular—by the minister. The fact of the matter is that if Sam Galbraith is telling the truth, the minister most certainly is not. All of us know about the shameless deal that was put together by the Liberal Democrat and Labour parties and it is quite clear that, in this respect, the deal is a sham. In fact, in this case, the old adage, "they speak with forked tongue", has been shown to be true.

What can be done? Two quite different positions were put forward by Mr Jackson and Mr Baker. Again, their positions showed how irreconcilable are the differences not between the views of members of the coalition parties, but between the views of members of the same party. The fact is that it is quite clear that the changes down in England will affect us. I say to the Executive members that either they should accept change and become masters of their own destiny by taking fiscal responsibility or continue to throw money here and there out of the limited pocket money that the Executive is allowed. The sticking-plaster approach is fundamentally affecting the Scottish economy.

An article in Tuesday's *Financial Times* showed clearly that the successful cities in the European Union and beyond are those that invest in their education and which do so through taking fiscal responsibility. I suggest to the members who are giggling on the Liberal Democrat benches that if they have not read the article they should do so.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Will the member give way?

**Mr MacAskill:** No. I do not have time.

The successful nations and successful regions and cities that were mentioned in the article are not Nottingham, Newcastle, Manchester or other English regional or metropolitan areas; the most successful city was Stockholm, followed by Helsinki, followed by Copenhagen—all of which are cities in small nations that follow their best interests. Rather than do that, members on the Liberal Democrat and Labour benches would have us follow the method that is taking those regional areas in England into economic penury. We should follow the examples of the Scandic nations.

I refer to a meeting that was hosted by the Association of University Teachers in which the Finnish Minister of Education, Mr Heinonen, addressed the subject of higher education in a small European nation. He said about Finland:

“At the moment, higher education and research are the very essence of the Finnish national strategy devised to redefine our position in the new international setting and globalized economic environment.”

That is very much a smart and successful Finland. He set out the goal—which is ambitious in comparison to ours—of providing higher education for 60 to 65 per cent of the relevant age group. We pat ourselves on the back because we achieve a figure of 50 per cent. They wish to drive considerably further forward.

The conclusion that Mr Heinonen came to was that for a small nation to maintain a high-quality higher education system, Government must invest heavily in it because external funding from business and industry is not nearly as easy to obtain as it is in bigger national economies. That is still the only survival strategy for a small nation to compete successfully in the production and utilisation of knowledge. That is why Finland has refused tuition fees, that is why it continues to support its students and, indeed, that is why it wishes to increase its student population percentage.

We are at a time in Scotland when we are looking back at our history. On Friday night we can watch “Scotland’s Empire” and we can read Tom Devine’s book and Arthur Herman’s “The Scottish Enlightenment: The Scots’ Invention of the Modern World”. We praise what we have done, and if we asked those academics why we did what we did, they would say that the driving force was that our people were educated. Our people became, to an extent, the cadre of the British empire. When they hit the foreign shores of the new world and elsewhere they were able to drive forward because we invested centuries ago in education; when other countries had not even thought about such a thing, we had the Education Act 1696, which conferred literacy and numeracy on our people. We did that and we reaped the benefit.

Other nations that did not have the same literacy levels paid the price.

Centuries on from that, we could learn from our forefathers: we could invest, as they did, not just in literacy and numeracy but in higher education, because in the new millennium higher education will be ever more vital. Indeed, it could be argued that higher education is comparable to literacy and numeracy in the 17<sup>th</sup> century.

We will not be able to replicate what our forefathers did unless we invest in our education system at the basic and higher levels. If we do that, instead of follow the downward track of the English metropolitan cities, we will drive forward while emphasising our correspondence with the success that is being delivered in the Scandinavian and other small nations. To do that, we require fiscal autonomy. We should take charge so that, rather than react to events, we will be able to dictate events and follow the successful Finnish model.

## Fisheries (December Council)

### **The Deputy Presiding Officer (Murray Tosh):**

The next item of business is a debate on motion S2M-798, in the name of Richard Lochhead, on the fisheries council in December 2003, and two amendments to that motion.

11:03

**Richard Lochhead (North East Scotland) (SNP):** I begin by welcoming Allan Wilson to his new role, which he will carry out for the next few months. We are delighted to hear that Ross Finnie is recovering from his operation.

Given the brighter outlook before December's talks, we all expected to be here early in 2004 finally sailing into calmer waters, yet ministers once again find themselves in the middle of a storm. Only a few weeks ago, things were looking up and our fishing communities were poised to turn the corner after so many disappointing fishing deals. The troubled cod stocks were recovering, haddock stocks were at record levels, other stocks were robust and we had a much smaller fleet. Despite that, ministers managed to clutch defeat from the jaws of victory in Brussels.

At some ungodly hour, the United Kingdom signed an agreement that blatantly discriminated against its fishing industry and left the white-fish sector fighting for survival. Industry representatives from every sector have united in their appeals to the courts for justice. Fishing communities in Buchan, the Western Isles, Shetland and around Scotland's coast have denounced the deal. Many have called it worse than the notorious 2002 deal. The SNP calls on ministers to stop defending the indefensible, to reopen the negotiations in Brussels and to demand that the UK Government gets behind Scotland or gets out of the way.

The deal that is set to come into force in less than 10 days' time is not only unjust, it is unworkable. It is the most complex deal ever, which is saying something when we are talking about the common fisheries policy. The producer organisations that manage the quota for the fleet are tearing their hair out, because they do not know how they will be able to implement the new regime that has been foisted on them. Ministers still claim that the deal is good for Scotland, perhaps believing that, if they repeat it often enough, people will begin to believe them. That view insults the intelligence of the fishing industry and shows nothing but contempt for our fishing communities.

Ministers point to increased quotas in the North sea, particularly for haddock, but they ignore the fact that the industry has been denied the time and

space at sea to catch that quota. The opposite is the case on the west coast of Scotland, where the fishermen have enough time at sea but have been denied the quota to catch. The deal also imposes new restrictions on Scottish vessels in Scotland's traditional fishing grounds that other fleets fishing the same waters for the same stocks have escaped. At least the minister and the European Commission have moved from a position of outright denial to accepting that there are "unintended consequences" that require "technical adjustment".

Parts of the deal require urgent renegotiation. Does the minister accept that the industry cannot live on 15 days a month at sea? Ross Finnie told Parliament that at the council in Brussels last month he argued for more days for the Scottish fleet. He understood the importance of getting more days, but he did not get them because, apparently, he lost the arguments. Perhaps when Allan Wilson is on his feet he will confirm that the fleet cannot survive on 15 days a month.

**George Lyon (Argyll and Bute) (LD):** The agreement last year was for 15 days. Can Richard Lochhead explain how the fleet managed to cope last year?

**Richard Lochhead:** My next paragraph will answer exactly that question. The two pillars that allowed the fleet to survive throughout 2003 have been removed. The first pillar was the areas of the sea in which the fishing fleet faced no restrictions—the fleet could go to those areas and fish over and above their 15 days in the restricted areas. The second pillar was the aid package delivered by the Scottish Executive. There is no new aid package. Those two pillars have been removed, which is why, if nothing is changed, the fishing fleet faces bankruptcy.

**Alex Johnstone (North East Scotland) (Con):** Does Richard Lochhead acknowledge that many fishing-based businesses survived because they borrowed more and cut deeper into the flesh, thereby coming closer to bankruptcy?

**Richard Lochhead:** I am happy to agree with that point.

The size of the cod protection zone must be renegotiated. It includes Scotland's key haddock grounds and represents about 40 per cent of the northern North sea. It is obscene to prevent the Scots from catching more than 20 per cent of their haddock quota in their key fishery while allowing other fleets to catch their whole quota in that fishery. The result negotiated by ministers means that other fleets can catch up to three times the amount of haddock that Scotland's fleet can catch in Scotland's traditional fishery.

Many members may think that fishermen in the prawn sector have got off scot free, but I ask them

to bear in mind the fact that those fishermen also catch haddock and that, no matter where they catch it in the North sea, it will count as if it was caught in the restricted area, which means that the haddock quota in the cod recovery zone will be exhausted in a matter of months. At that point, the prawn boats will have to dump any haddock that they catch—good-quality, mature haddock will be dumped overboard. That is the first reason why the deal is bad for fisheries conservation.

Another reason is that, because vessels are being forced to catch 80 per cent of their haddock quota outside their main fishery, they will have no choice but to target the valuable cod quota. The whole regime was designed to protect cod but, as vessels will not be allowed to catch haddock, they will be forced to catch cod.

The deal delivers a hammer blow to fisheries conservation, but it gets worse. The permit system has to be scrapped. When we heard that a permit system had been created, we all assumed that it would be for the cod stocks, which were apparently in trouble. However, the permit system is not for cod; it is for haddock, which is at record levels. The permit has many conditions attached to it—17 at the last count—and is unworkable. To call it draconian would be an understatement. According to fishermen in Shetland, the permit system will kill their fishery. If fishermen take a permit, they will have to throw away cod, even though they have a cod quota, because they are allowed only a 5 per cent bycatch. If they do not take a permit, they will end up throwing haddock overboard, because they are not allowed to catch it. That is a catch-22 situation, which will kill the Shetland fleet.

The minister must agree to pursue the following objectives. He must remove the haddock fishery from the cod zone, allow the fleet access to the full haddock quota, give our much-reduced fleet more days at sea outside the cod zones and scrap the unworkable permit system. He must also ensure that, as long as we are signed up to the disastrous common fisheries policy, there is a level playing field for all the fleets in the North sea and that any new restrictions apply across the board.

The minister must deliver an aid package for all the communities and all the sectors concerned. There is a cast-iron case for that. The deal this year is worse than last year's deal and there was an aid package last year. This year, so far, there has been no aid package. The minister must reward the fishing fleet, which has been decommissioned to only half the size that it was two years ago. It was promised better times if it decommissioned. There are only 120 white-fish boats left. There are no better times ahead; there is perhaps bankruptcy ahead, which is why the minister must wake up to the situation.

If the minister wants to save the fishing industry and keep it afloat this year and beyond, he must start fighting for Scotland's fishing communities. If he does not deliver, we will have plenty of fish in the North sea, but we will not have a fishing industry in Scotland.

I move,

That the Parliament recognises that the fisheries agreement signed in December 2003 discriminates against Scotland and as a result is unworkable and unjust and therefore calls upon the Scottish and UK governments to seek an urgent renegotiation of the agreement to ensure the survival of our fishing communities.

11:11

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** We have just heard some strong words from Richard Lochhead, as we have from the official Opposition over the past week, when it has proposed that the Executive should tear up the deal agreed in December. I want to explain why, as the Executive amendment says, the agreement is a balanced outcome and why it is a good deal for Scotland's fishermen and for Scotland. I also want to explain in some detail the scope for further technical adjustments, to which Richard Lochhead referred.

Why does the Executive think that the agreement is a good deal? Let us consider the alternatives. First, we could hand back the quotas that we secured, which would mean fewer mackerel, fewer herring, fewer prawns and fewer haddock. Secondly, we could abandon our commitment to sustainable development and give up on the short-term measures that will secure longer-term benefits for our fishermen and their communities. Thirdly, we could tell the Commission that we no longer care about an equitable approach to fisheries management throughout the European Union, which is more or less what Richard Lochhead said. Fourthly, we could give up the credit for the decommissioning that we undertook in 2002-03. We could let the Commission take back the five extra days a month that were granted to our white-fish fishermen. They could have the 10 days that are stipulated in the regulation instead.

**Richard Lochhead:** The minister talks about a credit for decommissioning. Will he explain how the outcome of 15 days for the Scottish fleet was calculated, because the fishermen have not yet been told? Will he also explain to the chamber and to our fishing communities why, when there are more fish in the sea and fewer Scottish boats to catch them, we get less time at sea?

**Allan Wilson:** As I have just explained, the 10 days that are available to other member states were added to by the five extra days that took into account the decommissioning since 2002-03. If



that explanation is not simple enough for Richard Lochhead, perhaps we can meet on the margins of the Parliament to go into it in more detail.

Fifthly, we could abandon the hard-won concept of spatial management and the principle of decoupling, which enabled us to secure an increase in the haddock and nephrops total allowable catches to which the member referred. We could give up on all those concepts, which were specifically advocated by the Scottish Executive and the Scottish fishing industry—and supported by the Scottish National Party before the fisheries council in Brussels. I have negotiated throughout my working life; whenever someone enters into negotiations, they have to understand that they must give up something in order to secure something else. The same applies if they want to renegotiate.

Finally, we could abandon our attempts to improve and strengthen control and enforcement. We could treat with disdain the Commission pre-infraction letter and risk the Commission intervening directly to close down certain fisheries or ports.

I do not say that to try to be facetious. I am trying to illustrate what was achieved at the December council. We achieved significant quota increases, linked to longer-term management initiatives, spatial management initiatives and improved control and enforcement. Those hang together as a package and we cannot cherry pick from them.

**Mr John Swinney (North Tayside) (SNP):** If the minister has achieved so many great things in the fisheries council, why is every fisheries organisation saying that the deal is disastrous for the future of the fishing industry? Why are the people whom I met in Tavish Scott's constituency on Friday in such despair about the future and about the appalling nature of the deal?

**Allan Wilson:** I share the concern about the sustainable future of our fishing communities. I will return in more detail to the technical adjustments. As John Swinney knows, negotiations are continuing as we speak and we await the outcome of the negotiations between the EU and Norway. I am conscious of the concern, but not all fisheries organisations take the position that John Swinney describes. Mr Scott is perfectly able to speak about his own area.

The special arrangements, which will ensure cod protection, are proportionate and reasonable. First, we have 78 per cent of the EU quota for haddock. Secondly, the other member states tend, in practice, not to fish much of their haddock quota. Thirdly, the other member states tend to catch their haddock elsewhere. Overall, we have perhaps 90 per cent of the haddock catches.

There is a separate issue about whether additional haddock can be caught within the new constraints. Ross Finnie has spoken about that in the chamber and elsewhere.

The other key concern is the number of days at sea. I appreciate that the regime will be difficult for some white-fish vessels. As long as the scientific advice is that cod conservation is required, there will be difficulties. We cannot avoid that, but the Executive has monitored, and will continue to monitor, the socioeconomic impact and will act accordingly. This year, the scope for additional haddock will reduce those difficulties. The scientific advice is that abundant haddock can be caught this year in the same time as for last year's catch.

Looking to the future, I appreciate the need for greater flexibility in our effort management arrangements. I agree with Richard Lochhead that a flat-rate allocation of days to all vessels is not the most sensible approach. The Commission has made a declaration in support of a more flexible approach. I am sure that Richard Lochhead will agree that that is welcome.

We are still negotiating on some specific details that must be agreed with Norway tomorrow. Norway's position will be crucial, but our aim is to ensure that our fishermen can genuinely access their increased quotas and the increased value that goes with them. We consider the package to be balanced and to promote a genuinely sustainable agenda without compromising the immediate needs of the fishing industry.

I move amendment S2M-798.4, to leave out from "recognises" to end and insert:

"supports the more balanced outcome negotiated by ministers at the December Fisheries Council; welcomes the fact that this will benefit many sections of the Scottish fishing industry while ensuring conservation of key stocks on which the long-term viability of the industry depends; deplores the calls by the SNP leader for fishermen to break the law; recognises that there are elements of the detailed agreement which are the subject of further technical discussion with the European Commission; supports the efforts made by the Scottish Executive to address these, and further supports the willingness of Scottish Ministers to monitor the socio-economic impact on fishermen, ports and communities following the conclusions of the technical discussions and EU negotiations with Norway with a view to taking appropriate action if necessary."

11:17

**Mr Ted Brocklebank (Mid Scotland and Fife) (Con):** When Mr Finnie returned with his brave new Brussels deal in December, he claimed that it would boost the Scottish fishing industry by £20 million a year. As we have heard, the minister has since admitted that the deal will have unintended consequences. However, irrespective of whether the consequences were intended or unintended,

the outcome is that Ross Finnie's vaunted agreement looks like sending another 50 Scottish white-fish boats to the breaker's yard. That is in addition to the 170 vessels that accepted decommissioning last year. In effect, it will mean that the 300-strong white-fish fleet of just over a year ago could be reduced to less than a third of that size by the end of 2004.

The restricted boxes to the east and west of Scotland and the 15 days a month sea time made a nonsense of the minister's trumpeted 53 per cent increase in haddock quotas. There are neither the days nor the available fishing grounds to catch the extra haddock. Pandora's box contained fewer horrors than the restricted haddock boxes to which Mr Finnie signed up. Although we are told that there might be some relaxation on the size of the box, the 15 days at sea are said to be non-negotiable. Much as Richard Lochhead may plead for an urgent renegotiation of the December deal, the fact is that, under the Commission's rules, it is possible only to tidy up the existing agreement. A legal challenge to the agreement is the appropriate action. The Scottish Fishermen's Federation and the Fishermen's Association Ltd are to be commended for uniting to challenge the deal through the courts.

Our fishermen should challenge the agreement not only on the days at sea and the restricted boxes. Lost in the small print of the deal were a number of anomalies that are only now coming to the surface. Yesterday, I had a call from skipper Bill Watt of Macduff. He wanted to express his bafflement at yet another example of the Executive's forelock tugging at the Commission's nonsensical regulations. Faced with the 15-day rule, Skipper Watt planned to fish in the unrestricted area west of 4° west—the so-called French saithe line—off the Scottish west coast. He was informed that that would be legal only if his vessel, the Fertile, was fitted with a tamper-proof satellite monitoring system. The only problem is that no such system exists. A company is currently designing one, but it is unlikely to be in production until July. Talk about catch-22.

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** Will the member give way?

**Mr Brocklebank:** I am afraid that, with only four minutes for my speech, I cannot give way. If I have time later, I will do.

Elsewhere, 14 Pittenweem prawn vessels should have been able to fish without days-at-sea restrictions under the cod recovery plan, provided that they applied for a permit. However, local manager Billy Hughes told me this morning that he was staggered to discover that, under item IV of the permit, the Pittenweem fleet will not be allowed to take haddock as a bycatch, because they all

use gear of less than 100mm mesh size. Will they be given a derogation to carry on fishing? Apparently, nobody in the Scottish Executive Environment and Rural Affairs Department could give him the answer. Is that another unintended consequence of the brave new Brussels deal?

I wish the Scottish Fishermen's Federation and FAL every good fortune in their legal attempts to overturn what has turned out to be a dud deal. Legal action takes time, however, and will not compensate anxious fishermen in the short term. I call on the deputy minister as a matter of urgency to roll over the special funding that was introduced last year so as to enable fishermen who have been forced to tie up because of a lack of days at sea to pay their bills and to take care of their families and crews in the short term. They should not have to suffer because of the unintended consequences of the December agreement.

I move amendment S2M-798.1, to leave out from "discriminates" to end and insert:

"is unjust and discriminates against Scottish fishermen and has produced, in the words of Ross Finnie, 'unintended consequences' which further reduce the catching powers of the white fish fleet; commends the efforts of the Scottish Fishermen's Federation and Fishermen's Association Ltd to mount legal challenges to the agreement, and seeks urgent clarification from the European Commission on the technical adjustments to no-go areas."

11:21

**George Lyon (Argyll and Bute) (LD):** I very much welcome the contribution of the Deputy Minister for Environment and Rural Development to the debate, because there is a need to bring some balance to the discussion about the outcome of the deal that was secured in Brussels. We should look at the totality of the package, rather than focus only on the white-fish sector, in relation to which, as the minister said, there is a real recognition of the problems with the deal as it was negotiated.

The industry called for a new management approach: spatial management. It also called for the decoupling of cod from other species. Both those key objectives have been met. According to the list of objectives that my friend Richard Lochhead published, he, too, backed those objectives. I think, therefore, that that part of the deal was a success.

The industry also called for increased quotas, which were justified by the scientific evidence that was presented by the International Council for the Exploration of the Sea. That increase has been achieved: the status quo has been maintained for cod in the face of scientific advice calling for a complete closure of the cod fisheries; there has been a 66 per cent increase in the haddock quota; the pelagic fleet has secured a 15 per cent

increase in North sea herring quotas; there has been a 95 per cent increase in blue whiting quotas; and the North sea prawn fleet has secured a 30 per cent increase in its quota. In the west of Scotland, a roll-over reflected the fact that landings last year were below the level of last year's TAC. I understand that SEERAD will be progressing that matter through the coming year.

As has been recognised in the debate, the real pain has been brought about through the changes relating to effort control and the new spatial management arrangements. However, the deal is estimated to be worth a total of £20 million to the Scottish fleet in the coming year. That, too, must be recognised.

The new rules that have been introduced to clamp down on black-fish landings—which, according to some in the fishing industry, were widespread last year—taken with the new spatial management arrangements, are causing significant difficulties. There are a number of factors that I would like the minister to consider. I would like him to try to secure changes at a technical level to take away some of the unintended consequences and mitigate the sheer folly of one or two of the details of the deal.

I fully accept that there must be changes. There needs to be a redrawing of the line for the cod-sensitive box in the North sea to below 59°30'. The box must either be taken out or shifted to another part of the North sea, so as to allow access to one of the most prolific areas in which haddock might be fished for. There need to be adjustments to the percentage of allowable catches, both inside and outside the boxes. I hope that the minister will closely consider that and that officials will take the matter up at a technical level.

**The Deputy Presiding Officer:** You have one minute left, Mr Lyon.

**George Lyon:** Although the 15-day limit is supposedly non-negotiable, I think that, if we are to encourage the fleet to fish further afield, outside the cod-sensitive boxes, there must be an allowance, in the form of extra steaming days, for them to get to and return from those areas. That must be coupled with proper enforcement. We should be able to support that kind of change.

As Ted Brocklebank mentioned, fishermen who wish to take advantage of the extended number of days available in the deepwater fishing grounds off the west of Scotland are being told that the gear that they need to allow them to gain that access is not available until July. That must be sorted out as quickly as possible. There is an argument for giving further help to sustain the white-fish industry through the difficult times ahead and I would certainly support that.

In winding up, I would like to deal with the official Opposition party's response to the fishing industry's concerns.

**The Deputy Presiding Officer:** I have to hurry you, Mr Lyon. Time is very short.

**George Lyon:** I was disappointed to see that the leader of the official Opposition party, Mr Swinney, has been quoted by many newspapers as having said, in response to fishermen's threats to break the law, that it does not strike him as wrong to break the law.

**The Deputy Presiding Officer:** You really must close now.

**George Lyon:** Mr Swinney should either withdraw that remark or step down as leader of the official Opposition party.

**The Deputy Presiding Officer:** Members really should not introduce new material after their time has expired. The remaining time for debate is very short and the remaining speakers must stick to their four-minute allocations.

11:25

**Robin Harper (Lothians) (Green):** Although I accept some of the detailed points that the Conservatives and the SNP have made, I remind them that the real fight is not for more fishing, but for resources and support for our fishing communities in the recovery of their livelihoods: the fish stocks. On those grounds, the Greens reject the SNP motion. Implicit in it is a challenge to the findings of ICES. Fish stocks are in crisis. Cod stocks have not recovered; any recovery is embryonic. The stocks were at an all-time low and the increase has been only very small. The stocks are still way below safe biological limits.

Haddock may be more numerous, but we must recall that people have been depending on a single year class: the 1999 year class. The stocks in the classes on either side of that are perilously low.

**Richard Lochhead:** Is the member aware that there are numerous conditions in the deal that mean that cod and haddock stocks, especially juvenile haddock stocks, will be damaged, because boats will be forced to fish where the juvenile stocks rather than the mature haddock are?

**Robin Harper:** I am still totally perplexed by such insistence on the part of the fishing industry: that sounds more like a threat than a promise. ICES repeatedly warns of the dangers of overfishing haddock and my party would not like the Executive to go any further in negotiating further increases in the amount of haddock that may be harvested. We should recognise the

importance of regenerating the haddock stocks outside the 1999 year class. I believe that arguing for more pressure to be put on stocks is irresponsible.

The big political question that we face is how to support the communities and the fragile economies concerned. Of the €3.7 billion available from the EU to support fish recovery plans, only 3 per cent has so far been taken up by member states for socioeconomic aid. Even worse, according to my figures, Scotland is not drawing down any of that money. That is entirely unacceptable. We need to put pressure on the Executive and the Treasury, not on the fish. The EU has called on member states to review their use of fisheries money and I want to know what the Executive's response to that call has been. Figures that I have just received suggest that the Executive still has £30 million that has been drawn down but remains uncommitted. In the future, the required investment in communities will be offset by tax revenues from a healthy industry. If the fish stocks are allowed to recover, we will have a healthier fishing industry. That is the prize that we should be reaching for.

The idea of discrimination against Scotland has been discussed. Other countries are suffering, too. The Dutch plaice fishery and the southern hake fishery are to suffer closed areas and the Iberian nephrops fishery is also experiencing difficulties. We are not alone. We should remember that, if we had not already made commitments on reducing fishing effort, we would have got only 10 days a month at sea, not 15. The question should not be how many more fish we can catch or for how much longer people can be out fishing; the question should be how much the Executive is prepared to support the industry and the communities that are dependent on it, so that the regeneration of the stocks can get under way. That is where our energies must be directed.

For the sake of the communities, the industry, the fish and the marine environment, let us deal with the real issues and get on with the job with which we are entrusted. Remember the Grand banks. The Canadians put off taking measures time and again. If we look at the history of that time, we see that the arguments that were made then were similar to those that we have heard over the past six to 10 years. The Canadians put off making the inevitable decision to fish less and to think more about investing in the future. Their cod stocks completely disappeared and there was a lasting collapse of what was the richest cod fishery in the world. We do not want that to happen here.

11:29

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I will return to reality. I

commend the speeches that we heard from Richard Lochhead and Ted Brocklebank for spelling out the appalling consequences of the deal and the bleak future that our fishermen face. I will talk about the problems that the west-coast fishermen face.

For the third year running, west coast fishermen have seen the total failure of the Executive to win back the 10 per cent cut in the nephrops quota. That is despite the fact that over the past five years during which I have represented Inverness East, Nairn and Lochaber, Ross Finnie has acknowledged repeatedly—

**George Lyon:** Will the member give way?

**Fergus Ewing:** I have hardly started.

Ross Finnie has acknowledged repeatedly that prawns are in plentiful supply and that the cod bycatch is minimal—some would say negligible. Therefore, the justification for cutting the prawn quota does not exist. He has stated repeatedly his desire to see a fair deal for the west coast, but for the third successive year, he has come back with nothing. This year, when he did not answer a question from Mr Morrison about why he failed to win a proper deal for the prawn fishermen, he came up with a new reason, which is that it was difficult to argue to increase the west coast nephrops quota by 10 per cent, because the quota was not used up this year. When an intelligent man—which Ross Finnie patently is—uses an argument that is patently absurd, one has to ask what he has to hide.

Mr Finnie knows fine well the argument that Robert Stevenson has made that non-active quota held by people who are not fishing will, by definition, not be taken up. There is a huge amount of non-active quota, so it is obvious that there is no chance whatever that the quota on the west coast could be used up. So, for the third year running, Robert Stevenson, Hugh Allan and every other fishing leader are asking the same questions. Did Mr Finnie, as Mr Bradshaw's junior, ask for an increase? If so, did he press for an increase, or was that just a bargaining chip that was thrown away at some point in the negotiations, about which, incidentally, we hear little or nothing.

I refer to comments that fishing representatives have made. Alex Smith said that the deal is "totally unmanageable". Hamish Morrison said, "It is fundamentally flawed." Mike Park said:

"This is a black day for the industry."

Robert Stevenson said:

"'A good deal', 'A successful outcome'?—nothing could be further from the truth."

John Hermse said:

"This is the final straw."

I have spent much of my life representing people who have been made bankrupt. It destroys people's lives, it destroys their spirit and often they lose their home. Is the Executive going to be responsible for putting some of the most successful, proud and law-abiding people into a situation in which they are forced into the plight of bankruptcy by the law and by the Executive's incompetence and duplicity?

11:33

**Mr Alasdair Morrison (Western Isles) (Lab):**

The minister was absolutely correct to outline in his opening contribution exactly what the deal that was negotiated in December means for Scotland's fishermen. The deal was a balanced one and it will benefit many sectors of the Scottish fishing community, while putting in place important measures that will ensure that stocks are conserved and protected properly. With those measures, we will ensure the viability of fishing communities for many years to come. No one is denying that the next few years will be challenging for our fishing communities, but in my view the position adopted and negotiated by Ross Finnie and Ben Bradshaw was absolutely the correct position to adopt. It is also worth noting, as George Lyon said, that the deal that was secured two months ago realised an additional £20 million for our fisherman—a small detail that many members overlook.

I will focus on the prawn quota. I do not doubt that the prawn fishermen on the east coast will welcome and benefit from the quota increase that was secured and which was fought for on the basis of credible scientific evidence. It is unfortunate that there was no such increase for west coast fishermen. However, in a few weeks' time, scientists from the marine laboratory in Aberdeen are to meet the Western Isles Fishermen's Association in Stornoway, when they will outline details of the up-to-date scientific analysis of the west coast prawn stocks, which will be a valuable exercise. If the evidence presented demonstrates clearly that the stocks are in a healthier state than the evidence presented in Brussels suggested last December, that would allow us to go back to Brussels and argue why the current quota should be increased.

That is the way to negotiate sustainable increases in quota, rather than conducting cynical sloganising about withdrawal from the common fisheries policy. I noted with interest that Richard Lochhead failed in his contribution to mention withdrawing from the CFP. Perhaps to Richard Lochhead's credit, he now appreciates that that is

a completely unrealistic proposition. I welcome Allan Wilson's commitment to sending senior Scottish Executive officials to the meetings in the Western Isles.

I turn to the posturing of the Scottish nationalist party. Last week, the leader of the Scottish nationalist party, John Swinney, urged fishermen to go to sea and break the law—an absolutely irresponsible and outrageous statement for any party leader to make. Mr Swinney simply does not know where to turn on the issues of fishing and fish stocks, so he debases politics and resorts to low-grade political rhetoric, stupidly ignoring scientific evidence, which is highly irresponsible.

**Mr Swinney:** Will the member give way?

**Mr Morrison:** I would give way, but I have only one minute left. Mr Swinney is a reasonable man and I am a charitable individual and I want to save him from himself.

If the SNP was a mature and grown-up political party, there would have been an outcry in Scotland about its leader encouraging citizens to break the law. Under normal circumstances, we would of course ask Mr Swinney to consider his position. However, we do not have to do that; we just have to look to the members sitting behind him. Of course, there is the small detail of Alex Salmond's intention to return to the Scottish Parliament. In effect, Mr Swinney is working his notice.

I wish Allan Wilson the very best as he continues his discussions on matters relating to technical issues. As long as I represent the fishing communities of the Western Isles, I will never tell fishermen to go to sea and break the law. We will argue cogently and maturely. We know that sloganising does nothing for the communities that we serve. The fishermen whom I represent understand clearly the process of negotiation and we will engage positively in that process.

**The Deputy Presiding Officer:** I can give Iain Smith only two minutes.

11:38

**Iain Smith (North East Fife) (LD):** I am increasingly saddened by debates in the chamber and I am particularly saddened by those who think that it is right to come to the chamber and accuse those who are doing their best to fight for the interests of the Scottish fishing industry of somehow trying to stab the industry in the back. It is simply not true that Ross Finnie has done anything to stab the Scottish fishing industry in the back. He has fought tooth and nail to try to ensure that there is a Scottish fishing industry and he continues to do so.

**Richard Lochhead:** Will the member give way?

**Iain Smith:** I have only two minutes, so Richard Lochhead can forget it.

Ross Finnie goes to Brussels to try to get the best deal available on the basis of reality, not on the basis of making up slogans and claims that we can withdraw from the common fisheries policy and achieve things that are unachievable. He does not just do that at the fisheries council in December; throughout the past year, he and his officials have been trying to get fundamental changes in how Europe considers fisheries issues in Scotland. Those changes mean getting into spatial management, which the fishing industry wanted, and getting into decoupling the stocks of cod and haddock from prawns, which he has achieved. The prawn issue is important for my community in Pittenweem. It was absolutely essential that we got that decoupling and we now have the increased quota for prawns.

As Ross Finnie said right from the start, there might be unintended consequences of the deal, which the Scottish Executive will continue to investigate and which it will negotiate with the European Commission to address. I want any unintended consequences that make it difficult for my fishermen in Pittenweem to go out and fish the extra quota to be dealt with, and I am confident that Ross Finnie will do that. I do not think that our fishermen in Pittenweem need to threaten to break the law to do that and they certainly do not need support from politicians to break the law.

I support legal methods of campaigning. I am confident that, even in the absence of Ross Finnie, who is in hospital, the Scottish Executive will continue to negotiate to ensure that my fishermen can fish for the extra prawn quota that was successfully achieved in December.

11:40

**Maureen Macmillan (Highlands and Islands) (Lab):** Members of the Executive parties realise that we have to strike a balance between the sustainability of fish stocks and the aspirations of fishermen. We realise that it would be impossible to satisfy the fishermen's aspiration to be allowed to fish on their own terms. I am well aware of the considerable anxieties of fishing communities whose livelihoods depend on the fishing industry, directly or indirectly—from the crews to the suppliers and the processors. Along with other members, I recognise that they need support in these difficult times. They need better support than the Tories gave to the mining communities or to Easter Ross when the smelter was closed. We have done a lot more to help the fishing communities to get over this difficult time in their existence than the Tories ever bothered to do for those other communities.

We acknowledge the fact that the common fisheries policy was deeply flawed from the start, and we know which party signed up to it. We recognise that, as a result, many fishermen have sought to circumvent it by landing black fish.

**Richard Lochhead:** Given the fact that the member is closing the debate for the Labour party, I ask her please to address the substance of the debate, which is the new restrictions that apply only to Scotland and which mean that the Scottish fleet will not be able to catch the quota that has been given to us. Will the member please address the substance of the debate?

**Maureen Macmillan:** I will address that later on.

The problem of black fish being landed has led to infraction procedures. It did not help the fishermen's cause to have a double-page spread in a Scottish newspaper in which the fishermen boasted about their black-fish exploits. It was totally irresponsible of the fishermen and the newspaper to publish that. How do they think that the negotiations were influenced when that information landed on Franz Fischler's desk?

What I find most frustrating is the fact that the scientists and the fishermen put forward totally opposing analyses of the state of the fish stocks. Fishermen have said to me that they do not think that the cod is endangered, and Richard Lochhead says that cod is only in trouble, apparently. Either there is a difficulty with the fish stocks or there is not, and I do not think that anyone should slide over the sustainability of the stocks. The fishermen think that the ecosystem has changed and that the fish have moved inshore, but the scientists do not agree with them. Our fishing policy must be based on scientific advice. We cannot negotiate on the basis of anecdote or gut feeling; we must negotiate on the basis of what the scientists tell us and get the best possible deal in the light of the scientific evidence of the state of the fish stocks.

It is noteworthy that we hear the Tories and the SNP competing again for the fishermen's votes by trying to outdo each other with their anti-European credentials, safe in the knowledge that they will never be in a position to put their money where their mouths are. They raise false hopes for fishermen by calling for renegotiations that cannot happen; they confuse technical adjustments with renegotiation; and they encourage the fishermen to defy European Community law by ignoring the cap on the number of permitted days at sea. The number of permitted days at sea is tightly drawn because the Commission wants to minimise our opportunity for irresponsibility in the interest of cod-stock protection. The Commission has warned us specifically about breaking the rules because we have a reputation for breaking the rules. The action that the fishermen propose to take, egged on by John Swinney, will not further the

fishermen's cause but will confirm to the Commission the fact that we care nothing for conservation and will tell against us in the next round of negotiations.

We all want to preserve the fish stocks and to have a fishing industry. The fishermen and the scientists must build bridges with each other, and we must show that we are serious about protecting the fish stocks.

11:44

**Mr Jamie McGrigor (Highlands and Islands)**

**(Con):** Since Mr Finnie's statement of 7 January, we have heard a lot about unintended consequences that have been damaging to Scottish fishermen, but what is the intended consequence—the consequence that Mr Franz Fischler and his pals intended? I think that the intended consequence is that the Scottish white-fish fleet will be reduced to a mere 50 vessels—a fraction of its proud, former self—in order to fit neatly into a European fishing fleet that is dominated numerically by Spain and other EU countries. The EU is saying that the UK and Scotland are too advanced, in socioeconomic terms, to be hunter-gatherers any more. A Labour MEP said recently that the fishermen should come ashore and work with computers instead.

The evidence is quite clear that the fleet—which has bent over backwards to adopt more conservation measures than any other fleet in Europe—is still having to bear the brunt of the pain. I am talking about the Scottish fleet, which has been fatally let down by its political representatives once again.

On 7 January, I asked Mr Finnie several questions concerning west-coast fish stocks and the particular problems that are faced by the fishermen on the north-west coast, west of 4° west. His only reply was that cod stocks had shown less recovery on the west coast than on the east coast, which was why there had been quota cuts rather than increases. However, he did not explain why, despite a surplus of monkfish, there has been a savage cut of 73 per cent over the past three years in the monkfish TAC in area VIa—an area that is vital to Scottish fishermen—whereas next door, in area VII, where the Spanish fish, the TAC is up by 32 per cent. He did not explain why, despite the fact that the fattest, bonniest haddocks ever are now being seen around Rockall, there has been a 17 per cent drop in the haddock quota for area VIa whereas, in area VII, where the Spanish fish, the TAC has risen by 156 per cent.

The figures for bycatch for Scottish vessels that fish both in the North sea and off the west coast are misleading. For example, one boat, the

Adventurer 2, caught a total of 6.1 per cent cod bycatch in 2002, but the west coast component of that was only 3.8 per cent. There are separate TACs for the east and west coasts; nevertheless, the vessel was judged to have taken a 6.1 per cent cod bycatch from its fishing activity off the west coast. That is utterly unfair. What makes it worse is the fact that, because the Adventurer 2 was classified as having a cod bycatch of more than 5 per cent in 2002, she will be limited to 15 days' fishing in the waters off the west coast and will have to go into the deep-sea waters beyond the French saithe line.

I ask the minister to do something about the tamper-proof box issue that Ted Brocklebank spoke about. It is vital that the Scottish fleet should continue to fish the deep-sea waters outside the French saithe line according to the same rules as the French fleet—as an open area with no days' restriction—otherwise big, new boats will become bankrupt and communities such as Kinlochbervie will be wiped out.

The present west coast TACs are so small that they could be taken within five months. What are the fishermen to do for the rest of the year to maintain their boats and the people who depend on them? Despite my previous entreaty to Mr Finnie, I am told that the 100 square miles south of Sule skerry are to be closed for the whole year. That is a massive blow to the Scottish fishermen. Previously, the area was closed for only eight weeks, as it was seen as a cod spawning area, but this year there will be a long closure even though the scientists have said that those eight weeks were a waste of time.

As I have said before, all these disadvantages to the Scottish fleet are aimed at making it small enough to squeeze into the European sardine tin. The only way for us to save our proud fleet is to regain control and management of our waters.

11:48

**The Deputy Minister for Finance and Public Services (Tavish Scott):**

It is important to identify what some would regard as a cynical exercise by Opposition members, who suggest that achieving technical change and looking closely at the technical regulations are the same as achieving a renegotiation of the entire package. Mr Lochhead should think carefully about the language that he uses, but I suspect that he does not do that. To suggest that the entire package should be renegotiated rather than to concentrate on the specific issues of the white-fish industry is to do a disservice to the business and economic prosperity of the entire fishing industry in Scotland.

This devolved Government is determined to fight for both the short-term and the long-term future of

fishing. It is in Scotland's economic interests to have a financially viable fishing industry. As Allan Wilson said, Parliament should not accept the contention that the entire Scottish fishing industry wants the outcome of the December fisheries council to be completely renegotiated. I would not want to tell the pelagic and prawn sectors that we have no agreement on quotas for 2004. I suspect that if Mr Swinney listened to Mr Stevenson's constituents, who are pelagic skippers, they would tell him the same thing.

Ministers understand that the technical regulations as they stand create difficulties in some areas and will cause some white-fish boats financial problems, and that the increase in the haddock quota will be difficult for some parts of the fleet to access, but the devolved Government is addressing those issues in the current talks between the EU and Norway, as Mr Wilson said. Those talks continue as we speak.

Members made some technical points. Ted Brocklebank, Jamie McGrigor and George Lyon talked about the area west of 4° west and the tamper-proof satellite system. Allan Wilson is happy to examine closely those issues, in particular George Lyon's point about the availability of gear.

Richard Lochhead intervened on Robin Harper to talk about juvenile haddock and the fishing of areas of the sea that have been known traditionally as spawning areas. That argument is being used in relation to the geographical boundaries of the cod-sensitive area and the point is significant.

**Richard Lochhead** *rose—*

**Tavish Scott:** I want to make progress on the technical points.

In discussions and before and during the council, Ross Finnie pressed for an increase for west coast prawns, and Allan Wilson was part of those discussions. I do not accept Mr Ewing's attack on Ross Finnie's integrity on that point. Mr Ewing should raise his game when talking about how hard Ross Finnie fights for west coast fishermen and others. Alasdair Morrison was right about that. Alasdair Morrison was also right to say that it is important for science to underpin decisions about that fishery. The Executive will seek to ensure that.

**Mr Brocklebank:** Does Tavish Scott think that Alasdair Morrison was right to say that there is no alternative to the common fisheries policy?

**Tavish Scott:** Mr Brocklebank can go on and on about that matter, but I will deal with the issues that I was asked in the debate to address. I am happy to debate those other issues with him any time.

Some problems that relate to the technical measures are likely to remain and ministers will address those issues in the assessment of the socioeconomic impact on ports, fishing communities and fishermen. I give that assurance to George Lyon, Maureen Macmillan, Robin Harper and other members.

I say to Mr Swinney that fishermen do not want to break the law. As Iain Smith said, they want the unintended consequences to be dealt with. From speaking regularly—not just on one Friday, but every week—to fishermen in my constituency, I know that their arguments are based not on politics, but on finance and business viability. The Administration understands those arguments, which apply as much to the processing and shore-side sectors as they do to fishermen and the fish-catching sector.

All fishermen and fishing communities—not just those in Shetland—understand the difference between political posturing and the reality of business decision making. They want to have a viable fishing business, not to be used as a political football.

Last Saturday in Lerwick, I was asked whether the Government wants a fishing industry. Yes was my answer, and yes is the answer of the entire Administration. We will fight for a healthy, financially viable white-fish sector in every port from Shetland to Ayrshire on the west and Eyemouth on the east. As Allan Wilson said, we want an industry in which Scotland's fishermen can genuinely access the increased quota. That is our commitment, on which we will not back down.

11:53

**Stewart Stevenson (Banff and Buchan) (SNP):** I listened with interest to the debate that preceded this fisheries debate, during which Mike Watson was spot on when he said:

“the SNP has lots of ideas”.

We have lots of ideas to support our fishermen and to ensure that there is a fishing industry in years to come.

In a year when haddock stocks are increasing dramatically and an initial recovery has been seen in cod stocks, whose biomass is 30 per cent up from last year, the restrictions on our industry's ability to catch its life-blood in the North sea—fish—are baffling. Even more baffling is the complexity of the fisheries council's decisions.

Gary Masson of the Northern Producers Organisation Ltd gave members of his organisation guidance, from which I will quote. He described several examples that it would be worth while to share with members. He gives the



example of a white-fish vessel with a 100mm gear that

“intends to fish round the Fair Isle”,

which is outside the cod protection area. He says:

“It may only do so if it carries a permit on board.”

Otherwise, any haddocks that are caught in that area will count against the 20 per cent of the quota that is permitted to be caught in the cod protection area.

If that vessel needed to sail east to catch fish, it would have to sail through the CPA. However, a vessel is not permitted in the CPA if it is carrying a permit, so it must return to Orkney or Shetland where the fisherman can offload his permit before he makes his way to the other fishing grounds. If, on his return, he wishes to fish in the vicinity of the Fair Isle, he must once again collect his permit. That would mean a minimum of half a day wasted in steaming time and would be highly dependent on the presence of a fishery officer.

Gary Masson observes that, by default, all vessels that fish in the North sea will be subject to the permit system. A fisherman must not have a permit on board if he plans to fish inside the cod protection area, even if he catches only monkfish or dogfish. If a fisherman fishes outside the cod protection area, he must have a permit on board, even if he keeps a single box of haddocks, because otherwise, those haddocks must be dumped. Members will understand the perplexity of many fishermen at such complex and difficult regulations.

**Allan Wilson:** That was a wonderful exposition of the permit system. Does the member agree that whether the permit is to fish within or without the cod protection zone, the effect is the same, as the effort is limited within the cod protection zone?

**Stewart Stevenson:** The problem is that when many of the vessels that do not require or have a permit to catch haddocks, that counts not against the 80 per cent of the quota that is permitted to be caught outside the CPA, but against the 20 per cent that is allowed to be caught in the CPA. I am sure that the minister understands that.

Such a situation leads to discards. We have—rightly—heard the word “conservation” in the debate from many members across the parties. Fishermen are conservationists par excellence. They know that if they do not conserve stocks, their sons and grandsons will have no fish to catch.

The permits are bafflingly complex and require counterintuitive and counterproductive measures. For example, a vessel may not at any time retain on board cod in excess of a limit of 5 per cent. If a vessel fishing for haddocks in the CPA had a first

catch of a decent number of cod, that could not be kept against haddocks that would be caught later in the trip. The cod would have to be discarded. That runs counter to the conservation that we earnestly seek.

I will refer briefly to some members’ speeches. George Lyon asked for better enforcement. On 6 December, the European Commission congratulated the UK on its enforcement efforts. In fact, Peterhead has more fishery officers than policemen, such is the measure of our effort.

**David McLetchie (Edinburgh Pentlands) (Con):** Name the officers.

**Stewart Stevenson:** One is Jim McMurdo.

There is no dispute about stocks, but it is interesting that although the logbook must be used for some legal purposes in connection with the permit, fishermen are not allowed to use the logbook as evidence of what is happening in the catching sector.

Mr Morrison suggested that Mr Swinney was on notice. Mr Morrison had his notice some time ago. He is on the back benches, where he deserves to be. One move more and we will get what we need.

Mr Scott referred to my pelagic fishermen in Fraserburgh and Peterhead. Where was he when they needed a track record to obtain what they needed? He was absolutely nowhere.

I close with an observation on the fishermen’s statement that they will break the regulations. If they choose to do so, it is because they have little choice. If we support them in doing so, the reason why is clear. If the choice is between supporting the Executive’s shabby deal and supporting fishermen, we will support fishermen every time.

## First Minister's Question Time

12:00

### Prime Minister (Meetings)

**1. Mr John Swinney (North Tayside) (SNP):** To ask the First Minister when he next plans to meet the Prime Minister and what issues he intends to raise. (S2F-544)

**The First Minister (Mr Jack McConnell):** I have no formal meetings planned with the Prime Minister for this month.

**Mr Swinney:** I thank the First Minister for his answer. On Tuesday evening, Sam Galbraith said that the so-called abolition of tuition fees had been a con. He said:

"In Scotland we have already accepted fees ... it is just a question of our universities being allowed to top them up."

He also said:

"The role for me now is to be able to say the things that others would like to say but are not able to do so".

Is Mr Galbraith speaking for the First Minister?

**The First Minister:** No, he certainly is not.

**Mr Swinney:** I am glad that the First Minister has cleared up that particular point.

What intrigues many of us is where the First Minister stands on the key issues that affect the people of Scotland. This week, senior figures in his own party have launched a concerted campaign to apply top-up fees here in Scotland. The former Scottish Office minister with responsibility for education, Brian Wilson, says that top-up fees in Scotland are "inevitable". The former First Minister, Henry McLeish, says:

"I don't think we can avoid universities charging higher fees."

Sam Galbraith said:

"Top-up fees in Scotland are not only inevitable, they are actually good in principle."

The Prime Minister himself said that the principle of top-up fees is

"essential to our success as a Labour government true to Labour values."

To avoid any uncertainty about the First Minister's position, will he make it absolutely clear whether he considers top-up fees to be good in principle? Or does he agree with me that they are bad in principle?

**The First Minister:** I want to be clear. First, as I think I have said in the chamber previously, I am proud that the Labour and Liberal Democrat parties in the Scottish Parliament abolished tuition

fees in Scotland and that Scottish students do not pay up front for their higher education.

Secondly, I am also proud of the fact that we reintroduced student grants ahead of the game in the rest of the United Kingdom. We will build on that, too.

Thirdly, I am proud of the fact that for every year of this devolved Government we have increased spending on higher education in Scotland in real terms; we will continue to do so.

Fourthly—and most important—I am absolutely convinced that we are right to ask Scottish students, when they have finished their degrees, to contribute to the welfare of their peers in years to come through the graduate endowment or any other contribution. That is an important principle, which is, I think, widely accepted by both students and taxpayers across Scotland.

So, yes, I am proud that we have abolished tuition fees in Scotland; yes, I am proud that we have reintroduced student grants; yes, I am proud that we have increased and will continue to increase higher education spending in real terms in Scotland. However, I also believe that students contributing once they have graduated is an important part of the overall mix of spending on higher education.

**Mr Swinney:** That took a hang of a long time, but there was no answer to the question in any of the First Minister's statements. So, to go back to the original question: does the First Minister believe that top-up fees are a good measure in principle or a bad measure in principle? Are top-up fees good or are they bad? The answer that we want is an answer to that question.

**The First Minister:** Mr Swinney has been asking that question for 48 hours—although it sometimes seems like 48 days. As a reasonable shadow First Minister, as he likes to call himself, I think that Mr Swinney will accept—I hope that he will accept—that it is impossible for me to predict what decisions might be made in the Scottish Parliament about top-up tuition fees, or any other matter, in years to come. However, I want to make one thing perfectly clear: there will be no top-up tuition fees for Scottish higher education students as long as I am First Minister, elected by this chamber to represent this country—Mr Swinney should be in no doubt about that. We will ensure that our universities are world class and that they are well financed, but we will do so using the principles that we established four years ago and that this Government retains.

### Cabinet (Meetings)

**2. David McLetchie (Edinburgh Pentlands) (Con):** To ask the First Minister what issues will be

discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-549)

**The First Minister (Mr Jack McConnell):** The next meeting of the Cabinet will discuss our progress towards implementing the partnership agreement to build a better Scotland.

**David McLetchie:** I am sure that the Cabinet members will discuss that with the same frankness and honesty that we saw this week from their former colleague Mr Galbraith. It is amazing how the truth comes out when Labour ministers no longer have to tell porkies on behalf of the Liberal Democrats. Mr Swinney is rightly concerned about future burdens that our students might face, but I am much more concerned about the very real burden that our students will definitely face from next year. Will the First Minister confirm that, as of April next year, our graduates will be sent a bill for £2,000 that they will have to start paying off when their earnings reach the paltry level of £10,000?

**The First Minister:** I would have thought that the answer was fairly obvious, given that the Parliament passed the legislation that created the graduate endowment. As I said, in addition to the important principles of free access for Scottish students to higher education, expanding the quality of, access to and expenditure on higher education in Scotland, and the reintroduction of student grants, it is vital that students in Scotland return a contribution to the pot after they have graduated. I believe that students see that as reasonable and that Scottish taxpayers see that as reasonable too.

**David McLetchie:** The First Minister and the Scottish Executive have been playing with words on the subject for the past three years. At the end of the day, whether the charge is called a fee, an endowment or a tax, it is a liability; it is compulsory and it must be paid. The truth is that more people believe in the Loch Ness monster than believe that tuition fees have properly been abolished in Scotland. Scottish students know that that is a lie, Sam Galbraith knows that that is a lie and, I believe, deep down the First Minister knows that that is a lie.

The only people who are in denial about the issue are the Liberal Democrats. However, last week, their United Kingdom leader, Charles Kennedy, pointed out that, under the Prime Minister's proposals for England, a graduate student who earns £15,000 a year will pay a marginal tax rate of 42 per cent, which is more than a millionaire pays. Mr Kennedy is right, but he has obviously forgotten what his Liberal colleagues in the Scottish Executive have done. Apart from the fact that students in Scotland will start paying when their income is £10,000 and not £15,000, does the First Minister agree that exactly

the same tax rate will apply to our students from next year?

**The First Minister:** Mr McLetchie is wrong. Scottish students will in fact be liable for payments at exactly the same rate and in exactly the same way each year as will be the case for their colleagues south of the border: the margin at which the payments start will be £15,000. The payments will be tailored in exactly the same percentages in terms of income for students in Scotland and England. We will clarify our plans for that in the coming weeks, as we have said that we intend to do.

We will ensure not only that Scottish students in our higher education institutions do not have to pay top-up tuition fees or tuition fees up front; not only that we have the student grants and bursaries that we reintroduced ahead of the game in the rest of the United Kingdom; not only that we have real-terms increases in higher education funding; but that we also have that additional contribution. As the commitment of Mr McLetchie's Conservative party and Mr Swinney's nationalist party is to cut that money out of the higher education budget, they must say where those cuts would hit, how many students would lose out, how many university courses would close, how many departments would be affected and how many research laboratories would not have the equipment that they need. The real debate on the issue is whether we should have investment or cuts and that is where the answers will have to come.

**David McLetchie:** The First Minister prides himself on being a mathematician, so I will ask him to do some simple arithmetic. Will he confirm that, under his proposals, when a graduate earns more than £10,000 a year, as well as paying 22 per cent in basic rate tax and 11 per cent in national insurance, 9 per cent of their income will be used in repaying the so-called graduate endowment? Do not those figures add up to a marginal tax rate of 42 per cent? Is not that a higher rate than a millionaire pays in Scotland on his investment income?

**The First Minister:** As I said earlier, it is entirely appropriate that students who benefit from the income that comes from having a university degree make an additional contribution to the system. That is already accepted in the system of student loans. The additional payments that students will make in Scotland—or anywhere else in the UK—will be exactly the same as they would have been under the student loans system. We will ensure that, in Scotland, those students who earn not £10,000 but £15,000 will pay the same rates as their colleagues south of the border. However, we will also ensure that Scottish

universities stay ahead of the game in the UK and elsewhere.

**Rhona Brankin (Midlothian) (Lab):** Is the First Minister aware of press reports today concerning the joint schools campus in Dalkeith? Does the First Minister agree that parents, pupils and staff in Dalkeith have worked hard to make the shared campus project a success and that a handful of isolated incidents should not be used as an excuse to introduce segregated playgrounds or be allowed to overshadow the benefits of this state-of-the-art development? Does he further agree that Cumbernauld-based Donald Gorrie's ill-informed attack on the project and Midlothian Council in today's *Daily Record* serves only to demonstrate his complete ignorance of the project and of the local issues involved?

**The First Minister:** I do not want to get involved in comments on individual statements that have been made on this matter, but I will say that, on the radio this morning—we should not believe everything that we hear on “Good Morning Scotland”, but as it came from the horse's mouth I will accept it—I heard the local schools representative say that he believed that some of the children involved in the incidents were not pupils at the school. If I urge any perspective on members in relation to this matter it is that, when we view developments in schools, we should examine the facts first. We support the head teachers, parents and others who want to ensure that the school with which they are involved—whether it is a shared campus, is near another school or has a history of tension or violence—is a decent place in which to learn.

The facilities in Dalkeith are first class and have the potential to ensure great educational opportunities for the children involved. I will be proud to open that campus in February. However, I want to ensure that we back the head teacher and the parents in ensuring that behaviour on the site is as good as it possibly can be.

**Fiona Hyslop (Lothians) (SNP):** Does the First Minister acknowledge that he might be part of the problem as he has raised the expectations of the public and pupils by connecting the tackling of sectarianism with the use of joint campuses? Does he recognise that campuses that are the size of the one in Dalkeith will always have problems with pupils? Does he agree with Rhona Brankin and me that support should be given to the teachers and pupils in that school, who are adopting a commonsense approach to the issue?

**The First Minister:** I think that I just said that I would urge us all to support the head teacher and the parents in that regard. Frankly, we have all known for some time that the SNP was opposed to the school building programme, but I am amazed to hear that Fiona Hyslop is opposed to a first-

class educational facility in Dalkeith that will be enjoyed by pupils in that area for thousands of years to come. I will be proud to open that facility in February and I hope that the pupils who will benefit from it will remember what Fiona Hyslop just said.

### Cabinet (Priorities)

**3. Tommy Sheridan (Glasgow) (SSP):** To ask the First Minister what issues the Scottish Executive's Cabinet will prioritise for discussion and action over the next month. (S2F-558)

**The First Minister (Mr Jack McConnell):** As ever, our cabinet will prioritise those issues that will assist us in ensuring higher growth in the Scottish economy, better public services and safer communities throughout Scotland.

**Tommy Sheridan:** The unfair Tory council tax has financially hammered pensioners and low-paid workers for the past 10 years. Today, a major study has revealed that poverty is the main cause of premature death among Scotland's pensioners, who are hammered by council tax bills and are hardly able to heat their homes properly. The council tax has been labelled a “pensioner tax”. Does the First Minister agree that the council tax is unfair? Does he accept that the need to tackle the problem is urgent? When will the first meeting of the independent local government review body take place and who will represent Scotland's pensioners on that body?

**The First Minister:** The remit, timetable and membership of any independent review will be announced when it is agreed, and we will ensure that Parliament is the first to know about that.

However, I want to remind Tommy Sheridan of the view that he expressed in the chamber in November that the central heating programme that was announced, implemented and executed by the devolved Government here in Scotland is one of the best Government initiatives that he has ever seen. That programme and the many other measures that we have supported, both at Westminster through winter fuel grants for pensioners and here in Scotland through central heating and insulation through the warm deal, have enabled us to cut fuel poverty in Scotland by 50 per cent between 1997 and 2003. That is a stride, but only a stride, in the right direction. We have more to do and we will set about doing it.

**Tommy Sheridan:** I say to the First Minister that central heating is no use if people cannot afford to use it. What a shameful neglect of Scotland's poorest citizens: four years and seven months into his Government, he has not even arranged a review of the council tax, let alone its burial. When will he start to stand up for Scotland's pensioners and low-paid workers instead of continuing to

pamper and protect the richest and wealthiest members of society? Will the First Minister instruct his finance minister to apologise for deliberately deceiving and misleading the chamber over alternatives to the council tax, or does the First Minister accept, given the practice of his leader, that lying to the public is acceptable and that Mr Kerr can therefore get away with telling lies on the issue?

**The Presiding Officer (Mr George Reid):** Order. I think that you should use the word "lies" very cautiously, Mr Sheridan.

**Tommy Sheridan:** I did. I used it very cautiously.

**The First Minister:** Mr Sheridan is well aware that he has received a written apology from Mr Kerr, who acted entirely honourably by quickly correcting the slip of the tongue that he was engaged in not long ago. Mr Sheridan should accept the apology with the grace with which it was offered. He should also accept that by investing money in Scotland in pensioners' central heating, concessionary travel for pensioners and the warm deal to insulate pensioners' homes, and in supporting the United Kingdom Government to invest money in winter fuel payments and other measures, we are doing precisely what he suggests that we should do. We are redirecting resources from those who can afford to pay for them to those who cannot. I am proud to be part of a Government that is doing that. Instead of criticising us and demanding the meeting of committees, Mr Sheridan should back us in supporting Scotland's pensioners.

### Scottish Visas

**4. Christine May (Central Fife) (Lab):** To ask the First Minister what discussions the Scottish Executive has had with the Home Secretary regarding the possibility of a Scottish visa to encourage overseas students to stay in Scotland after graduation. (S2F-555)

**The First Minister (Mr Jack McConnell):** First, I would like to make it clear that there will be no Scottish visa. However, Scotland's population is falling and we need to attract new people and to nurture and retain our home-grown talent. We are working with the Home Office to encourage people, including overseas students, to settle in Scotland and I hope to make an announcement on that soon.

**Christine May:** I am grateful to the First Minister for his answer and, in particular, for his comments on the need to nurture home-grown talent. Will he join me in welcoming some of that talent, the pupils from Carleton Primary School in my constituency, who are in the gallery?—[Applause.]

Scotland has a declining population and there are skills shortages in certain technical and professional disciplines. For example, a firm in Glenrothes in my constituency might have to go abroad to recruit advanced software engineers. Will the First Minister assure the chamber that he will raise the matter when he next meets the Home Secretary and when he next discusses the fresh talent programme?

**The First Minister:** As I told the chamber two weeks ago, I have had a series of meetings on the situation that we face in Scotland with the Home Secretary, who is extremely supportive. We have a population that, on current projections, will drop below 5 million by 2010, a working-age population that will drop below 3 million by 2027, and a ratio of those who are not in work to those who are in work and paying taxes that will deteriorate between now and 2027 unless we take action to tackle the issue.

I am absolutely determined that we do all that we can not only to retain Scottish talent and Scottish people in Scotland and to encourage Scots to return home, but to encourage people from elsewhere in the United Kingdom to choose a better quality of life and to come and work in Scotland. I am also determined that we ensure that those such as overseas students, thousands of whom graduate from Scottish universities every year and who would like to stay, even for a short time, get a better chance to do so. I hope to make announcements on that to the Parliament soon.

**Nicola Sturgeon (Glasgow) (SNP):** I welcome the proposal to give foreign students extended visas as at least a partial solution to a declining population, but is the First Minister aware that many asylum seekers who live in Scotland also have skills of which we are desperately short and that they would grab with both hands the opportunity to work rather than be dependent on state support? Will the First Minister enter into discussions with the Home Secretary with a view to giving asylum seekers the right to apply for permission to work, as they could do even only a few years ago, so that they can start to make a positive contribution to the communities in which they live?

**The First Minister:** As Ms Sturgeon knows, the Home Secretary has a difficult job to do in managing the process of asylum and immigration into the United Kingdom as a whole. I resist commenting on his policies, but I am keen to ensure that the UK Government's asylum and immigration system is designed to benefit Scotland and its economy. That is why we are involved in discussions about some realistic and practical measures that can help us to turn round our population decline. We will continue to concentrate on those measures, but, in the

meantime, once asylum seekers have been granted asylum, we will do what we have done successfully in the past three or four years: we will do all that we can to integrate them into Scottish society, including into work and productive activity.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I commend the First Minister for the stance that he has taken on the issue by trying to attract foreign workers and for facing down criticisms of that policy from those whose motives are, I suspect, little short of racist. However, does the First Minister accept that it is really economic opportunity that attracts immigrants and that, unless his Executive takes steps to improve Scotland's economic performance, all other measures are simply window dressing?

**The First Minister:** Economic opportunities are important and, at the risk of threatening what I hope is an emerging all-party consensus on the importance of the issue, I hope that Mr Fraser might acknowledge that they are better today than they were a few years ago. However, economic opportunities are only part of the picture and many people choose to come and live in Scotland because of the quality of life—the quality of our schools, public services, environment and people. When we sell Scotland abroad and in the United Kingdom as a place in which to live and work, we sell it on economic opportunity and on the quality of life that people can enjoy when they get here. I hope that the package that we are putting together will sell both of those messages with equal success.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I welcome the First Minister's approach, but when he uses the word "skills", will he be mindful of the shortage that we face in Scotland of dentists, doctors and other branches of the medical profession? Will he ensure that those specialties and skills are on the agenda when he next meets the Home Secretary?

**The First Minister:** Yes, I will. The matter was first raised with me by the business community more than a year ago in relation to some of the more traditional trades and the sort of skills that Christine May mentioned. However, I am conscious that we have other professional skills shortages in Scotland, particularly in dentistry, which is a topical issue this week. There might be issues on regulation and the qualifications that are required to practise in Scotland, and we will consider those.

Only this week, I was approached by a consul general from one of the central European countries, who told me of a dentist from that country's capital city who was on a walking holiday in Scotland last year, felt that Scotland was probably the best place in the world in which to live and who, when he read on the internet this

week about our problem with dentists, offered to come and live and join the profession here. If we can get that kind of response from the odd press release by Mike Rumbles, we will be doing very well.

## Rail Industry

**5. David Mundell (South of Scotland) (Con):** To ask the First Minister what impact Her Majesty's Government's proposed changes to the regulation of the rail industry will have on rail services in Scotland. (S2F-546)

**The First Minister (Mr Jack McConnell):** As we all know, Her Majesty's Government has set up a review; however, it has not yet proposed specific changes. We will participate in the review and any discussions about the decisions that follow it. Our priority will be to improve performance for passengers here in Scotland.

**David Mundell:** The First Minister will be aware that the Secretary of State for Transport said in his statement that he was considering how he could devolve more decisions on public transport to the Scottish Executive. What decisions will the First Minister seek to have devolved? What confidence can we have that the Scottish Executive will take those decisions, when it has clearly failed to give a quantifiable commitment to the Borders railway and has deferred important railway projects such as the upgrading of Waverley station, which all opinion agrees is essential for increasing capacity on Scotland's railways?

**The First Minister:** We take the view—quite rightly—that the upgrading of Waverley station is a project of UK importance. The hub of Edinburgh and the surrounding train network are of particular importance to the whole United Kingdom, rather than just to the immediate local area of Edinburgh and the Lothians. That is why we continue to discuss the UK contribution that will be made to that project. I remain committed to those discussions.

Our participation in the review should be focused on the output and outcome that we want. We want more and better rail services in Scotland. We want more track and lines, but we also want services to be reliable and safe. Whatever management arrangements are put in place, and whatever matters are devolved or reserved, should be focused on that outcome. We should not opt for a fully devolved rail service on a point of ideological principle if that would not work in practice. However, we should not retain the current system of a mixture of reserved and devolved functions if that is not working in practice. Our objective should be to secure better railways. We will approach this matter not from an ideological perspective, but from the perspective of rail passengers and transport users in Scotland.

**Bristow Muldoon (Livingston) (Lab):** This week, John Armitt of Network Rail advised the Parliament's Local Government and Transport Committee that, each year, Network Rail is investing about £360 million in Scotland's railways, compared with an income of about £220 million. Is the First Minister aware that that level of investment in renewals represents an approximately fourfold increase on the all-time low that was delivered by the Tories? Does he agree that that means that both the Executive and the UK Government need not take any advice from the Tories on how to run a railway?

**The First Minister:** I agree that there is an increasing amount of investment in the railways in Scotland, both in track and in services. New trains, stations and lines are not just planned but are starting to be put in place. That is very good news. It gives us a chance to recover from the disastrous early years after privatisation. I thought that under their previous leader, Mr Duncan Smith, the Conservatives had finally rejected privatisation, but I see that under their new leader, Mr Howard, it is back in favour. Peter Duncan, unfortunately for him, said:

"Privatisation of the rail service under the Tories was a necessary and successful step."

I have a sneaking suspicion that that will not be in his election manifesto in Galloway in 2005.

**Sarah Boyack (Edinburgh Central) (Lab):** I welcome the First Minister's support for the upgrade of Waverley railway station as a UK priority. When does he think we will reach the next stage of that proposal?

**The First Minister:** As soon as discussions on the potential UK contribution are complete.

### Organ Donation

**6. John Farquhar Munro (Ross, Skye and Inverness West) (LD):** To ask the First Minister whether the Scottish Executive will support a system of organ donation that requires individuals to opt out. (S2F-561)

**The First Minister (Mr Jack McConnell):** Scottish ministers support the current voluntary system of organ donation because it saves lives. Unfortunately, there is a shortage of donors for transplantation. I urge everyone, inside and outside the chamber, who can register as a donor to do so.

**John Farquhar Munro:** The First Minister's commitment on this issue is very welcome. Will he consider in further detail the opportunities that we would have to save more lives if we followed the example of countries such as Belgium and Spain, where opt-out systems have helped to bridge the gap between organ availability and patient need?

Does he recognise that doctors and the British Medical Association favour that measure and that it could make a real difference to more than 450 people who are currently awaiting transplants in Scotland?

**The First Minister:** I am conscious of the importance of the issue and also of the cross-party support that exists for the position that John Farquhar has outlined again today. We are not yet convinced that an opt-out system is the right way forward, but we will look at John Farquhar Munro's proposed member's bill and consider it in due course.

Again, I urge everyone who cares about those who suffer and those who need organ transplants to register. Registration is very easy—it takes about five minutes on the worldwide web. People need only go to the right website and fill in the details and that is them registered and on the national list. Just under 100 people in Scotland every year have their life saved by organ transplant and more than 100 people have their quality of life dramatically improved. As John Farquhar Munro says, about 400 people are awaiting transplants and need those organs. I hope that everybody who is in the Parliament today and those who are watching on television will sign up and register to be an organ transplant donor.

12:31

*Meeting suspended until 14:30.*

14:30

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Poll Tax Debts

**1. Colin Fox (Lothians) (SSP):** To ask the Scottish Executive whether it will write off all outstanding poll tax debts in line with practice in England. (S2O-1141)

**The Minister for Finance and Public Services (Mr Andy Kerr):** The treatment of outstanding community charge debt is a matter for local authorities, in line with their statutory obligations and in consultation with their auditors as necessary. That is similar to the practice in England.

**Colin Fox:** Does the minister agree that it is entirely unfair that Scottish local authorities continue to hound people for outstanding poll tax debts, which are now between 10 and 15 years old? He is well aware that the same debts in England were written off some years ago. Will he accept that many of the 150,000 Scots who have not registered to vote are afraid to do so because they cannot afford to pay those outstanding poll tax arrears? Does he agree that it is particularly ironic and unfair that the hated poll tax, which we in Scotland endured first but which has been rightly consigned to the dustbin everywhere else, continues to haunt Scotland?

**Mr Kerr:** Mr Fox is wrong to state, as Ms Leckie did in my local newspaper, that there was some sort of amnesty down south. I have confirmed with the Office of the Deputy Prime Minister that there is no general amnesty and that those who are in debt will continue to be pursued. The ODPM made the clear statement, which I support, that such a move would be unfair on the vast majority of people who have paid their local council tax debts. Mr Fox is just plain wrong. Perhaps he was misinformed or perhaps he has misunderstood—I understand how that could happen.

Such an amnesty would be unfair on those who have made an effort to fulfil their responsibility to pay local taxation. We all have a responsibility to continue to do that. The sum of between £1.3 million and £1.6 million of poll tax debt that was paid in the six months up to summer 2003 goes towards our public services and helps to provide nursery places in our communities and the emergency services on which we all rely. It is absolutely wrong that people who have debts to society and to their local council should not pay

them. I look forward to seeing councils continue to pursue those who owe them moneys.

**Phil Gallie (South of Scotland) (Con):** Strangely, I agree with most of what the minister has said. Does he agree with me that, if an amnesty were offered for the £554 million in council tax that is currently owed to local authorities, it would be unfair on all those who have been prepared to pay their council tax?

**Mr Kerr:** I share that view. As one of my constituents said in a letter to the *East Kilbride News*:

"It would be nice, too, to consider the struggle suffered by all those who scrimped and did without"

at the time to pay their local taxes. I agree with that point. However, Phil Gallie's comment is a bit rich. When the poll tax was introduced, we all knew that it would be a difficult tax to collect. In one year, only 67 per cent of the poll tax was collected.

Let me also take the chance to clarify something that appeared in the newspapers last week. I said in a press release that I was encouraged that councils had collected more council tax than ever before, but I also made it clear that I expected them to do better and to collect more council tax. I am encouraged by the fact that local authorities are working hard to collect their moneys. Those moneys go to good use in local communities.

#### Schools (Fines for Parents)

**2. Michael McMahon (Hamilton North and Bellshill) (Lab):** To ask the Scottish Executive what its position is on the reported proposals in England and Wales to fine parents who take their children on holiday during term time. (S2O-1137)

**The Deputy Minister for Education and Young People (Euan Robson):** Education authorities have had powers since the Education (Scotland) Act 1980. Section 38 of that act provides for attendance orders and section 43 provides for the process of prosecuting and fining those who are convicted of an offence under section 35. There are no plans to change that legislation.

**Michael McMahon:** Does the minister agree that while it is fine to have principles about tuition, they are often too difficult to adhere to in practice? It is right that students should be at school during term time, but is he aware that, for example, a police officer in my constituency has never been able to obtain a holiday during school holidays throughout the time that his daughter has been at school and so has had to take her out of school to enjoy a family holiday? Does he agree that common sense and flexibility are required in these matters? Will he confirm whether any Scottish



parents have been fined for taking children on holiday during term time?

**Euan Robson:** On the latter point, I can confirm that, since the legislation was enacted, I understand that one parent has been fined, although that was not in relation to taking holidays during term time.

Exceptions are recognised for certain circumstances and groups. Such exceptions relate to, for example, police officers, members of the armed forces, members of ethnic communities who have to go on extended visits overseas and people who have religious or cultural reasons for taking holidays during term time. Decisions on those exceptions are best made at a local level, however.

### **Business Rates (Relief)**

**3. Dennis Canavan (Falkirk West) (Ind):** To ask the Scottish Executive what the estimated cost is of introducing a minimum 80 per cent relief from business rates for community amateur sports clubs. (S2O-1111)

**The Minister for Finance and Public Services (Mr Andy Kerr):** The additional cost of introducing at least 80 per cent rate relief for community amateur sports clubs is estimated to be in the region of £1 million.

**Dennis Canavan:** I thank the minister for his reply to my question last week in which he announced the minimum 80 per cent relief. That is a great victory for Scottish sport as it will enable clubs to increase their investment in sports facilities and opportunities. When the relevant legislation is being drafted, will he consider including mandatory relief from water charges, which are also a considerable burden for many amateur sports clubs that do not qualify for the water charges exemption scheme?

**Mr Kerr:** The Executive sought to put the allowance that we are talking about into the system. It is a victory for sports clubs, although they were pushing at an open door in relation to the Scottish Executive's view of the matter. We wanted to make the announcement early so that clubs could be aware of the substantial assistance that the allowance will bring to them when they are doing their financial planning for next year. The initiative will allow clubs to spend their hard-earned cash on other activities, such as encouraging talent and excellence in sport.

The issue of water rates is one for further discussion with the relevant minister.

**Mr Kenny MacAskill (Lothians) (SNP):** Does the minister accept that the burden falls not only on local community clubs but on national organisations that are trying to develop sport at a

grass-roots level? I refer him to the situation that is faced by the Scottish Rugby Union at Murrayfield. While trying to support local sport, the SRU has seen its sports development funding fall by 36 per cent from £700,000 to £450,000 but its rates bill rise by 42 per cent from £494,000 to £710,000—it now finds itself £260,000 worse off. Will the minister recognise the need for rates relief for organisations that are trying to pursue sporting excellence not only at a community level but at a national level?

**Mr Kerr:** The relevant minister should get back to Mr MacAskill on that point. We are targeting sports clubs whose ability to function will be greatly assisted by the measure that we are discussing. Community sports clubs fall into that category but I would take some convincing that the larger organisations that Mr MacAskill mentions do.

### **Burns Night (Promoting Scotland Abroad)**

**4. Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** To ask the Scottish Executive whether Burns night will be used to promote Scotland abroad. (S2O-1120)

**The Minister for Tourism, Culture and Sport (Mr Frank McAveety):** The First Minister, as president of the regions with legislative powers, is hosting a Burns supper in Brussels on 19 February to promote Scotland's place in Europe. On 13 January, Kofi Annan, Secretary General of the United Nations, gave the inaugural Robert Burns memorial lecture in New York in the presence of the Deputy First Minister. That received worldwide media coverage for Scotland.

Burns night also presents a unique opportunity for the promotion of Scotland as a tourist destination. VisitScotland.com is promoting Burns on its home page and VisitScotland's London office is presently running a Burns promotion to attract visitors to come and stay in Scotland.

**Margaret Jamieson:** Does the minister agree that significant opportunities to benefit from the 250<sup>th</sup> anniversary, in 2009, of the birth of the bard will be available to Scotland? Does he further agree that Ayrshire, as the birthplace of Burns, should be the centre of the benefits that those opportunities bring?

**Mr McAveety:** I recognise the passionate commitment of the member and assure her that we are working towards the celebration of Burns's birth in 2009. That is why we have put together a team of players from VisitScotland, the Scottish Arts Council and a number of other agencies. In partnership with local representatives and local authorities, we will put something together that will genuinely commemorate the important role that

Burns plays in the history not just of Ayrshire but of Scotland.

**Alex Neil (Central Scotland) (SNP):** I hope that the First Minister makes a better speech in Brussels this year than he did at the Burns supper that I attended in Glasgow last year.

Will the minister guarantee that the opportunity that will arise in 2009 will be used to promote Ayrshire internationally? In addition, will he consider the possibility of renaming Prestwick airport as the Robbie Burns airport?

**Mr McAveety:** The member has asked two questions rather than one. I have a number of things to say. First, it should be recognised that, out of the poets of 191 member states of the UN, only Scotland's national poet has been chosen as the poet to represent all humanity. Secondly, I assure Alex Neil that the First Minister will represent Scotland positively in an international forum.

We want to work with all players at a local level in Ayrshire to ensure that when, in 2009, we celebrate the birth of Burns, the celebrations are appropriately put together. I reassure the member that we will not have the situation that Burns described in one of his poems when he said:

"The best laid schemes o' Mice an' Men  
Gang aft agley".

We assure the member that the Scottish Executive is on the case.

**Margaret Mitchell (Central Scotland) (Con):** Does the minister agree that an excellent way in which to promote Scotland is to encourage and support Burns suppers, such as the forthcoming European Union Burns supper in Brussels? MSPs, including my good friend Jamie Stone, have been asked to participate in that supper. Perhaps Jamie Stone will become an ex-good friend once he has delivered the toast to the lassies and I have replied to it.

**Mr McAveety:** I welcome the contributions that individual members will make. We are all ambassadors for Scotland wherever we go. I hope that we can use Burns's work to represent what we think Scotland is today and that his work will make a contribution in the future.

**Eleanor Scott (Highlands and Islands) (Green):** Will the Executive consider promoting Scotland in Europe by sending representation to the tartan day celebrations in Paris this year? I would prefer the First Minister, who has an interest in the entente cordiale, to go.

**The Presiding Officer (Mr George Reid):** The question must be a question on Burns.

**Cathy Peattie (Falkirk East) (Lab):** I suggest to the minister that we should celebrate Burns every day of the year and not only on 25 January.

**Mr McAveety:** The member raises an important issue. We recognise Burns's importance as our national poet, but many contemporary poets in Scotland represent Scotland in a contemporary way and reflect our country's traditions. Through the work of Burns and other Scottish poets, we can ensure that poetry is at the heart of the nation. We should all hear their contributions.

### Registered Social Landlords

**5. Dr Elaine Murray (Dumfries) (Lab):** To ask the Scottish Executive how, and to what extent, it monitors the actions of registered social landlords, in particular those who have received former council housing under stock transfer. (S2O-1140)

**The Minister for Communities (Ms Margaret Curran):** Registered social landlords are regulated on behalf of ministers by Communities Scotland within a regulatory framework that puts tenants' interests at its heart. New RSLs receive particular support in the 18 months after stock transfer to ensure that they are on track to meet their commitments to tenants.

**Dr Murray:** I know that the minister is aware of problems that have been faced by Dumfries and Galloway Housing Partnership in the first months of its existence. Will she advise members what recourse tenants of RSLs have if they are unhappy with the actions of the board of a housing association? Do ministers have any powers of direction regarding the activities of RSLs?

**Ms Curran:** RSL boards are accountable to their members and tenants and responsible for decisions about the RSL. Tenants can become members of the RSL and seek membership of the boards themselves or vote for other members whom they wish to see on the board. The Scottish ministers' regulatory powers are delegated to Communities Scotland to regulate and inspect RSLs. Therefore, RSLs are independent organisations but are expected to work within a robust regulatory framework of standards and guidance.

**David Mundell (South of Scotland) (Con):** Does the minister share my disappointment and that of others who promoted the setting up of Dumfries and Galloway Housing Partnership that it has become so mired in controversy during its first six months? Will she reconsider whether there is any possibility of holding an independent inquiry into its activities so that a line can be drawn under its first few months and it can move forward with the important task of improving the housing stock in Dumfries and Galloway?

**Ms Curran:** I have corresponded with Elaine Murray and David Mundell about the housing partnership's circumstances. I assure them and other members that the proper regulatory framework has been adhered to. We have given great consideration to the matter to ensure that all mechanisms have been properly addressed. I say to David Mundell that the best way in which we can now support Dumfries and Galloway Housing Partnership is to focus not on controversy but on housing investment and improvements that will meet tenants' needs in that area.

**Des McNulty (Clydebank and Milngavie) (Lab):** Does the minister agree that the task of registered social landlords is not just to manage, maintain and improve housing, but to participate in the regeneration of wider access activity, which is so essential, particularly in deprived areas of Scotland?

**Ms Curran:** That is a crucial part of RSLs' activities and one of the reasons why there have been such successful transfers in Scotland. One of the reasons why I doubled their regeneration budget last year is because we see that as a significant part of their activity. RSLs recognise the commitment of the Scottish Executive to understanding that housing plays a critical role in wider regeneration. We need to maximise the opportunities that we can produce from such substantial investment and we are on course to do so.

#### **Scottish Natural Heritage (Dispersal of Jobs)**

**6. Lord James Douglas-Hamilton (Lothians) (Con):** To ask the Scottish Executive whether there has been an up-to-date estimate of the cost of the dispersal of jobs of Scottish Natural Heritage to Inverness and whether value-for-money considerations still apply. (S2O-1105)

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** Scottish Natural Heritage provided an estimate of the costs of relocating to Inverness in its project plan, which is currently under consideration. SNH also provided cost estimates for the Parliament's Finance Committee hearing on 13 January. Value-for-money considerations will apply as part of the project plan approval process.

**Lord James Douglas-Hamilton:** Is the minister aware that there have been reports that the proposed expenditure of £20 million appears to have increased to £40 million? Is he aware that the proposed dispersal appears to be deeply flawed in its financial planning, in common with the Holyrood building project? Bearing in mind the excellent record of Scottish Natural Heritage over the years, would it not be safer to reconsider the whole proposed dispersal, which appears not to be achievable with value for money?

**Allan Wilson:** I do not accept that premise. I would have thought that, as a minister in the former Administration, which pursued a not dissimilar policy with regard to the relocation of public sector jobs, the member would understand that the economic benefit that will accrue can be spread throughout Scotland to communities beyond Edinburgh. That is an important consideration that drives the process.

The financial prospects are not fundamentally flawed. I have seen the press reports, but I do not recognise the figures contained therein. We will, however, ensure that value-for-money considerations are paramount in our consideration of whatever project plan for the proposed relocation comes from SNH. I assure the member that we intend to carry through the proposed relocation.

**Susan Deacon (Edinburgh East and Musselburgh) (Lab):** The minister will be aware that there is widespread support for the principle of public service jobs dispersal but, equally, there is widespread concern and criticism of the SNH decision in particular and, indeed, of other aspects of the implementation of the policy.

Is the minister also aware that many of the answers that he and other ministers have given to the Finance Committee and to parliamentary questions—to my colleague Sarah Boyack, for example—have served further to confuse rather than to clarify many of the issues involved? Does he acknowledge the extent of those concerns? Will he give a commitment to Parliament that lessons will be learned from the SNH experience and that proposals will be made to improve the decision-making process in future relocations so that we can all sign up to something that is better, fairer and more transparent in future?

**Allan Wilson:** The member knows me to be sensitive to criticism. I am concerned that we take seriously decisions that we make in the Executive that impact on families and lifestyles. We take seriously our responsibilities to those staff. Since I assumed responsibility for the portfolio, I have been most flexible in my approach to the employer and to ensuring that trades union concerns about flexibility around the proposals are taken on board. To that end, I agreed the redeployment of 50 jobs from the total number that we proposed to relocate in order to accommodate those trades union concerns. I am being flexible, I am listening and I am concerned not to impose inadvertently undue obligations on existing personnel.

#### **Biodiversity (Damage by Deer)**

**7. Bruce Crawford (Mid Scotland and Fife) (SNP):** To ask the Scottish Executive whether Scottish Natural Heritage has conducted an analysis concerning the impact of damage caused

by deer on biodiversity and, if not, what plans it has to conduct such an analysis. (S2O-1151)

**The Deputy Minister for Environment and Rural Development (Allan Wilson):** Scottish Natural Heritage uses information from a variety of sources to assess the importance of deer impacts on biodiversity. Further work is currently in hand to improve those sources, and SNH's site condition monitoring programme will assist in the evaluation of deer impacts on designated natural heritage features.

**Bruce Crawford:** I noticed in the press this morning that Ross Finnie has undergone his operation. Obviously, we all wish him well and wish the deputy minister well in the Cabinet. [Applause.]

In order to protect biodiversity and the wider economic interests, will the minister accept the advice that he has received from the Deer Commission in its written submission on the Nature Conservation (Scotland) Bill? The commission has said that it requires more effective powers to deal with deer numbers and that, in particular, it wants a new power of appropriate compulsion that, unlike the current convoluted and bureaucratic powers that it has under section 8 of the Deer (Scotland) Act 1996, can be put into effect quickly and easily.

**Allan Wilson:** I am glad that the member has mentioned section 8 of the 1996 act, which puts significant powers at the Deer Commission's disposal. The commission's ability to take action when wild deer are damaging natural heritage sites will be further strengthened by the land management order provisions in our Nature Conservation (Scotland) Bill.

As a result, the Deer Commission and SNH have the powers to deal flexibly and imaginatively with deer problems when they arise and when damage to natural heritage has been caused. I will keep the situation under review and will be in constant dialogue with the commission on those issues.

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** Given the record numbers of deer in Scotland and the pressing need for a much more strategic and co-ordinated approach to deer management, does the minister agree that any analysis should address, in addition to biodiversity, the impacts of red deer on forestry, agriculture, crofting, traffic and recreational interests?

**Allan Wilson:** Yes, although the member should recognise that responsibility for controlling deer rests in the first instance with the landowners and the land managers concerned. Of course, there are also disputes about the reliability of the figures for deer numbers in Scotland. Beyond that, I accept that we want to keep the wider

environmental impact of deer numbers on natural heritage under review. As I said to Bruce Crawford, we will do so in the context of the Nature Conservation (Scotland) Bill.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Is the minister aware that, in one day, Forest Enterprise slaughtered 97 deer on the Cobbler in Argyll forest park, which itself is within the new Loch Lomond and the Trossachs national park? Does he consider that to be reasonable and sustainable deer management?

**Allan Wilson:** I was not aware that that had taken place on the Cobbler, but I am now. Presumably, we would have to put that incident in the context of the discussion and debate that we have just had on the overall numbers of deer in Scotland. If one takes the position that the deer are causing damage to our natural heritage in specific locations, it follows that action has to be taken to eradicate the problem. As the Forestry Commission is by far the largest owner of land in the country with a related deer problem, it is clearly in the position to take the lead on deer culling. None of what the member has said surprises me; however, as far as the problem on the Cobbler is concerned, we will examine what happened to find out whether the response was proportionate.

**Dr Sylvia Jackson (Stirling) (Lab):** As convener of the cross-party group on animal welfare, I know that deer management is a big issue for us. Will the minister comment on the excellent partnership working that is being carried out in my constituency by the Balquhiddier deer management group and the Loch Lomond and Trossachs deer management forum not only to resolve local deer management issues but, more important, to set up a model of best practice for the rest of Scotland?

**Allan Wilson:** Yes, I am pleased to hear about that partnership working. Obviously we want to consider any example of good practice and roll it out across the country.

I should also point out that action has been taken not just through legislation but on a wide range of fronts. It is important to find out not only the impact of overall deer numbers but how local deer numbers are impacting on local habitats in Stirling, on the Cobbler and elsewhere.

## Local Government Finance

**8. Ms Rosemary Byrne (South of Scotland) (SSP):** To ask the Scottish Executive why it has not set up an inquiry into local government finance. (S2O-1142)

**The Minister for Finance and Public Services (Mr Andy Kerr):** We are committed to an independent review of local government finance

and are currently discussing its remit and format with the Convention of Scottish Local Authorities.

**Ms Byrne:** Does the minister agree that a Government that takes more than nine months to set up a review of the council tax does not regard the matter as a high priority? Will he also tell me why the Executive has set up more than 40 consultations and reviews of policy since May last year, yet still fails to set up a review into the council tax? Is the Executive too busy misleading the Parliament about the Scottish service tax proposals to examine critically its own policy?

**Mr Kerr:** My answer to many of those questions is, of course, no. We are committed to a review and it will be very interesting. The Parliament has examined the Scottish service tax before and roundly condemned it on all counts.

I must reflect on this morning's activity, although I think that Mr Sheridan just wants to be the first person to be thrown out of the chamber. That might explain his behaviour. Perhaps it was because we are now scrutinising the Scottish service tax and what it would mean for the people of Scotland. The "richest and wealthiest" whom Mr Sheridan talked about this morning are our doctors, our dentists, the professionals in our public services, the head teachers and teachers who work in our—[*Interruption.*] They are the rich and wealthy whom Tommy Sheridan wants to tax out of Scotland. [*Interruption.*]

I had the courtesy to listen to Mr Sheridan's nonsense this morning.

**Tommy Sheridan (Glasgow) (SSP):** No more slips of the tongue, Andy.

**The Presiding Officer:** Mr Sheridan, please.

**Mr Kerr:** Mr Sheridan talks about slips of the tongue and I would like to address that matter. Last week, when we were talking about emergency service workers, he talked about 12 years ago in this chamber, when, of course, what he meant was 12 months ago in this chamber. I know where I was 12 years ago. I was working for a living, but I do not know what Mr Sheridan was doing.

Can I now move on—[*Interruption.*] Can I now move on to the substantial—[*Interruption.*]

**The Presiding Officer:** Order. Mr Sheridan, the odd interjection is allowable, but not a running commentary, please.

**Mr Kerr:** Just for the record, so that we are absolutely clear about what I have said about the Scottish service tax, let me say this. For 2003-04, under the current system, a couple with a band D house would pay an average of £1,009 per annum in council tax. Under the Scottish service tax, if they both earned £27,500—two teachers, for

example—they would pay significantly more. They would pay £566 per annum more. Those figures are based on current calculations. [*Interruption.*]

**The Presiding Officer:** Order.

**Mr Kerr:** If we consider Mr Sheridan's philosophy on the national minimum wage and add in its implications for the public sector, another £1 billion would be added to council tax payers' bills to subsidise his policies. Let us get the facts right. Mr Sheridan is upset because, at last, his policies are under attack. They are under attack because they will have a huge impact on hard-working families in Scotland.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Will the minister confirm that, after consultation with COSLA—as set out in the partnership agreement—the independent review of local government finance will examine the distribution formula as well as the means of raising the council tax?

**Mr Kerr:** We want the review of local government finance to be extensive. It is evident—and the Tories know this only too well—that jumping into solutions for local taxation and its relationship to local government is not a good thing to do. The poll tax is a good example of why things should not be done in a hurry.

I am looking forward to the day when we get the chance to expose not only Mr Sheridan's proposals but the other proposals as well. I do not stand here as an apologist for the council tax. I stand here as someone who says that we can reform the council tax and perhaps make it work. That needs to be scrutinised, as do all the other proposals from members in the chamber, such as the local income tax and the Scottish service tax—I am not sure where the Scottish National Party or the Tories are on this. However, let us hear ideas on taxation. Let us play the ideas out in public and test them to destruction. The last thing that I want to do is to put a tax on the Scottish people that works like the poll tax.

#### **Social Work Services Inspectorate (Delayed Report)**

**9. Christine Grahame (South of Scotland) (SNP):** To ask the Scottish Executive what concerns it has regarding delay in the publication of the social work services inspectorate's report into the Miss X case in light of the Deputy Minister for Education and Young People's advice that the report would be available in autumn last year. (S2O-1129)

**The Minister for Education and Young People (Peter Peacock):** No formal timescale for publication has been set. I expect to publish the report as soon as possible after its receipt.

**Christine Grahame:** That answer conflicts slightly with an answer that I have had previously, but I will say no more about that. We have already dealt with it.

The minister may be aware that the abuse of Miss X first came to light two years ago. This will be the fourth in a line of reports. We still do not have it, although Scottish Borders Council is well aware of its contents. Against that background, does the minister share my concern about the recent award of early-retirement packages to senior members of that council's social work department, some of whom were and are deeply implicated in the case? Does he agree that no one involved should have been allowed to do any deals until publication?

**Peter Peacock:** The personnel responsibilities of the local council are for the local council. It has to make its own policies and its own decisions, including those relating to individuals, as it sees fit locally. I know that Christine Grahame has found the Miss X case a rich source of publicity over recent months and I am sure that the press statement that will follow the present exchange is already on its way to the papers. The key point is that the Miss X case is a complex and extremely serious case, which we are having independently assessed. I will not put pressure on the inspectorate to cut corners—even if Christine Grahame would.

### Maternity Services (Staffing)

**10. Carolyn Leckie (Central Scotland) (SSP):** To ask the Scottish Executive whether national health service boards operate adequate minimum staffing levels in maternity services that take account of annual leave, sickness, training and secondments. (S2O-1150)

**The Minister for Health and Community Care (Malcolm Chisholm):** NHS boards are responsible for staffing levels and have been asked to review their systems in light of the recommendations of the 2002 Audit Scotland report "Planning ward nursing—legacy or design?" In addition, we have commissioned a follow-up project to address nursing and midwifery work-load issues throughout NHS Scotland and I expect to receive recommendations for action shortly.

**Carolyn Leckie:** The population has declined by 2 per cent over 20 years and the birth rate has declined by 17 per cent over eight years, but—according to the Nursing and Midwifery Council—the number of registered midwives has been reduced by 16 per cent in one year. This year, the Executive has reduced the number of student midwives from 220 to 180. We have a situation in which, as responses from health boards—which I am happy to share with the minister—show, there is a wide disparity in staffing levels. For example,

where birth rate plus has been implemented, it is possible to have five core midwives on an 18-bed antenatal/postnatal ward.

**The Presiding Officer:** Question, please.

**Carolyn Leckie:** I am getting there. In an area where birth rate plus has not been implemented, it is possible to have only two midwives per shift on a 20-bed ward. Given those facts, does the minister agree that the numbers simply do not add up, that birth rate plus should be implemented urgently throughout all health boards and that we need more rather than fewer midwives?

**Malcolm Chisholm:** The reality is that the number of midwives was declining for a while, for factors that are well known, such as the declining birth rate. However, that corner has been turned and we accept that we have to increase the number of midwives, because midwives now have a more central role in the delivery of maternity services than they had in the past. That is a central feature of the EGAMS—expert group on acute maternity services—report.

Birth rate plus has been considered very carefully as part of the project that I described. That important piece of work is the first to give serious and systematic consideration to such work-load issues, so there will be action on that issue soon. In general terms, I agree with several of Carolyn Leckie's points.

I am also in the process of convening a maternity services work-force group that will examine work-force planning for all the professions that are involved in the delivery of maternity services. We are very much involved in addressing the issues that Carolyn Leckie has highlighted.

**The Presiding Officer:** Other supplementaries must be rooted in the issue of staffing levels in maternity services.

**Pauline McNeill (Glasgow Kelvin) (Lab):** I will try to stick to that.

The minister will be aware that he will soon have to decide on the outcome of Greater Glasgow NHS Board's review of maternity services. I ask him to provide assurances that, in relation to the wider issue of staffing levels, he will consider carefully the impact on neonatal services of the closure of the neonatal unit at the Queen Mother's hospital, which also serves Yorkhill hospital. Will he reject the notion in the Reid report that Yorkhill can deliver services to the rest of Scotland without the neonatal facilities that it currently has and the specialist neonatal staff who are linked to it?

**Malcolm Chisholm:** I am conscious that there are national service issues that must be examined in the context of Yorkhill, as well as all the other issues with which members are familiar. Members

will also know that I cannot give a final view on that until the end of the consultation process and until the work that I asked for on the patient flows between Argyll and Clyde NHS Board and Greater Glasgow NHS Board has been done. However, Pauline McNeill can be assured that I am already examining those issues in great detail and shall do so increasingly over the next few weeks.

### **Hepatitis C (Ex Gratia Payments)**

**11. Cathy Peattie (Falkirk East) (Lab):** To ask the Scottish Executive how many people will benefit from the planned hepatitis C ex gratia payment scheme. (S2O-1123)

**The Minister for Health and Community Care (Malcolm Chisholm):** We estimate that up to 600 people may claim in the early years, but it is not possible to give a definite number at this stage. The scheme will pay out to all those who can show that they are eligible. I will be making a joint announcement with my United Kingdom colleagues tomorrow.

**Cathy Peattie:** I welcome that reply. Is the minister aware of the hardship that is faced by many of those who suffer from hepatitis C, such as the young man in my constituency who cannot even get mortgage insurance? Does he agree that many of those people will require additional and on-going support?

**Malcolm Chisholm:** The fundamental principle has been that there should be a fair deal for the people who contracted hepatitis C in that way. Without going into the details, which members will understand have to be announced on a UK basis tomorrow, I would like to say that we should be proud that the whole process was started here. The fundamentals of the Scottish scheme will be announced with the UK scheme tomorrow, and I think that everyone in the Executive and in the Parliament can be proud of that. The fundamental principle is that there should be a fair deal, but we must obviously take account of other demands on the health budget. I have no doubt that some people tomorrow will say, "It should have been more." However, I think that a significant payment will be made to all those who are eligible.

**Shona Robison (Dundee East) (SNP):** Will the minister tell us in advance of the announcement that will be made tomorrow whether he has decided to recognise the plight of the families who have lost loved ones to that terrible disease and accept that he has a moral obligation to those families to include them in the financial assistance package?

**Malcolm Chisholm:** The fundamental principle is still as we outlined it and the scheme will apply to people who are still alive and suffering in that way. There will be some detailed changes to the

eligibility criteria and I assure members that everybody will be sent the details of that. There will be some changes in the detail, but the fundamental framework of the scheme will be as we announced some time ago.

**Mr Keith Raffan (Mid Scotland and Fife) (LD):** Will the minister take action to get a more accurate estimate of the number of people suffering from hepatitis C in Scotland, especially as the Scottish Centre for Infection and Environmental Health says that its figures may be a several-fold underestimate? What assurance can he give that interferon alpha and ribavirin combination therapy is available for all hepatitis C sufferers in Scotland uniformly throughout each health board area?

**Malcolm Chisholm:** There is clearly a wider agenda in terms of care and treatment for all people who suffer from hepatitis C. When we had a debate on the matter two years ago, that was one of the key issues that I highlighted. We wanted a fair deal for those who had contracted hepatitis C in a specific way, but we also wanted to improve care and treatment for all people who have hepatitis C. A great deal of work has been done on finding out more of the data to which Keith Raffan refers to and on improving and making more widely available the kind of therapies that he describes.

### **Inverclyde Council (Education)**

**12. Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the Scottish Executive what its response is to Her Majesty's Inspectorate of Education's follow-up inspection report on Inverclyde Council. (S2O-1102)

**The Minister for Education and Young People (Peter Peacock):** We expect councils to take HMIE reports very seriously and to act on their recommendations, but it is for the council to take appropriate action.

**Mr McNeil:** The minister will be aware that the inspector's damning report slates Inverclyde Council for scrapping an £80 million school building programme, which would have got all local children out of their crumbling classrooms. I hear what the minister says about the council's responsibility, but how much longer will Inverclyde Council be allowed to prevent the Executive from fulfilling its partnership agreement promise to deliver the largest-ever school building programme in Scotland's history?

**Peter Peacock:** As Mr McNeil points out, the report was very critical and I have said that I expect the council to take it very seriously indeed. One of the issues raised by the inspector was the need to make it clear that action is required quickly. I understand that, yesterday, Inverclyde Council was making certain decisions on the

future of its school estate, which will be the basis for proposals that I hope to receive very soon. We shall examine those proposals to ensure that they contribute to the objectives that have been set out by the partnership parties of overhauling the school estate across the whole of Scotland and of securing value for money in doing so. In due course, the HMIE will follow up the most recent report to ensure that progress is being made.

**Robert Brown (Glasgow) (LD):** The minister will be aware that a new Liberal Democrat administration was elected in Inverclyde only last May. Does he recognise that that administration, with its substantial majority, has a mandate for change? Will he assure me that the Inverclyde administration's current and much-improved proposals will be considered on their merits by ministers? Does he agree that the constant whingeing on the topic by my good friend Duncan McNeil just highlights the unfortunate legacy of the previous administration in Inverclyde, which is no doubt why it is no longer in office there?

**Peter Peacock:** I am grateful for Mr Brown's question. The Executive will clearly consider any proposals that are made on their merits against our objective of making the biggest overhaul of our school estate that we can. Ultimately, it is for local people in Inverclyde to decide whether they think that the proposals are better or worse than the previous ones.

## Education Reform

### **The Deputy Presiding Officer (Murray Tosh):**

The next item of business is a debate on motion S2M-806, in the name of Peter Peacock, on the comprehensive programme of education reforms. There are two amendments to the motion.

15:11

### **The Minister for Education and Young People (Peter Peacock):**

I welcome the opportunity to set out for the Parliament the comprehensive and far-reaching programme of reforms that the Executive has for Scottish education. I want to indicate at the outset that the Executive intends to reject both amendments to the motion that have been lodged.

Before I move on, I want to thank the Tories very much—they are not listening, but I want to thank them—for the suggestion in their amendment to send me to New Zealand. The amendment, however, does not say whether they expect me to come back.

During the Commonwealth education ministers' conference, I had some interesting discussions with the New Zealand minister for education. I was able to tell him that I was not at all persuaded by his way of managing schools at the New Zealand level, which is the way that the Tories are encouraging me to follow. I do, however, intend to pursue some of the interesting developments in New Zealand, particularly in respect of assessment and testing and, for example, in relation to Maori education. I was thinking of going to New Zealand, but I suspect that the Tories have now made that virtually impossible.

**Fiona Hyslop (Lothians) (SNP):** I am glad that the debate has opened with an international perspective. I encourage the minister to visit as many countries as possible in order to gain knowledge. Is he aware that the result of the introduction of top-up fees in New Zealand was a reduction in the number of medical and science students? Those courses are more expensive because they are longer and involve the purchase of capital equipment.

**Peter Peacock:** I am pleased to say that I do not have responsibility for top-up fees. I also think that enough has been said on that subject today. The First Minister made clear our position on all those matters.

The coherent package of reforms that the Executive has put forward stands in stark relief to what other parties have proposed. Recently, we heard simplistic tosh from the Tories and there continues to be a resounding silence on education philosophy and policy from the SNP.



Despite the efforts of some to talk down Scottish education, it is in good health. We can hold our heads up in comparison with other parts of the United Kingdom and the rest of the world. International studies of attainment and worldwide interest in our policy approaches tell us that.

Our system is characterised by pupils who work hard with good teachers in good schools. They are supported by local authorities that achieve good and improving outcomes for all our young people. The national debate that we have held over the past 18 months or so has shown that Scotland shares that confidence in its school system. Those who constantly knock our schools do our hard-working young people, their parents and our teachers no favours.

In Scottish education we have a culture, engendered by the Executive, of never resting on our laurels and never being complacent about where we stand at present. We need to do better and we can do better. Too many young people still come out of school with too little. Second best is never going to be good enough for me, as Minister for Education and Young People, for the Executive or for any child in Scotland.

Much has been done over recent years to invest in and improve education in Scotland. Although achievement has improved in general, the tail of under-performance has remained stubbornly long. Our reform programme is aimed at improvements across the piece, but particularly at closing the opportunity gap that arises from some doing less well in our school system. We need to do more in our system to recognise that every child in Scotland's schools is special—each and every one of them. By reforming our education system, we will better respond to the needs of the individual child and achieve greater flexibility in our approaches, with the prize of opening up more choice and a greater capacity to tailor education to the diverse needs of each one of our young people.

Labour inherited an education system that was suffering from the chronic underinvestment of 18 years of Tory Government: crumbling schools, demoralised teachers, the youngest in our society excluded from state education, and a lack of policy attention to education. The first tasks of Labour at Westminster and this Executive in Scotland have been to put right that inheritance. That is why we spent a large part of our first four years developing the biggest ever investment programme for our school estate, restructuring and better rewarding our teaching profession, making comprehensive provision for pre-school education, and getting the legislative framework right for this early part of the 21<sup>st</sup> century.

Teachers are right at the heart of our agenda to better meet the needs of individual children. It is

teachers who engage with our young people and know them best. They are best placed to plan learning that is appropriate to each and every child in Scotland. The historic teachers agreement of recent years paved the way for that change. That was far more than just a pay deal: it is a comprehensive and radical programme to help build the profession as a basis for giving it the trust and the freedoms that are necessary in schools and classrooms to drive the continuous improvement that we want and to which we are committed. Returning trust and the exercise of professional judgment to the classroom is supported by the teachers agreement. Implementation has required and is requiring real change, which is often extremely difficult for individuals and the system as a whole, including exercises such as job sizing and the de-layering of management grades within our schools.

**Fiona Hyslop:** The minister will know that there was cross-chamber support for the McCrone agreement and the benefits that it will bring, but is he aware that an indirect result of McCrone has been the introduction of faculty arrangements in schools, which is causing a degree of demoralisation in authorities where such arrangements are not being introduced? Will he reflect on that, because that is counterproductive to what we all want to achieve?

**Peter Peacock:** I will not reflect further on the principle of having faculties because, notwithstanding the fact that their introduction has been a difficult change, they have also brought benefits. That is part of the process of real change that I am describing, that will bring about the kinds of opportunities that we want in schools throughout Scotland. With that difficult change come many opportunities for teachers: for example, expanded continuing professional development; the introduction of the new induction scheme for probationer teachers, which is leading the world in the practice of how we better induct new professionals into the teaching profession; and the introduction of chartered teacher status, which allows teachers to stay in the classroom and be properly rewarded for their skills there.

Beyond the investment in changes to address the appalling Tory inheritance, we must ensure—

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** Before the minister goes on to the so-called appalling Tory inheritance, would he not accept that what he has just talked about is modelled on the mentoring scheme for probationers that was first proposed during the Tory years, but was rejected by the unions?

**Peter Peacock:** What is being introduced was agreed by the Executive, the trade unions and the local authority employers. That is consensus in Scottish education that the Tories never tried to achieve, let alone got close to achieving.

Beyond the investment to address the—repeat—appalling Tory inheritance, we need to ensure that investment in teachers and schools works better to meet our ambition for each and every child. We need to increase flexibility throughout our system, with the prize of opening up more choice for the individual. We need to do that within a system that is continuously improving and universally excellent. There is no place on our agenda for second best, or for the two-tier education system that the Tories propose. While the Tories would abandon our schools to the vagaries of market forces, we will stick with them.

**John Scott (Ayr) (Con):** Will the minister give way?

**Peter Peacock:** I have to get on. I have given way a number of times. I need to make progress, given the short time that is available.

We will stick with our schools. We will challenge them to improve, and we will support that improvement process. At the centre of our ambition for each and every one of our young people will remain our drive to raise attainment and achievement across all aspects of school education.

We are determined to ensure that our young people have the skills and capacities that will allow them to make a full contribution to society, whether they leave school for work, training or higher or further education. That means getting the basics right for all our children and continuing our drive to improve literacy and numeracy. It means giving all pupils a range of experiences in school, from enterprise education to health and sport. It means developing choice as the young person progresses through school—choice to support development of their personal skills, capacities and understandings and to help them achieve personal fulfilment in an ever-competitive world that is never free from risk. In our drive better to support raising attainment, we want and need the active support of parents in the learning process.

It is for that range of reasons that we have been developing, and have put in place, a comprehensive, radical and far-reaching reform programme. That is why we are reforming the curriculum: we want to find the flexibilities to open up choice. That is why we are looking for closer links with further education and it is why we intend to open up more vocational options for our young people. That is why we have renewed our commitment to comprehensive education and refreshed our vision of the modern comprehensive. We want rich, colourful, diverse schools, full of character, inspiration, and ambition for all our young people. Modern comprehensives will challenge, motivate and support our young people to achieve more. Schools will have the

flexibility, freedoms and choices to allow our young people to thrive.

**Mr Monteith:** Will the minister take an intervention?

**Peter Peacock:** I must make progress.

We are committed to that comprehensive principle because it is right. International evidence shows that what is morally and socially right is also educationally right—it delivers better results. It does not write off kids by streaming them at age 11.

Our agenda for change is why we are reforming assessment and testing: to return them to their proper purpose of supporting learning and teaching. That agenda is why we will open debate with parents this year, with a view to reforming school boards better to engage parents with schools and with their children's education. It is why we have introduced the Education (Additional Support for Learning) (Scotland) Bill, which will refocus support on the potential of young people. It is why we will push ahead with our proposals to repeal outdated sections of the schools code. By doing that we will win more flexibility to support the challenging transitions between primary and secondary schools, while never compromising professional standards. It is why we will press forward with proposals to reform our outdated age and stage regulations. Our programme of change is sufficiently comprehensive that I could keep talking for several more hours, but I see that the Presiding Officer is looking at me menacingly.

Ours is a big agenda. It is coherent. It is radical. It is comprehensive. Our education reforms are part of a wider agenda throughout children's services. We will also consider child protection reforms and the reform of the children's hearings system. Every child in Scotland deserves the best possible start in life, and we will not accept that any child is born to fail.

While the Tories plan to dismember Scottish education, providing choice for the few and chaos for the many, we will be pursuing excellence throughout our education system. Unlike the Scottish National Party, we have a clear philosophy and a comprehensive programme of radical reform for our education and child care system. I commend the motion to the Parliament.

I move,

That the Parliament supports the Scottish Executive's additional financial support and reform programme for school education, the focus on the needs of the individual child within a reinvigorated comprehensive system and delivering excellence in Scotland's schools through reduction in class sizes in P1 and in S1 and S2 for maths and English, reform of the curriculum to ensure it offers increased choice to young people including a changed ethos in P1 and better opportunities for students over 14, reform of parental involvement to achieve a better

partnership between parents and schools and reform of additional support for learning to focus better on the needs of the child.

15:23

**Fiona Hyslop (Lothians) (SNP):** Thank you, Presiding Officer. I would never describe you as menacing.

The minister's motion seems to be very much a work in progress—a check-up of the Executive's various programmes and new proposals. The minister says that he would like a debate on education philosophy—I would be more than delighted to have such a debate, and I invite him to lodge a motion on the subject.

The issue is continuous programmes. Perhaps the minister does not want to debate education standards because of a previous Executive's record. Of course, he was the Deputy Minister for Children and Education in a previous Executive. We should, however, recognise some of the good moves that the Executive has made. Class-size reduction is the right way forward, as is ending national league tables. Ending national tests that prevent diagnostic assessment is the right way forward. The SNP has argued that for many years, and I welcome the Executive's move towards it.

**Mr Monteith:** Will the member take an intervention?

**Fiona Hyslop:** No, I want to move on.

One of the Executive's key pledges is to reduce class sizes in secondary 1 and 2 for maths and English. The minister knows that the SNP has taken a keen interest in that, because in order to achieve that 3,000 new teachers were pledged. I understand that there is an element in the draft budget for that, which I welcome. There is also an element in the budget to pay for the national Spark information and communications technology project, although we do not know what the balance of expenses will be on that.

As far as work force planning is concerned, with 40 per cent of teachers leaving the profession or retiring in the next 10 years, Scotland has a real challenge in education. I would like to hear more about that from the minister in February when, I understand from the answer to a parliamentary question, the work force planning report is due.

I welcome the move towards a reduction in class sizes in primary 1—although we would have liked that to cover P1, P2 and P3. The Executive should be wary of not meeting that pledge in composite classes. The teacher pledge is important, but I worry that, if we are paying for teachers through end-year flexibility, that is not a secure means of funding them. If I were a teacher being funded in that way, I would question where next year's or

subsequent years' wages were coming from. I do not think that EYF is a stable way of paying for such a proposal. Perhaps that is being done because the commitment came as a last-minute proposal before last year's elections.

We should consider the teacher deficit connected with those who are leaving the profession. It is estimated that 900 new teachers are needed every year, just to replace those who are retiring. The 2003-04 session is already under way and there is a commitment to provide 3,000 new teachers. Obviously, the intake of new teachers cannot start their training until later this year, and they will not graduate until 2005. That leads me to believe that there are only two years in which to increase recruitment to supply those 3,000 new teachers who are to help meet the Executive's key education pledge. I am concerned that that will prove to be a real challenge. I have not so far heard about any initiatives to accelerate or significantly expand the number of teachers undertaking post-graduate training. The intake for 2003-04 was 950. We have two years to meet the new challenge of supplying 3,000 teachers, which means training 1,500 teachers each year, in addition to the 900 required to replace teachers leaving the profession. That makes a total of about 2,400 teachers who need to be trained each year for two years, which means that a trebling of the current capacity of initial teacher training is required in order to meet the Executive's pledge of 3,000 new teachers in maths and English.

Only 401 maths and English teachers were trained last year in Scotland, which is only 17 per cent of the number of students who are studying initial teacher training. Either the Executive owns up to the fact that its pledge cannot be met or it admits—as it has done—that it now wants transitions between P7 and S1 and S2. I recognise the need for that, but transferring existing teachers from primary school to secondary school is not a provision of new teachers, which is what was pledged, agreed to and promoted in the partnership agreement. My concern is shared by others. The Scottish Secondary Teachers' Association said:

"This proposal has nothing to do with education; it has to do with teacher shortages. This is a backdoor way of resourcing secondaries".

I would be interested to hear the minister's response to that.

Still on resources, the minister will know that we have serious concerns about another matter. Yesterday's *Edinburgh Evening News* carried a story entitled "PPP firm 'holding schools to ransom'". For those who are not aware of the story, it is about youngsters with special needs being moved out of Willowpark special school in Gorgie. They will have to face a double upheaval

when they move into specially built premises at the new Firhill campus, which is due for completion in 2005. The public-private partnership company, the Edinburgh Schools Partnership, told the City of Edinburgh Council that it would charge £8.6 million extra if it was not allowed to start building work on a replacement school this summer.

The pressures are not on the private companies, but on the pupils. That example is one of commercial profit coming before educational needs. The problem driving that is the Executive's obsession with PPP. If it did not have that obsession, I would understand it if the Executive was willing to consider other sources of funding. However, it has already said that the school fund, which is very important for councils, will not be available for prudential borrowing.

It is extremely important to make music tuition available to pupils, and in the very good debate that we had on enterprise in education, we recognised the importance of the expressive arts in cultivating innovation and ideas. However to give a primary 6 pupil one year of music and then take it away is most unfair.

There have been some welcome proposals for vocational training—the SNP made proposals for post-16 vocational training—but I would question the extent to which initiatives are used. We have initiative after initiative; we have health initiatives and active school co-ordinators, but practical examples of what works on the ground—including a recent initiative from Easterhouse, which the Executive should consider—are being rejected.

I leave the Executive with a final thought. One of the welcome suggestions that the Executive made was to move more budgets to head teachers' control. We welcome the move to 90 per cent funding; however, one teacher said to me, "I would be happy if I got the 80 per cent that I am meant to get." I note the Executive's progress and what it is working on and I welcome it. If we believe that education is the key to the world, as Dennis Canavan said, let us open the door to the liberation and achievement of all our young people. Let us return to education and have the philosophical debate, rather than a debate just on work in progress.

I move amendment S2M-806.1, to leave out from "supports" to end and insert:

"notes the Scottish Executive's additional financial support and reform programme for school education; welcomes its belated adoption of longstanding SNP policies on the principle of class size reduction, tackling the bureaucratic problems associated with national tests and the damaging impact of the national publication of school league tables; looks forward to the Parliament's involvement in the review and reform of the curriculum, in the opportunities available around the transition period of pupils into primary, secondary and post-14 education and

in additional support for learning, and calls on the Executive to ensure that resources, in particular sufficient properly trained and qualified teachers, are in place to meet these demands."

**The Deputy Presiding Officer:** Before I call the next speaker I advise those who expect to take part in the open debate that I will be operating a time allocation of five minutes in order to balance the debate and include everyone.

15:31

**Lord James Douglas-Hamilton (Lothians) (Con):** As I said this morning in the debate on education, we all have an interest in the pursuit of excellence and only a rash person would claim that everything within Scotland's education system is perfect. I welcome the minister's comments that if he has the opportunity he would like to go to New Zealand, because we see New Zealand as a centre of educational excellence. We wish him every good fortune if that opportunity comes his way.

In Scotland we know that since 1999 violence against members of school staff has risen, that the number of permanent exclusions has increased and that truancy levels have increased, and that is not all. The Executive has not reached its targets in its manifesto pledge of 1999 on levels of attainment in reading, writing and mathematics in primary schools. Furthermore, the number of secondary school pupils leaving school with a single higher has not increased.

We acknowledge that the Executive is seeking to be proactive, but we propose a more radical approach. First, in relation to the schools passport policy, which we have proposed, we believe that there is a substantial gulf between the best and least well performing schools. It is of course children in deprived communities who are sometimes trapped in less well performing schools. We believe that we should have a system that has parental choice at its core. We are aware that under the present system choice exists only for the extremely few parents who can afford it or who are prepared to pay twice. Only 4 per cent go to fee-paying schools and of the remaining 96 per cent, not all that many can afford higher mortgages to purchase houses within the catchment areas of some of the best performing schools.

Our contention is that the system at present does not give sufficient opportunity to the least well off. We would like to see a better schools passport policy so that funds from the taxpayer would follow children to the school of their parents' choice. That in turn would allow popular schools to expand and new schools to be created.

I notice that the Prime Minister asked why good schools should not expand, take over failing

schools or form federations. However, in the past the minister has shown a lack of enthusiasm for the Prime Minister's words in that regard. I mentioned that, because the minister spoke as though there was a vast gulf between our policy and his. There is certainly not a vast gulf between what the Prime Minister said and our policy in this area.

**Robert Brown (Glasgow) (LD):** I would be interested to hear what Lord James Douglas-Hamilton's proposals are for dealing with failing schools, which would be denuded of pupils under the arrangements.

**Lord James Douglas-Hamilton:** We believe that more decisions should be made locally by the parents and the school boards concerned. There might be measures that the parents and head teachers want to put in place to improve failing schools and raise their standards. If there is greater local choice and opportunity and improvement in standards, that will have a beneficial effect throughout the system. If something is wrong with a school, something should be done about it; that is not something to be swept under the carpet or avoided. The principle that we adopt is that opportunity and choice should be widened greatly and increased on a continuing basis. We are convinced that head teachers and school boards should be awarded greater control over spending and a greater degree of freedom to determine staffing, the nature of the curriculum and a school's policies on discipline and uniforms.

It follows from that that we think that there should be a full-scale review of the McCrone agreement. We need to know whether that deal has led to the successful implementation of significant reforms or whether it has increased inflexibility. The feedback that I have received is that the reaction has been mainly positive, but that we need to consider such issues as whether the number of days that are lost by teachers through stress has been satisfactorily addressed.

We are to have a debate on stage 1 of the Education (Additional Support for Learning) (Scotland) Bill next week. I would like to raise a matter with the minister which I would be grateful if he would address next week, if he is able to do so. My question—which I have lodged as a written question—is to ask the Executive whether it has established how many of those who currently have a record of needs will not qualify for a co-ordinated support plan under the proposals; whether it intends to proceed with the bill before the number of people who are so affected is known; and whether implementation of the bill will be delayed until that number has been established. I hope that, before the debate takes place, he will be able to give us his best estimate of that figure. It is

essential that there should be proper provision of services and that those concerned should not feel that their rights are being diminished.

This morning, neither minister was able to attend the debate on education. Education is for life and does not stop at schools. I repeat the request that I made in this morning's debate that, in view of the First Minister's words to the effect that Scotland must retain its competitive edge and that universities must continue to provide the best possible education, the ministers monitor the impact of what happens and use their best offices to keep the subject closely under review. It is extremely difficult to predict exactly what is going to happen, although the Conservative party believes that there will be a substantial impact. The pursuit of excellence remains our aim and we will leave no stone unturned in order to achieve it.

I move amendment S2M-806.2, to leave out from first "and" to end and insert:

"for school education, but believes that the Scottish Executive's reform programme for school education is insufficient to deal with the inherent problems thrown up by Scotland's comprehensive system and that the Scottish educational system needs radical reform, and would therefore support any visit by the Minister for Education and Young People to New Zealand in order that he can be inspired by New Zealand's devolved and diverse system, where, for the last 16 years under Labour and Conservative governments, schools have been managed by local school boards and parents have chosen the schools that their children attend, similar to the schools passport policy advocated by Scottish Conservatives."

15:37

**Robert Brown (Glasgow) (LD):** I commend my colleagues from different parties for the tone and content of their opening speeches. I may not agree with the points that were made by Fiona Hyslop and Lord James Douglas-Hamilton but they put forward a reasonable appreciation of their approach to the subject, which has enlivened the debate.

The education of our young people is central to the building of a Scotland in which people can fulfil their potential, lead satisfying lives and keep our country to the fore in innovation and enterprise. The minister touched on the fact that the legacy of the Tory years was one of decay, demoralisation and under-achievement, with a lack of direction and investment in both buildings and staff. A lack of ambition and vision characterised the education system during those years. Turning that around has been a central concern of the Scottish Executive and the Liberal Democrats, who have contributed much in this area of policy to the work and programme of the Executive.

**Mr Monteith:** The member started off by saying that it was interesting to hear the different views that were expressed with sincerity and that,

although he might not agree with all those views, there was something to be taken from them. He is now completely distorting the history of education in the Tory years. Is it not a fact that spending in education increased against the rate of inflation and the rate of salary inflation, so that more money was invested in education in the Tory years than was invested in previous years?

**Robert Brown:** Mr Monteith would be well advised to ask parents for their views on the education system in 1997 and on why it was necessary to have the McCrone review in the first place, which has done so much to turn the position round.

The objective of providing a nursery place for every three to five-year-old whose parents want it was a landmark reform. Although the McCrone settlement is not without its faults, it has, nevertheless, changed the climate in teaching and set a basis for further progress. The biggest school building and renovation programme ever is well on course, and it is already delivering results in schools throughout the country. St Mungo's Academy, in Glasgow, which I and other members visited during its mock-election period before the election last May, was far more successful in enthusing children about public affairs than anything that the political parties in Scotland have done.

Teacher numbers are rising, and applications for teacher training are reaching record levels. During visits to schools, I have met some of the new entrants to teaching and I have been enormously impressed by the quality of some of the people who are entering teaching nowadays.

National testing, which places an extra burden on teachers and pupils, is being abolished, and we are reforming the arrangements for additional support for learning. On Wednesday, the Education Committee completed its stage 1 report on the Education (Additional Support for Learning) (Scotland) Bill. The Scottish Executive is entitled to high marks for its achievements and for the potential of its aspirations.

Science teaching is vital. If Scotland is anything, it is a country of scientists, engineers, medical pioneers and inventors. To say that the modern world has been shaped by that is no exaggeration. Why therefore do so few Scottish students—fewer than the number in England and Wales—hold basic qualifications in science subjects? Why do 65 per cent of Scots have no formal qualifications in a science subject? Why is the number of Scottish children who are attracted into science at school decreasing? Why is science often considered a difficult and dull subject in which to become involved? Against that background, how can modern Scotland match the achievements of its forebears?

I do not downgrade science achievements, but we have a long way to go. A challenge is developing. The minister will know of the Institute for Science Education in Scotland, which is a network of scientists who work with science teachers to support excellent science teaching. He will know of that institute's proposal for four regional hubs in universities and science centres to provide a focus for good practice and the basis of a dynamic network throughout Scotland. He will also know that England is developing that and similar ideas.

Will the minister agree urgently to meet the institute and similar bodies to discuss those issues and, if possible, to provide the necessary ministerial push to action? Some cross-cutting issues that concern the Enterprise, Transport and Lifelong Learning Department and other departments are involved in ensuring that science is a major driver of the nation's future and that science teaching can stimulate minds and imaginations.

I await the Executive's review of the curriculum with interest, because Liberal Democrats have important objectives of creating more flexible arrangements for three to six-year-olds, changing the ethos of primary 1 and examining the needs of 14 to 16-year-olds, some of whom are not inspired by school, but many of whom respond to opportunities such as those to take courses in further education colleges or to develop vocational skills, as the minister said.

I urge ministers to take on board one overriding constraint—the extent of pressures on teachers and the overcrowded timetable. We must slash bureaucracy and red tape, which tend to strangle teachers and sometimes damage their ability to produce their best. We should examine every bit of paper and every requirement for a report. If a report is not required, if nobody reads it and if it does not advance teaching, we should get rid of it.

I like the minister's concept of reinvigorating our comprehensive system and I whole-heartedly endorse the motion. Many good developments are happening, but we must focus on one or two steps that we need to take to improve the education system and make it fit for the modern world so that Scotland can hold its head up high among the nations of the west—and the other nations throughout the world—with which we compete. I support the motion.

**The Deputy Presiding Officer:** We move to the open debate, in which members have a strict five-minute time allocation.

15:43

**Dr Elaine Murray (Dumfries) (Lab):** I congratulate the Conservative party on having

some policies. I hope that in the future, SNP members will tell us not only what they do not like about the Executive, but what they would do differently. I disagree with the Tories' proposals, but at least they are making proposals.

**Mr Monteith:** Is that the situation because the SNP has no different policies from Labour but just believes in spending more money?

**Dr Murray:** Mr Monteith may be right—I could not possibly comment.

Sometimes, it seems that the only news about the Scottish Parliament is bad news, so what most of us heard of the Standards in Scotland's Schools etc Act 2000, from the second year of the Parliament's first session, was about problems with its financial memorandum, rather than the educational tenets in the act.

The act contained two important educational tenets, one of which was the presumption of mainstreaming, which led to the problems. The other was the definition of the purpose of education, which concerned the duty of authorities to direct education to develop each child or young person's abilities to the fullest potential. Those are firm foundations for the development of a comprehensive education system that is suitable for the 21<sup>st</sup> century. I support unashamedly a comprehensive system that is administered by directly elected local authorities.

The principles of the 2000 act inform the Executive's current policy of developing the five national priorities in education. It is important to recognise that achievement is not just about academic assessment or examination results, important though they are; it is about fulfilment, self-esteem, creativity and ambition. Self-confidence is important to each individual and it also relates to many of the Parliament's issues and concerns.

Young people who like themselves are less likely to be involved in crime, antisocial behaviour, taking drugs and under-age sex in a disrespectful relationship. Self-respect is important to society, because if we respect ourselves we probably respect others. Therefore, we need to engender a sense of citizenship. Successful individuals make successful communities and create a successful nation.

That is why the fourth national priority in education, which relates to values and citizenship and the concept of working with parents to develop what is called emotional intelligence, is very important in the central role of personal and social education in encouraging the development of positive attitudes and involvement in extra-curricular activities. Such activities encourage a sense of responsibility in young people and inspire them, for example, to get involved in youth

councils and forums, to take part in work placements and to learn the habits that will help them in their working lives later on.

The development of personal attributes and a sense of self-worth can come about through things such as sporting and cultural activities. Outdoor education, which Robin Harper is keen on, plays an important part in that. I believe that the accreditation of personal and social development as a standard grade and the fact that awards are given to people in schools for PSE has helped to improve pupils' perception of an important part of the curriculum.

As the minister said, the Executive no longer reports only academic success. The focus has moved away from league tables of exam results. At the end of last year, local authorities produced the first of their annual reports on their progress towards the outcomes within the national priorities. The reports are produced at local authority level and at national level, and both make interesting reading.

I do not want to give the impression that under-achievement should be disregarded. As we know, there is still progress to be made, particularly from P7 to S2, and we need to bring the achievements of the lowest-achieving 20 per cent of pupils closer to those of their peers. There are particular issues around the performances of boys and looked-after children in the care system, who do not do as well as others. Improving achievement is also important in areas in which poverty and deprivation are prevalent. However, I say to Lord James Douglas-Hamilton that the answer is to improve achievement in the schools in such areas rather than to remove pupils from the schools and create what would be sink schools.

I echo Robert Brown's concerns about science education and the uptake of science in schools and further and higher education. We know that science is tremendously popular on television. People will watch endlessly programmes about black holes, string theory and so on. However, people are frightened about doing science as a subject. There is a job to be done, and we must consider why science is no longer attractive to people. The subject cannot be that difficult—I did it. It is important for Scotland's future and for the knowledge economy in this country that we encourage more people to study science at school and in further and higher education.

15:48

**Alex Neil (Central Scotland) (SNP):** As usual, the Executive's motion is very self-congratulatory. However, I want to concentrate initially on the result of the Education Department's evaluation of a particular set of higher still reforms, which were

built on the original recommendations of the Howie committee. The summary report, which I think was published last month, evaluates those reforms.

I will quote objectively from the summary report—not in the spirit of trying to score party-political points, but in the hope that when the minister sums up he will tell us what he intends to do about the summary report's conclusions and findings and, indeed, when he will publish the full report. The report raises a disturbing number of issues and I intend to quote extensively from it.

On literacy, the summary report states:

"Comments received from employers, HE admissions staff, careers guidance staff and training providers suggested that literacy standards among school leavers were, in many cases, inadequate for either the world of work or Higher Education study."

Certainly, when the Enterprise and Lifelong Learning Committee—of which I was convener—conducted an inquiry into lifelong learning, the literacy levels of school leavers came up as an issue in the evidence that we received.

Only last week, it was confirmed to me that the University of Strathclyde sometimes has to run remedial classes in literacy for students who are coming to study at its modern languages department. That is a wholly unacceptable position for a modern country to be in. I suggest that the issue requires the minister's urgent attention and that he should consult not only the education authorities but the universities and colleges.

**Rhona Brankin (Midlothian) (Lab):** Alex Neil will remember that I raised that issue when I was a member of the Enterprise and Lifelong Learning Committee. Although our committee received a limited amount of the evidence that Alex Neil has described, does he not agree that, objectively speaking, more pupils are now gaining more qualifications than ever before? There may be an issue about what those qualifications contain, but does he deny the fact that more pupils are gaining more qualifications than ever before?

**Alex Neil:** I accept that more people are getting qualifications, but if our universities—I think that the University of Strathclyde is not the only one—are having to run remedial courses for intake students, we have a serious problem that must be addressed. The problem might be to do with the qualifications or the teaching or the assessment, but, whatever the reason, as a modern country that wants to be smart and successful we need to address the situation, which is unacceptable.

The summary report has concerns about the implementation of the higher still reforms and the impact of continuous assessment. In the department's own study, quite a number of people made this assessment:

"The new qualifications are too complicated, (and rely on) too much use of continuous assessment. Students require time to absorb information so that it is retained for later studies."

There was also major concern about composite classes, because there was a clear perception that such classes compromise standards. Indeed, the improvements in standards that were expected from the reforms have not been realised. The complexity of the assessment system was another issue. Overall, Howie's aim of easy-to-understand and easy-to-use assessment procedures has clearly not been met according to those who are at the front end.

Minister, read the report. Publish the full report. Do not put it on the shelf. The minister must not congratulate himself until the job is done. It is clear from the summary report that, as far as the higher still reforms are concerned, there is still a big job to do.

15:53

**Murdo Fraser (Mid Scotland and Fife) (Con):** Participating in education debates is always a pleasure. I always enjoy hearing the Minister for Education and Young People, Mr Peacock, not least because he is probably the most brazenly partisan member of the Executive in the way that he misrepresents the record of the previous Conservative Government and seeks to represent the position of his own Administration. I imagine that he spends the morning before such debates polishing his brass neck, so that he can come down to the chamber and show it off.

Let us examine the Executive's record. Money has indeed been spent on education. Spending is up but, despite that, attainment levels remain well below Labour's manifesto pledges. In 1999, Labour pledged that 80 per cent of children would reach the appropriate standard in reading, writing and arithmetic upon leaving primary school. The latest figures show that the percentage of P7 pupils attaining level D or more was just 68.6 per cent in maths, 72.4 per cent in reading and only 60 per cent in writing. There is clearly a long way to go.

On discipline and behaviour in schools, what do we see? Permanent exclusions are up, as are temporary exclusions and truancy. Most damning of all, violence against school staff is up sevenfold compared with 1997. There is now an attack on a teacher roughly every 15 minutes during the school day. That is quite unacceptable.

I see that the minister is making a rapid exit from the chamber—that is unsurprising, but I think that he needs to reflect on the Executive's record the next time he attacks ours.

The most concerning thing about the Executive's approach is its lack of ambition for the Scottish



education system and its failure to consider some of the wider issues. We have heard from the minister that we should not have a two-tier system, but that is what we already have. As Lord James Douglas-Hamilton said, some people can afford to buy their way out of the state system and choose to do so. Further, many other people whose children are in the state system have incomes that allow them to obtain large mortgages and buy houses in the catchment area of our good schools such as Jordanhill in Glasgow or James Gillespie's in Edinburgh. I do not want to start naming names, but I am sure that we are all aware of members of the Labour Party who have bought houses in the catchment areas of good, successful schools while denying access to such high-quality education to people who are less well off than themselves.

What needs to be done? The Executive could start by examining what has been done in other countries. In England, which has a Labour Government and a Prime Minister who says that he is committed to comprehensive education, there is much more diversity in the state system. City technology colleges have been established and there has been a huge expansion in the number of schools specialising in music, sport and science, which offer variety and diversity in education. Those initiatives are driving attainment levels upwards. In Scotland, however, we have seven specialist schools and the Executive seems to have no plans to create any more. Why does not the Executive look south of the border? What is working there will probably work here as well.

Denmark, Sweden and the Netherlands—like Scotland, small European countries with a history and tradition of egalitarianism—have no problem with the idea of parents setting up their own schools or of funding education by means of a voucher system similar to the passport that we are proposing. In those countries, groups of parents are allowed to come together and, if there are enough of them, draw support from the state for a school that, rather than opting out of the system, will opt into the system. If that works in those other small countries, why would it not work here?

More or less, that is what we are proposing with our schools passport. We want to give real choice to parents—not just to the favoured few who are fortunate enough to be able to afford independent education or to afford nice houses in the catchment areas of good schools, but to all parents, especially those whom the system has trapped in the catchment areas of our not-so-successful schools.

Like Alex Neil, I condemn the self-congratulatory tone of the Executive's motion. There is a lot that we can learn from England, northern European countries and elsewhere. Above all, we need to move away from the idea that a one-size-fits-all

approach is best and that uniformity is to be strived for. Let us have a more diverse system with choice for parents and opportunity for all. That way, we will drive up standards and deliver a truly excellent system.

15:59

**Ms Wendy Alexander (Paisley North) (Lab):**

Like others, I congratulate the Scottish Executive on calling a debate on a subject that is close to the hearts of many of the people who elected us. In the spirit of the opening speeches and, perhaps, Murdo Fraser's speech, I will start by drawing one or two ideological lines in the sand.

The big change in Scottish education has been a move away from the structures debate that dominated the 1980s and 1990s, when the discussion centred on school boards, opting out, budgets, selection, assisted places, various exams and schools passports. Some ideas that were raised were good; some were bad. Lots of them, however, were simply irrelevant.

What parents care about is what is happening in their child's classroom and that is where we have seen much progress in the past seven years. First, the teacher in that classroom is now well paid, better motivated and better recognised, and class sizes are smaller. In part, classes are smaller as a result of falling populations, but more teachers have also been hired. A child starts off in a better position in primary 1 because they have had the opportunity to benefit from nursery education. The classroom itself is often part of a new school or is about to be part of a new school. There is likely to be a classroom assistant in the playground at lunch time. I am thinking of what is in the press today, but in most cases, the work of the anti-bullying network means that there is much less bullying. There are more after-school clubs and we are about to introduce summer camps. We are starting to make it easier for children who are making the transition from primary school to secondary school, and when they move to secondary school, the curriculum is becoming more relevant at the top of the school.

We can be proud of such developments, which are ways in which the focus has shifted from structures to the classroom experience. Obviously, more is being done, but so far, so good.

If the focus has been on the classroom experience, what do we have to do next? Lest any member accuse me of complacency—which is a charge that members will appreciate I am not fond of—I offer the minister a couple of suggestions about where we need to go if we are to keep moving at the same pace that we have set. For all the Tories' protestations, they want to fix things for a few parents to set up their own schools, or for a

few pupils, but we should address altogether bigger challenges for the whole school, the whole system and all children.

There are three challenges. First, we must focus not on what is taught, but on how things are taught. We know that the best schools are those in which there is personalised learning for every pupil. If every pupil is to have personalised learning, we need a coherent approach to whole-school improvement in which the emphasis is put on the school to start self-evaluating its performance. We will think about the role of inspectors, but hard-edged self-evaluation by schools is the key to focusing not simply on what is taught, but on how things are taught.

The second challenge is to strip out clutter and duplication if we are to release local initiative and energy. I am talking not just about a few schools, but about all schools. There are responsibilities for us in respect of reducing central direction from Government and providing clarity about the future responsibilities of local government—how its added value is real and how its responsibilities are relevant. Views from ministers over the next year on such matters would be helpful.

The third challenge is perhaps the most controversial—I refer to the productivity challenge in schools. I will explain what I mean.

**The Deputy Presiding Officer (Trish Godman):** You have one minute left.

**Ms Alexander:** One minute is perfect.

Many people think that productivity is a pretty dirty word in education circles, that it is a concept for the commercial world and that public services are concerned with ambitions that are so complex and diverse that they cannot be reduced to productivity issues. They might argue that what matters is quality and service. However, such a line of argument is unconvincing and a touch complacent. Unless we are willing to discuss, define and deliver educational productivity, we will not be able to demonstrate that new investment in education is succeeding in transforming life chances rather than just making a marginal difference.

I do not have time to address all the ways in which productivity in education can be addressed, but we must recognise the central role of new investment. The SNP is simply frightened of such a debate, as the issues are too difficult. The Tories are unprepared to engage in the debate, as it must be recognised that additional investment makes the difference. However, the coalition parties are up for the debate. There should be an honest debate about how we use increasing resources to maximum effect. Such a debate holds the key to excellence and equity in our education system and I commend it to ministers.

16:04

**Donald Gorrie (Central Scotland) (LD):** In the light of remarks that were made earlier, I want to make it clear that I am a strong supporter of joint campuses for Catholic and non-denominational schools. I have said that frequently, and I said so in the article that has been complained of. I regret that what I said caused offence—I did not intend to cause offence.

The Executive has a good partnership programme and it has achieved a certain amount to date. I do not tend towards the complacent approach and, as a teacher, I tended to take the could-do-better approach. The Executive deserves credit, and changing the policy on national tests is a great example of good progress.

I am sure that the ministers already listen to and work with teachers and pupils, but they could do more. Robert Brown dealt well with over-regulation, which is a big issue and one of the main issues that teachers raise. I hope that ministers will pursue that point.

Another major issue is disruptive pupils. In public life, the pendulum swings too far one way or the other. In recent history, the pendulum has swung too far in favour of paying a lot of attention to the disruptive pupil, trying to keep him in school and forgetting to focus on the many pupils whose education suffers because the disruptive pupil is kept in class. Disruptive pupils should not be thrown into utter darkness; there must be good facilities for them. However, the facilities must be such that the ordinary members of the class can progress. The parable of the lost sheep is the worst parable. In the real world, if the shepherd pays all his attention to the lost sheep, the other 99 will scarper, be eaten by wolves, or fall over cliffs. We have to balance looking after the interests of the majority with providing really good support for the difficult minority.

We must listen to young people, because they have a lot to offer about what should happen in the school and, to a greater extent, what should happen outside the school. As one of the people who called frequently for more investment in facilities for young people, I believe that it is essential that we ask young people what they want. There is no point in producing some sort of Dome-type thing that nobody will use. I hope that we will listen to and learn from young people. They sometimes have interesting observations. I spoke to a group of bright pupils at a good school. One of them thunderstruck the teachers by asking, "How do we get rid of bad teachers?" However, that is another issue.

I hope that the ministers will recognise that a lot of good education takes place outwith schools in youth organisations, churches and sports clubs

and that we should supplement what happens in schools. Young people are not turned on by school, but they are turned on by some activities outside it.

The partnership makes good remarks about craft training and letting pupils out of school for a bit at 14 so that they can learn in colleges. I hope that the ministers liaise effectively with those who run the colleges and organise the employment side, because it would help greatly if both sides contributed.

I am open to correction, but I do not think that the words "school" or "education" figure in the Antisocial Behaviour etc (Scotland) Bill. A lot of good things, such as anti-bullying policies, are in place in schools. I hope that the ministers will play a team game with other ministers who deal with antisocial behaviour. Many of the problems either start in school or are manifested there, so schools play an important role.

We should try to accept going at a slightly slower pace. In certain years, our education system is too crowded. Some continental countries take education more slowly to start with, but they get there in the end.

We should put as much effort as we can into promoting music teachers and other specialist teachers, especially in primary school, but at other levels as well. As others have said, we should continue really good musical and other specialist instruction throughout the age range.

16:09

**Robin Harper (Lothians) (Green):** I have no problem with the Executive's motion, in that the Executive is seeking to improve what Scotland's schools already do well and what many of them, in fact, do superbly. However, like Fiona Hyslop, I wonder when we are going to have the real debate on the purpose of education and on whether the current system is fit for purpose. Only when we have that debate can we begin to discuss what the shape of Scottish education should be. At the moment, we are just blindly improving things that we are already doing. I know that we are doing those things extremely well, but other questions need to be asked.

For example, the common education policy might highlight the need to develop at least seven intelligences: the numerical; the linguistic—which we always test; the kinaesthetic; the social; the physical; the musical and artistic; and the emotional. I was delighted by the flash of philosophical inspiration from the Labour benches when Elaine Murray mentioned fulfilment, self-esteem and creativity, because they represent what Scottish education should be about.

We need to examine the first and second-year core curriculum, which is incredibly crowded with subjects such as modern studies, history, geography, science, physics, chemistry, and biology. Why do we teach all those subjects in the first and second years and then repeatedly judge people on nothing but their numerical and linguistic skills?

I want to highlight a new development that the Executive has missed out on. Peter Peacock will not be surprised to learn that I am going to talk about outdoor education and sustainability in education. The Executive knows about the work of the Scottish universities network for sustainability, the Scottish secondary schools sustainability project—not the SSP, but the SSSSP—and the progress that has been made by Grounds for Learning and by enterprise and entrepreneurship teaching in some schools. Those subjects are not yet fundamentally part of the curriculum.

**Mr Monteith:** The member had little complaint with the Executive's overall approach. Does he not agree that, as far as the curriculum is concerned, the Executive could do more to bring Rudolf Steiner schools into the state system? A voucher or passport scheme would help to achieve that.

**Robin Harper:** I am not sure whether such a scheme is the way forward, but I am prepared to agree with the member about the excellent work that is done by the Rudolf Steiner schools. I have great respect for them.

On the subject of missed opportunities, I must mention Education 21 Scotland. Mr Peacock knows about that forum, but I want the chamber to know about it as well. We must ensure that sustainable education is embedded in the whole curriculum—for goodness' sake, let us not make it another subject to be examined. Education 21 Scotland wants sustainable development education to be

"an essential component of education at every level"

and calls on the Executive to

"promote and encourage Education for Citizenship".

However, I would rather see that happen through modern studies. Why is modern studies not taught in every secondary school in Scotland?

The forum also wants the Executive to

"encourage the Scottish Qualifications Agency to assess all course frameworks against sustainable development criteria as they come up for revision and validation".

I am not calling for across-the-board change, because there have been enough educational reforms. Instead, I ask that we take this process gradually so that in four, five or six years we might have a different type of education in Scotland. As Education 21 Scotland points out, we must also

"Use the opportunity provided by the review of Initial Teacher Education to put SDE at the heart of our"

teachers'

"education, giving them the support they need to address sustainable development successfully in our schools".

Finally—I have spoken to the minister about this—I urge the Executive to recognise the enormous contribution that outdoor education used to make, and can make in the future, to developing the very things that Elaine Murray talked about—self-esteem, fulfilment, creativity, self-confidence and risk taking.

16:15

**Mr Stewart Maxwell (West of Scotland) (SNP):** There is not much that I can disagree with in the Executive's motion. I certainly support the

"additional financial support and reform programme for school education".

I would like to see a

"focus on the needs of the individual child within a reinvigorated comprehensive system",

because I am certainly a firm supporter of the comprehensive system. Similarly, I would certainly agree that we should deliver

"excellence in Scotland's schools through reduction in class sizes in P1 and in S1 and S2 for maths and English".

There is nothing with which I can disagree in those words.

Like many other members, I agree that it is important that the curriculum should encompass a wide range of learning—including, for example, languages, foreign languages, maths, expressive arts and physical education. I put in a particular plea for music tuition, which Fiona Hyslop, Donald Gorrie and others have mentioned. The idea that we can give pupils one year of music tuition free and then take it away seems rather bizarre. I hope that music tuition is accorded the importance and the position that it deserves in our schools.

For all the Executive's good intentions, some serious questions have to be asked. What steps does the Executive intend to take to reach the figure of 3,000 additional teachers who will be required to achieve its goals? It is not clear how that figure will be achieved. A bachelor of education degree takes four years to complete, so can we take it that the vast majority of the new recruits will be coming from the one-year postgraduate certificate of education courses?

Does the Executive intend to introduce primary teachers into secondary schools without those teachers having the necessary qualifications, as many people fear? If not, how can the Executive justify its claim that the needs of pupils are central to the new curriculum? The General Teaching

Council for Scotland has said:

"A different element of training is required when it comes to being a secondary teacher—in behaviour management, curriculum and course content. The gulf is quite big there."

As Fiona Hyslop pointed out, David Eaglesham, who is the general secretary of the Scottish Secondary Teachers' Association, said:

"This proposal has nothing to do with education, it has to do with teacher shortages. This is a backdoor way of resourcing secondaries."

There are many fears—not just on the SNP and other benches, but in the teaching professions and unions—about the Executive's possible proposals. I say "possible" and that is the problem. There is a lack of clarity on how we will get 3,000 extra teachers. Will they come from primary schools or via some other method? The ministers may shake their heads, but people do not understand where those teachers will come from. There does not seem to be a plan in place.

I am not alone in my concern that so-called flexibility is just another way of cutting corners and being seen to keep to a pledge that, although correct in its intentions, was clearly not thought through.

**Robert Brown:** Does the member accept that, in principle, there is good reason to have much more flexibility in the transition from primary to secondary? That is what is behind the Executive's proposals as it tries to make the transition work better for children.

**Mr Maxwell:** I certainly accept that. I do not disagree with anything that the member said. However, there is a difference between flexibility in the transfer of children from primary schools to secondary schools and flexibility in the transfer of primary school teachers to secondary schools. The two ideas are different in kind. The promise to increase teacher numbers by 3,000 may have been a promise made in haste in the heat of the election. If not, the Executive must explain how it intends to keep to that pledge.

There is no argument about the need to tackle the problems in S1 and S2 in English and maths. Reducing class sizes in those areas will certainly be very helpful. However, recent figures show the problems only too clearly. For maths attainment levels, the figure for those failing to reach primary 3 level at S2 jumped by 57 per cent. For writing, the figure jumped by 41 per cent and, for reading, it jumped by 36 per cent. That is clearly very worrying.

The Executive seems to be concentrating on S1 and S2, but that rather misses the point. If we concentrate on S1 and S2 to try to deal with the problem, the problem will still be there next year and the year after. It is necessary to concentrate

the efforts on the early stages of primary education, because that is where the core problem is. All international research shows that, if children are taught to read, write and count in primaries 1, 2 and 3, there are long-term gains and benefits. That is why the SNP manifesto at the last election promised to ensure that that happened. The international research shows that that is where the gains are; the best thing to do is to have a maximum class size of 18 at that stage of primary school.

Falling school rolls should be seen not as a problem, but as an opportunity, because they should lead to our being able to use the extra room created in our schools to reduce class sizes; they should not be used as an excuse for local councils to close schools and to sell off the land for profit.

16:20

**Mr Kenneth Macintosh (Eastwood) (Lab):** I am sure that we are all regularly asked what we have achieved in the Scottish Parliament. "What have you ever done for us?" is a frequent question, although it is usually not put in such polite terms; colourful language and pejorative epithets are used—and that is just in *The Daily Telegraph*. I invariably reply by pointing first to education—to the new schools, the new teachers, the new computers, the new nurseries, the eco-schools initiative, the driving up of standards and the initiatives to tackle bullying. The list of initiatives and investments aimed at giving our young people the best start in life is comprehensive; we have also sought to lay the foundations for a healthy society and a prosperous economy. Whether we are talking about bricks and mortar, class sizes or exam results, we can see the difference that a Labour and Liberal Executive is making in our schools.

I will not pretend that everything in the garden is rosy—indeed, I will go on to deal with some areas in which we need to improve—but I believe that we have reflected and tried to build on the trust in, and expectation of, our state school system that most Scots have. We have done that as part of a bigger picture of reform in the public services. It is no longer appropriate—if it ever was—to throw money at public services in the hope that resources alone will deliver better services. That lesson, which the nationalists have still to learn, underpins our reforms in the classroom, as much as those in our hospitals or in tackling crime.

I admit that it can sometimes feel uncomfortable to use the language of the consumer when talking about schools or public sector reform. The purchaser-provider split and other market-oriented terms can sit uneasily alongside the values of the public service. We are talking not about imposing

the values of materialism or even commercialism in our classrooms, but about developing individuals' ability to exercise some control over the services that they use and choose.

Most people no longer just accept the service that they are given, whether it be public or private—nor should they. The good old British stiff upper lip and our ability to wait patiently in queues are admirable qualities, but they do not mean that we should be doormats or accept second-rate or inferior services. When it comes to a child's education, we know that greater parental involvement produces better results. That is why, through greater democratic accountability, devolved decision making and the development of teacher-pupil-parent links, we are opening up our schools to the wider community with—in some cases—phenomenal results.

I will cite a statistic that I have mentioned before, but it is worth repeating. In East Renfrewshire, since Labour came to power in 1997, the proportion of families opting out of the state system for private schools has fallen from 10 per cent to less than 3 per cent. People in my constituency are voting with their feet; they can see the new buildings—the new games halls, the science labs and the computer suites—going up. They have confidence in comprehensive schools because they know that our Government is committed to making them work.

I will talk about two areas in which good work is going on but more needs to be done. The first is additional support for learning, on which, as colleagues will know, the Executive is committed to a major programme of investment and reform. Although I do not want to pre-empt next week's debate, I want to highlight an example of good practice that shows what can be done.

The dyslexia-friendly school awards are being piloted with great success in East Renfrewshire and other local authority areas. The Executive is funding Dyslexia Scotwest to co-ordinate a parent-led initiative to raise awareness of the condition and to share good practice among teachers, pupils and parents.

Dyslexia is often described as an invisible condition, in that it is difficult to identify or diagnose in pupils, but it is a formidable barrier to learning for those people—up to one in 10 of us—who may be on the spectrum. Years of frustration, of battles between families and schools, of pupils' low self-esteem and, sometimes, of difficult behaviour by pupils can be tackled by early identification coupled with an awareness of intervention strategies.

That is what the dyslexia-friendly school awards are achieving. As one local parent put it, "If only my 19-year-old had benefited as my nine-year-old

is currently benefiting, her school life, and perhaps her whole life, would have been transformed." I have written to the minister inviting him to visit East Renfrewshire. I also urge him to look at the success of the programme and to consider funding Dyslexia Scotwest to roll it out across the whole of Scotland.

The second area that I will mention is enterprise in schools. All of us who share the Executive's desire to create a smart, successful Scotland will welcome the huge investment in our young people's talent and creativity, which will drive the future Scottish economy. It is sadly the case that our current school system discourages entrepreneurship rather than developing it. I am delighted that the policy of encouraging enterprise is also being piloted in East Renfrewshire and I ask the minister to monitor the pilot's implementation and outcomes closely. In particular, as part of the review of the curriculum, I ask him to examine the impact of that initiative, to ensure that young people and staff have the room to develop the spirit of creativity that is so essential if we are to make the programme a success. I commend the motion.

16:26

**Ms Rosemary Byrne (South of Scotland) (SSP):** I welcome the opportunity to have this debate. I acknowledge that many of the reforms are welcome, including the replacement of the five-to-14 national tests, improved communication with parents, moving towards a more flexible curriculum in some areas and the Education (Additional Support for Learning) (Scotland) Bill. Today, however, I will dwell mainly on class sizes.

Members will not be surprised by my emphasis on smaller class sizes, as it is an issue that I continually try to promote. We welcome the reduction in class sizes at the early stages and in S1 and S2 for English and maths, but the present limit of 33 for other classes, excluding practical classes, was set in the 1970s. It is no longer compatible with teaching methods and we believe that a limit of 20 per class should be introduced.

Before I came into Parliament, I had been teaching for 27 years, which means that I came into teaching just when class sizes were set at 33. Many members will remember the classes of 40-plus that many of us were taught in before that. The system was very different 30 years ago, when we began to take a child-centred approach and reduced our class sizes to 33.

Today's modern education system requires a radical look at class sizes across the board. We must encourage our young people, especially those who are disillusioned, who are railing against authority, who are being excluded or who

are causing horrendous problems for their families and parents because of truancy, school refusing, mental health issues, bullying, an inability to keep up with their peers and low self-esteem. I was pleased that the issue of low self-esteem was raised today. I would like us to do some research on that and to look at some of the good research that has been done on emotional intelligence, which is key. I think that I recall Peter Peacock mentioning that in a debate several months ago. I would like us to take that on board.

Fiona Hyslop is absolutely right to say that we should be having a philosophical debate on education and on where we are heading. Robin Harper is also right to say that we need to be much more radical and to move on.

I would like to describe to members where Scotland is with its class sizes. In the international league table for class sizes, Scotland lags behind Poland, Portugal and Spain, which are among the countries with smaller class sizes. By international standards, we are not doing terribly well. Finland was the top-ranking country in the Organisation for Economic Co-operation and Development report on schools last year. Finnish children start pre-school at six and begin formal education a year later. In Finland, free school meals are supplied to all children aged between seven and 18. That is seen as being part of teaching manners, having the same type of food for everyone and promoting healthy living and equality. There is no selection according to ability at any stage of schooling and there are no formal exams or national testing, although teachers carry out internal assessments and tests. For six-year-olds in Finland, the maximum class size is 20 and the average class size is 12.5. There is also greater autonomy for teachers in how they plan their lessons.

**The Deputy Presiding Officer:** You have one minute.

**Ms Byrne:** I would have loved to have been able to speak on and on in the debate. I have so much to say.

I will finish by painting a picture of the present reality for many of the teachers who are at the chalkface in front of the children in our classrooms. Although we welcome the inclusion and integration of young people with special educational needs into our schools, teachers now face a situation in which, in addition to looking after an overcrowded class of 30, they might have to manage one or two classroom assistants and perhaps several children with severe needs as well as the curriculum. In my book, that is another argument for reducing class sizes. The support staff who are put into those situations are always welcome, but putting them into classrooms does not solve all the problems.

The other scenario that I will mention involves those young people who have gone off the rails. Young people with social and emotional behavioural difficulties are in classes of 30 and are being dealt with by a teacher who is trying to work to a curriculum. I am sorry that I have no more time. I would love to have a philosophical debate with any of the members in the chamber at any time.

16:31

**Rhona Brankin (Midlothian) (Lab):** Like other members who have spoken, I welcome the debate. Education is one of the most important priorities for the Parliament and the Executive; it is one of the most important policy areas that we discuss in the Parliament. Our young people are our future and we must create schools that equip them with the skills and knowledge that will allow them to flourish in the society and economy that we have today. The debate on education also ties in with our economic strategy to create a smart, successful Scotland and a culture of lifelong learning in Scotland.

The Parliament should be proud of the achievements of the past few years: pre-school provision for three and four-year-olds; action on bullying; a new bill to support pupils with additional support needs; the development of citizenship among our pupils; record spending on education; and the biggest school building programme in history. Also important is the fact that the record includes a continuing trend in improvements in literacy and numeracy levels.

I will talk briefly about the curriculum for 14-year-olds, which will be important in the review of the wider curriculum. I have major concerns about the suggestion that some 14-year-olds should attend colleges. There is a danger that schools could shirk their responsibilities for those pupils. It is absolutely vital that we do not turn back the clock. We have to be kept focused on how to create vocational choice without shutting down the educational opportunities for 14-year-olds.

I have a practical example of why I have particular concerns about the issue. Although a high proportion of our young people in Scotland go into higher education, which I welcome, we still have major issues to address. Recent figures on post-school destinations show that my constituency of Midlothian has the second lowest percentage of young people who enter university of all the Scottish local authorities.

I would welcome the minister's comments on the point that I have raised. Indeed, I would welcome a meeting with him, as an important wider issue is involved. When the reform of the curriculum for 14-year-olds is considered, I ask the minister not

to pull up the drawbridge after all the middle-class youngsters have been able to go to university.

**Fiona Hyslop:** Rhona Brankin makes an important point. Perhaps she should distinguish between vocational education in the sense of training for a vocation and the more creative use of vocational choice in the curriculum that allows schools to reach those pupils who have difficulties with the traditional subjects. I hope that she spots that important distinction.

**Rhona Brankin:** It is vital that we address the needs of 14-year-olds, but we must ensure that they stay within the system. I have major concerns that, if they go out into further education colleges, they will be lost to the school system. We have to think about that carefully.

I analysed the Scottish figures on the destinations of school leavers. The majority of local authorities with low numbers of youngsters going to university are former coalfield areas, such as my constituency of Midlothian. I would welcome a discussion with the minister, because that is a major issue for us.

As I am winding up, I will comment on some of the speeches that have been made. Rosemary Byrne has only recently entered the Parliament, so there is some excuse for her, but Fiona Hyslop and Robin Harper also called for a debate on education philosophy. What on earth did they think the national debate on education was all about? Now is the time to have some policies.

The SNP signally failed to talk about its policies and from the Conservatives we heard only about their tired, old, recycled policies of voucher systems for education—absolutely nothing new. Will the Tories please come clean: will they do away with catchment areas? How will they ensure that people have the right to send their children to the local school? Moreover, will they say—as they have signally failed to do—what will happen when children have additional support needs? I have asked Brian Monteith that question before and I will be interested to see whether he answers it today. Will there be two or three passports? What will happen? Different schools have different needs and different levels of expenses. I am afraid that the Conservatives' proposals are in cloud-cuckoo-land.

I agree about the importance of science education, which many colleagues mentioned. In my constituency of Midlothian, one of our ways of developing the local economy is by encouraging the important bioscience cluster. However, many of the youngsters in Midlothian leave school and go into low-skill, low-wage jobs. Science education is important in getting our youngsters into university so that they can create the ideas that can be commercialised and contribute to the

economy, but we also need to raise science skills at technician level.

Alex Neil mentioned higher still. Higher still has been an important development. Alex Neil told the story about the University of Strathclyde, but that is a tired, old story. We need to look at the facts, which are that standards are improving year on year in Scottish schools.

I welcome the debate and the achievements and policy developments of the Executive, which are in stark contrast to those of the Opposition parties.

16:38

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** I am pleased to take part in this debate and, yet again, to be the bad cop to Lord James Douglas-Hamilton's good cop. Perhaps that has something to do with the fact that I went to Porty high school—I am a comprehensive kid—and James went to Eton. I do not know what it is, but clearly I am the bad cop and that is the way in which I will continue to be portrayed.

No sooner had the minister stood up to speak in the debate but what did he do? He turned to the Tory benches. For the third time in three debates today, the Executive has recognised that the real opposition in the Parliament comes from the Conservatives. The first thing that he said was, "I'm sorry, but I may not be able to go to New Zealand," which we mention in our amendment. Our colleagues in New Zealand who informed us about their system are keen that the minister should go there. I am not particularly sure why he would go, but I am sure that there is much that he could learn. I am simply jealous that I am not going with him.

I will move on to more salient points. Peter Peacock is, in my estimation, the managerial politician par excellence. He is a safe pair of hands and a man who knows his details, even of "Monty Python". Moreover, he takes interventions, which not all ministers do. However, beyond the platitudinous aims that we can all aspire to and agree with—we want higher standards, better discipline and improved working conditions—there is not a great deal there and there is nothing new. The truth is that Peter Peacock is a managerial politician who talks about managerial changes and adjustments that most of us can agree to. For example, I am quite prepared to support the changes at S1 and S2. We did not propose that idea, but I am quite happy for the change to be made. My sons have gone through the comprehensive education system and they are now in S4. I am well aware of the difficulties and the weaknesses of secondary schools at S1 and particularly S2. I think that those levels need to be addressed and, if the minister can address them, I will welcome that and congratulate him on it.

Peter Peacock's speech was not the most disappointing speech—in fact, it was an entirely predictable speech. The disappointment came from the speeches of Robert Brown and Wendy Alexander. Robert Brown talked about reinvigorating comprehensive education. It certainly needs to be reinvigorated in Glasgow, where 74 per cent of pupils do not attain a single higher and more than half the pupils in S2 cannot read or write to the appropriate standard. Irrespective of party label and ideology, we must meet those challenges. They certainly suggest that the comprehensive system has not been doing its job.

The claim that nothing happened until year zero, when Labour came into office in partnership with the Liberal Democrats and everything somehow started to get better, is a complete travesty of history. Let me remind members that, during the Tory years, teachers' salaries went up against inflation, class sizes became smaller, the number of teachers per pupil increased, classroom assistants were introduced and the anti-bullying network was established—thank you, Michael Forsyth. The first national nursery provision was introduced by Conservatives, as were parental rights in the form of school boards and catchment areas. We have nothing to be ashamed of.

**Cathy Peattie (Falkirk East) (Lab):** Will the member take an intervention?

**Rhona Brankin:** Will the member take an intervention?

**Mr Monteith:** In typical Tory form, we have a choice. I will take Cathy Peattie.

**Cathy Peattie:** As a former member and chair of a local school board, I was surprised—or perhaps not surprised—to find that all the members of the board were on the board to prevent Michael Forsyth from having our school opt out. I suggest that parents throughout Scotland did the same.

**Mr Monteith:** I am delighted that they had a say. Most members will remember that many people got together with their school boards to save their schools from the Labour councils that were seeking to close them.

**The Deputy Presiding Officer:** You have one minute.

**Mr Monteith:** I recognise that, Presiding Officer. I am sure that members wish that I had more time, just to wind them up.

I disagree most with Miss Alexander—I use that phrase advisedly—when she says that politicians know the best way to teach. I am sorry, but for Tory members that is the line in the sand. We do not claim that we know the best way to teach. Every child is different and we do not want a comprehensive, one-size-fits-all system. We do not believe that politicians know best.



**Ms Alexander:** Will the member take an intervention?

**Mr Monteith:** Sorry, but I have only a minute left.

We require diversity and choice—that is why politicians should not dictate education. The best speeches came from Ken Macintosh, Rosemary Byrne and Alex Neil. I thought that they took on some of the real issues, such as capital spending. I wish that we had done more on that—we missed a trick, as I readily accept. We also need to debate the philosophy more and Alex Neil made an excellent contribution on standards.

I finish by saying that this has been a worthy debate. I always think that the debates in the chamber could go on a lot longer, to allow more Tory speeches. The true solution is more choice and more diversity, which will be delivered only through our proposals for passports.

16:44

**Mr Adam Ingram (South of Scotland) (SNP):** I would suggest to Brian Monteith that that was not so much good cop, bad cop; it was more like Laurel and Hardy.

On the face of it, the Scottish Executive's reform programme for school education is probably among the least contentious of its proposals so far in this second parliamentary session, certainly when set against its proposals for tackling youth crime and for introducing proportional representation to local government. By and large, we in the SNP welcome its focus, not least because the Executive has picked up on the main thrust of our own policy priorities, which we advocated throughout the previous session.

There are areas of serious disagreement. Of course, we do not approve of the financially wasteful PPP method of funding the school building programme. The problems that have been encountered in East Lothian are symptomatic of the weaknesses of that form of financing and we remain convinced and concerned that PPP will not deliver the physical infrastructure that our pupils and teachers deserve. The major investment that the Executive is rightly making in early-years education is being undermined by its failure to act to bring nursery nurses in from the cold.

The debate has been wide-ranging, with some interesting contributions. However, I should point out to Rhona Brankin—before she harangues other members—that it was the minister himself who first called for a philosophical debate. The only person who really hit the nail on the head this afternoon was Rosemary Byrne. Let us be blunt: reducing class sizes is the single most effective measure that could be taken to improve school

education. I quote the president of the Educational Institute of Scotland at last year's Trades Union Congress:

"smaller classes, for teachers, means lessons and activities better targeted towards the needs of each pupil; smaller classes, for parents, means that they can be confident that their child's teacher knows and understands their child's needs. And smaller classes for pupils means that they can receive more of their teachers' time to help them meet their needs. Modern teaching methods, new technology, new courses all point towards one thing: a crying need to reduce class sizes".

All the educational research that has been conducted, both here and throughout the world, backs up those commonsense views. We should be particularly concerned that the evidence shows that class sizes of 25 or more hinder the educational development of children—we know that class sizes of over 30 are the norm in the early years of secondary school.

The first signs of the implementation of the Executive's programme are not particularly encouraging. The financial support packages that have been put together to implement cuts in class sizes for P1, S1 and S2 suggest a programme that has been cobbled together at the 11<sup>th</sup> hour, rather than a carefully thought out, systematic approach to raising the quality of pupils' learning experiences.

It would appear that the Executive cannot provide the 3,000 additional teachers who are required by 2007 to reduce class sizes without bringing primary school teachers into secondary schools to teach classes there. Not enough teacher training places are available. We need to double the capacity for initial teacher training to achieve anything like the number of secondary school teachers that the Executive has announced is required.

Peter Peacock stated that his aim was to move from a producer view of how we organise services and a system that is built around providers to a user-led view of how services ought to be provided. The proposal to use primary teachers in a stop-gap way to teach maths and English in S1 and S2 flies in the face of that aim. The minister should be well aware that

"Parents would be outraged to discover that people were teaching subjects in which they had no proper expertise".

That is the view of the General Teaching Council for Scotland.

Given the background of falling school rolls for several years to come, we have a golden opportunity to effect a step change in reducing class sizes. I believe strongly that the whole Executive, not just the Minister for Education and Young People, should be judged on how well it meets that challenge. There is no more important issue facing this country and its Parliament than how to raise Scotland's educational standards.

As was pointed out in this morning's debate on higher education funding, Scotland's wealth was built on the competitive advantage that we gained from being first in the field with a universal education system. Our future prosperity is totally dependent on our aiming for and achieving educational excellence to equip us to deal successfully with the opportunities and threats posed by a globalised world economy.

16:50

**The Deputy Minister for Education and Young People (Euan Robson):** This has been an interesting debate. My colleague Peter Peacock and I will take away from it members' comments in the spirit in which they were offered. Peter Peacock set out at the start our clear, consistent and far-reaching programme of action and change for Scotland's schools. I hoped that members would see that in the context of the national debate in the previous session to which Rhona Brankin referred, although I accept that some members are new and are perhaps not up to speed with the national debate and what came out of it.

As Peter Peacock said, we are not in a position to accept either the SNP or the Tory amendment. I am particularly upset by the Tory amendment; it was highly discriminatory of it not to include the Deputy Minister for Education and Young People in the invitation to go to New Zealand.

It is our goal for every school in Scotland to be excellent and we are committed passionately to that goal. Everything that we have done is focused on that goal and everything that we are doing and will do is also focused on it. At the centre is the child, as each child is unique and special. Our reforms will deliver an education system that is capable of providing an individual education in a universal system—a flexible system that allows choice for the pupil and involvement for their parents. In the light of demographic changes, we all know that we must make the most of every child's potential and talents.

Ken Macintosh was entirely right that not everything in the garden is rosy; there is much more to do and we are not in any way complacent. Our programme of investment in Scotland's schools—the largest such investment in Scotland's history—will deliver schools fit for our young people and our teachers.

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** Will the minister take an intervention?

**Euan Robson:** No, thank you.

That is not to say that the £2 billion over six years will solve every problem, but it will deliver a great deal of better provision for schools.

I turn to what Robert Brown said. Our reforms will consider the experience of children's early years in school. We said in the partnership agreement that we would consider how we could improve the transition between nursery and primary school and that we would introduce flexibility in the curriculum for three to six-year-olds. We want to improve confidence and attainment in early years. Evidence suggests that a less formal experience benefits learning. The curriculum review is considering all those issues and we have researched lessons that we can learn from other countries such as Canada, Finland and Norway. We are considering how existing good practice in Scotland is improving learning opportunities for children in their earliest years in schools. Of course, education reforms are part of a wider programme of reform and modernisation. If there is time, I will mention what we are doing to introduce world-class children's services at the same time.

I turn to some of the points that were made during the debate. On teacher numbers, we have already reached agreement with training institutions on increased intakes. The planning for falling numbers is factored into teacher workforce planning. Teachers will be trained and in place at the right times, taking into account the trend. We are on track for our 53,000 target. The funding is secured for 2004-05, when there will be £29 million extra, and for 2005-06, when there will be £49 million extra. Yes, the teacher number targets are ambitious. Yes, we recognise the fact that teachers will leave the profession. However, those issues have been factored into our planning and we are on track to deliver. I assure Stewart Maxwell that there will be no diminution in standards. The GTC will continue to decide who teaches in Scotland's schools and teaching will be an all-graduate profession.

**Fiona Hyslop:** I thank the deputy minister for the recognition that he and the minister gave last week to the fact that standards should not fall. Can he tell me how many people will enter teacher training each year over the next few years? How many will go through the process to provide the 3,000 new, additional teachers? *[Interruption.]*

**The Deputy Presiding Officer:** One moment, minister. Members should be listening, not talking.

**Euan Robson:** There will be enough to meet our targets. In addition, there will be continuing professional development for teachers who may choose to move from primary to secondary education. The GTC will continue to decide who teaches in Scotland's schools and teaching will be a graduate profession.

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** The minister talks about teaching being a graduate profession. Does he

accept that nursery nursing is also a graduate profession?

**Euan Robson:** I can say, in answer to another point that was made during the debate, that matters relating to nursery nurses are between the employers—the local authorities—and the nurses' proper trade union representatives. I can go no further than that.

I am happy to respond to Rhona Brankin's point about the 14-plus review that we have launched. It is not just about vocational education; it is also about academic subjects. Its aim is to provide better learning opportunities for 14-plus students. Those students will remain within the school context, although they may take further education college courses. We would be happy to meet Rhona Brankin to discuss her specific constituency concerns.

Robin Harper raised the subject of outdoor education. I know, from correspondence, of his interest in the subject and he might know that I have a similar interest in it. A past chairman of the Scottish Advisory Panel for Outdoor Education is one of my constituents, so I have been kept fully informed about those matters. We hope to be able to say something on the subject in the fairly near future.

Donald Gorrie mentioned the importance of youth provision and I agree entirely with the gist of what he said. It is important to view youth provision in the context of all the services that are provided to young people.

Lord James Douglas-Hamilton mentioned the number of children with records of needs. We will address that specific point next week, when we debate the Education (Additional Support for Learning) (Scotland) Bill. I advise Lord James that I was in the chamber at the end of the tuition fees debate and that we will pay careful attention to the points that have been raised.

Robert Brown made some important points on the teaching of science, as did Elaine Murray. We will consider the points that he made to see how we can take those agendas forward. I am not sure about meetings and so on, but I will look into that for him. It is important that Scotland's scientific tradition continues, and the Executive is firm in that resolve.

The child protection reform programme—which has to be seen in the context of our overall policies in education—is a subject on which we had a constructive debate in November. Our three-year child protection reform programme is continuing.

We are also on the point of reviewing the children's hearings system. We are committed to retaining the fundamental principles of the system, which place the child at the centre. The reforms

will improve the child's life and circumstances, reducing or eliminating risk factors in vulnerable children's lives. The commitment of the volunteers—the panel members—is not in doubt. Our recent recruitment campaign was most successful at attracting more volunteers. We have 607 new volunteers—that is well above the target of 450—and I am pleased that men are better represented.

We do not doubt professionals' efforts to do their best for children but, in the review, it would help to hear whether panels should have a continuing role in monitoring outcomes and, if so, how. Improvements can be made. We need better outcomes for children. To that end, a key issue is ensuring that the whole system makes effective provision for children.

There should be no doubt that the Executive is determined to build on the massive investment that we have made in our education system, to make that investment work for all Scotland's children. At the heart of our ambition lies the absolute commitment to every child in Scotland.

In contrast to what some Opposition members said, my abiding memory of the SNP's campaign at the previous election involves Mike Russell in front of a blackboard that was full of sums but had no answers. We have heard some of that this afternoon.

At the heart of our ambition lies the commitment that every child in Scotland will have the education that he or she deserves. We want schools that are ambitious for our young people and ambitious for Scotland.

## Decision Time

17:01

### The Presiding Officer (Mr George Reid):

There are nine questions to be put as a result of today's business. I give the usual warning about pre-emptions. If the amendment in the name of Jim Wallace from the top-up fees debate is agreed to, the amendment in the name of Murdo Fraser will fall. If the amendment in the name of Allan Wilson from the fisheries council debate is agreed to, the amendment in the name of Ted Brocklebank will fall.

The first question is, that amendment S2M-803.2, in the name of Jim Wallace, which seeks to amend motion S2M-803, in the name of Fiona Hyslop, on the impact of top-up fees on higher education in Scotland, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)

Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

### AGAINST

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Martin, Campbell (West of Scotland) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)

### ABSTENTIONS

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)

Goldie, Miss Annabel (West of Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Murray (West of Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 65, Against 37, Abstentions 14.

*Amendment agreed to.*

**The Presiding Officer:** As that amendment was agreed to, the amendment in the name of Murdo Fraser falls.

The definitive question is, that motion S2M-803, in the name of Fiona Hyslop, on the impact of top-up fees on higher education in Scotland, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Frances (West of Scotland) (SSP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fox, Colin (Lothians) (SSP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)

McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)

#### ABSTENTIONS

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Martin, Campbell (West of Scotland) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)

Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)

**The Presiding Officer:** The result of the division is: For 71, Against 7, Abstentions 37.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament recognises that Scotland's distinctive higher education system is a valuable asset which must be maintained and developed for the good of the nation; further recognises that its competitive advantage must be maintained; welcomes the commitment in the Partnership Agreement that the Executive "will not support the introduction of top-up tuition fees" in Scotland; notes that the Enterprise and Culture Committee's report on its Scottish Solutions Inquiry considers that the Executive's decision to respond to developments in England by proceeding with a third phase of its higher education review in order to establish a robust evidence base "is wholly appropriate", and looks forward to this third phase of the review reporting in the early spring.

**The Presiding Officer:** The next question is, that amendment S2M-798.4, in the name of Allan Wilson, which seeks to amend motion S2M-798, in the name of Richard Lochhead, on the fisheries council December 2003, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baird, Shiona (North East Scotland) (Green)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Martin, Campbell (West of Scotland) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)

#### ABSTENTIONS

Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

**The Presiding Officer:** The result of the division is: For 70, Against 43, Abstentions 1.

*Amendment agreed to.*

**The Presiding Officer:** Amendment S2M-798.1, in the name of Ted Brocklebank, is pre-empted.

The next question is, that motion S2M-798, in the name of Richard Lochhead, on the fisheries council December 2003, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baird, Shiona (North East Scotland) (Green)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)

Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Martin, Campbell (West of Scotland) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)

Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Mundell, David (South of Scotland) (Con)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Welsh, Mr Andrew (Angus) (SNP)

**The Presiding Officer:** The result of the division is: For 74, Against 42, Abstentions 0.

*Motion, as amended, agreed to*

*Resolved,*

That the Parliament supports the more balanced outcome negotiated by ministers at the December Fisheries Council; welcomes the fact that this will benefit many sections of the Scottish fishing industry while ensuring conservation of key stocks on which the long-term viability of the industry depends; deplores the calls by the SNP leader for fishermen to break the law; recognises that there are elements of the detailed agreement which are the subject of further technical discussion with the European Commission; supports the efforts made by the Scottish Executive to address these, and further supports the willingness of Scottish Ministers to monitor the socio-economic impact on fishermen, ports and communities following the conclusions of the technical discussions and EU negotiations with Norway with a view to taking appropriate action if necessary.

**The Presiding Officer:** The next question is, that amendment S2M-806.1, in the name of Fiona Hyslop, which seeks to amend motion S2M-806, in the name of Peter Peacock, on the comprehensive programme of education reforms, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Martin, Campbell (West of Scotland) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)

Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)

**AGAINST**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Mundell, David (South of Scotland) (Con)



Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tosh, Murray (West of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Presiding Officer:** The result of the division is: For 37, Against 78, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S2M-806.2, in the name of James Douglas-Hamilton, which seeks to amend motion S2M-806, in the name of Peter Peacock, on the comprehensive programme of education reforms, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Murray (West of Scotland) (Con)

#### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)

Curran, Frances (West of Scotland) (SSP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Campbell (West of Scotland) (SNP)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)

Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

Sturgeon, Nicola (Glasgow) (SNP)

Swinburne, John (Central Scotland) (SSCUP)

Swinney, Mr John (North Tayside) (SNP)

Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

Wallace, Mr Jim (Orkney) (LD)

Watson, Mike (Glasgow Cathcart) (Lab)

Welsh, Mr Andrew (Angus) (SNP)

Whitefield, Karen (Airdrie and Shotts) (Lab)

Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)

Ballance, Chris (South of Scotland) (Green)

Ballard, Mark (Lothians) (Green)

Harper, Robin (Lothians) (Green)

Harvie, Patrick (Glasgow) (Green)

Ruskell, Mr Mark (Mid Scotland and Fife) (Green)

Scott, Eleanor (Highlands and Islands) (Green)

**The Presiding Officer:** The result of the division is: For 13, Against 95, Abstentions 7.

*Amendment disagreed to.*

**The Presiding Officer:** The final question is, that motion S2M-806, in the name of Peter Peacock, on the comprehensive programme of education reforms, be agreed to.

*Motion agreed to.*

That the Parliament supports the Scottish Executive's additional financial support and reform programme for school education, the focus on the needs of the individual child within a reinvigorated comprehensive system and delivering excellence in Scotland's schools through reduction in class sizes in P1 and in S1 and S2 for maths and English, reform of the curriculum to ensure it offers increased choice to young people including a changed ethos in P1 and better opportunities for students over 14, reform of parental involvement to achieve a better partnership between parents and schools and reform of additional support for learning to focus better on the needs of the child.

## Kinship Care

### **The Deputy Presiding Officer (Murray Tosh):**

The final item of business is a members' business debate on motion S2M-792, in the name of John Swinburne, on recognition of kinship care. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament recognises that many grandparents have become the new foster care parents of children whose mothers and fathers have become disconnected from mainstream society; acknowledges that such care arrangements are usually more stable and result in a positive impact on the young person, as a consequence of grandparents' strong sense of commitment to provide care; further acknowledges that current legislation enables local authorities to contribute to the maintenance of a young person in kinship care; recognises that not all kinship carers will wish to undergo formal scrutiny, but shares concerns about the financial consequences experienced by kinship carers who have satisfied the relevant scrutiny requirements to provide this care, and considers that the Scottish Executive should ensure that local authorities make the appropriate contribution to these carers.

17:11

### **John Swinburne (Central Scotland) (SSCUP):**

I thank the Presiding Officer for giving me this welcome opportunity to raise an important matter in the first members' business debate that I have secured—I hope that it will not be the last. I thank the many grandparents who have brought the issue to my attention. I also thank my colleagues who have supported the motion and who are here to speak to it. I hope that they will join me in addressing what is a very serious issue.

A recent report from the centre for drugs misuse research stated that about 50,000 children in Scotland have at least one parent who is a drug addict. Throughout Scotland, many children who are affected indirectly by addiction are looked after by grandparents who have been approached to assume the care of the children, usually in a crisis situation. However, they receive little financial or professional support. There are 3,000 such cases in Glasgow alone. Despite the increase in the reliance on kinship care as an alternative to state care, there is an ambivalence about its use and the way in which carers are assessed, supported and paid.

The term "kinship care" is used to describe various caring arrangements with relatives—predominantly grandparents—when children can no longer live with their birth parents. Such arrangements can be either formal, whereby the child is deemed to be looked after by the local authority, or informal, whereby an arrangement is made within the family. It is believed that kinship care can reduce the trauma of separation for

children because it avoids the need for children to be placed with strangers in an unknown environment. I appreciate that there are circumstances in which informal kinship care may be assumed, but I am concerned about the reasons why grandparents might be unwilling to undergo the necessary scrutiny. If scrutiny is believed to be in the best interests of foster children, such scrutiny should be in the best interests of all children. Children who are related to their carer should be no less worthy of protection.

The legislation that governs this area of care is the Children (Scotland) Act 1995, which sets out the local authority's duty to give effect to a supervision requirement and to implement the decision of a children's hearing. The act also allows a local authority to make discretionary payments in respect of looked-after children for whom such a decision has been made. Therefore, a grandparent who is looking after a child as a condition of a supervision order or residency order should be paid the same rate as foster parents, as the child is looked after under the terms of the act. Currently, only Highland Council recognises that care appropriately, following the Munby verdict in Manchester; other authorities should be following or they will leave themselves open to legal challenge.

Payments in respect of foster care are dealt with under the Fostering of Children (Scotland) Regulations 1996 and are also at the discretion of local authorities. However, we know of no local authority that does not pay every foster carer irrespective of their financial circumstances. Although the over-arching principle of the 1995 act is that the welfare of the child is paramount, social services have tended to allocate services on the basis of the status of the carer rather than the needs of the child. How can the Scottish Executive accept that local authorities can deny grandparents the cost of bringing up Scotland's children if they are providing the same care? If grandparents are not receiving sufficient recognition, the welfare of Scotland's children is not being met and is in jeopardy.

Grandparents are paid significantly less than foster carers are paid and therefore need to find the money to meet the children's needs from elsewhere, often jeopardising their welfare as a consequence. One case of many that I am aware of throughout Scotland involves a pensioner couple who have a court residence order that gives them the right to look after their eight-year-old granddaughter until she is 16. She has been in their care since she was 18 months old. Social services awarded the couple a one-off payment towards the cost of a school uniform when she started primary school. After intervention by their local councillor, the authority agreed to give them

£400 a year, which amounts to only £7.60 a week and falls far short of the fostering allowance of at least £76 a week and as much as £115 in one local authority area. The couple are facing serious financial difficulties and continue to argue their case with the local authority.

**Scott Barrie (Dunfermline West) (Lab):** Will the member give way?

**John Swinburne:** If the member does not mind, I will finish my speech. I am on a tight schedule and I do not want to leave anything out. Members will have plenty of time to drag over this can of worms when I sit down.

Allowing cash-strapped social work departments to use financial and other types of discretion over the recognition of kinship care is bringing our child care system into disrepute. In theory, the system is needs-led but, in practice, it is budget-led. How are social work managers reconciling their practice with their values?

There is, undoubtedly, fear in social work departments and Government about the extent of kinship care and what it would cost to recognise it. However, it must be recognised and I ask the Executive to take responsibility and ensure that delegated discretion does not lead to the abuse of that discretion and, ultimately, the abuse of Scotland's children. We continue to ignore this issue at our peril, as the care will be insufficient and the consequences grave.

As I near the end of my speech, I would like to read part of a letter that I received from a grandmother that sums up the current unfair and unacceptable situation. She wrote:

"We get a pat on the back and are told we are doing a great job. We are classed as parents again, but we have already brought up four children. We only receive the family allowance and tax credit. The last eight years have been very distressing for the family and us. Our health has deteriorated these last years. We are both very tired and weary, and mentally it's a terrible strain. I don't think it's a fair system that people who are looking after other people's children get allowances yet, because of the circumstances we find ourselves in we get nothing. The government knows grandparents love and cherish their grandchildren and would never dream of putting them into care."

We believe that, to rid us of this two-tier child care system, a provision should be added to the Fostering of Children (Scotland) Regulations 1996 stating that a child who is already designated as a foster child under section 2 could be placed with grandparents who are paid the same rate as foster parents. The Executive must also ensure that the law is applied as it was intended and must not allow local authorities to use their discretion if that discretion goes against the welfare of Scotland's children.

**The Deputy Presiding Officer:** There is quite a high demand by members to speak in the debate,

so members should keep speeches to a maximum of four minutes. I will entertain the possibility of a short extension to the debate later, when I am clearer about the total time that will be needed.

17:20

**Trish Godman (West Renfrewshire) (Lab):** I promise to speak for only four minutes, or for less than that.

I support the motion in principle—indeed, I signed it. I have four grandchildren, who are great. I love them to death, but the best thing about them is handing them back. I know how difficult it would be if I had to look after them all the time.

Of course we must support grandparents and family members who look after children who cannot be supported by their parents for whatever reason. However, the issue is not only about financial support. We must provide counselling and respite care support and ensure that all the health services are available. The children whom we are discussing are bewildered and unhappy and will seek an anchorage in their grandparents or other members of their family, which is right and proper.

There are significant variations throughout Scotland in local authorities' approach to assessing, supporting and paying family members and friends who provide care for children. As John Swinburne said, we are dealing with the tip of the iceberg. In my experience, many informal arrangements exist that the local authorities know nothing about. Indeed, many carers think they should not be paid because they look after members of their family. If they are asked, they say that they do not want to be paid. They are like older people who do not accept all their benefits.

It is recognised that public services alone cannot cope with the complexities of children who need care and there are concerns about the experience of children in public care. As John Swinburne said, the number of children who are placed with family members and friends appears to be increasing. That trend is associated with addiction among many young parents.

The issue of payment is far from straightforward. There are concerns about equity if rates are different for birth parents, families and foster carers and there are concerns that payments to families might be a disincentive to returning children to their parents at the correct time. On the other hand, it is clear that pensioners on fixed incomes might suffer serious poverty as a direct result of looking after their grandchildren, in which case the grandchildren will have even more disadvantaged experiences.

Some people advocate a national benefit for kinship care—for example, there could be an increase in child benefit. I do not have much doubt that a national strategy is needed, but such a strategy must be for that distinct form of care. If there is a national scheme for financial support, we must be clear that that scheme is for that distinct form of care.

There should be consultation of potential carers at the local level. Family group conferences provide all the help that they can to families so that they can propose their own care solutions. There must be information, training and a range of practical help. We must also work with families and friends to assess the support that they need, whether that is emotional or practical.

Carers must be assessed in the best interests of the child. As the motion suggests, the child's welfare is paramount. That should be the ethos of every department that deals with children. The child should absolutely have the right to have family circumstances explored before a decision is made. We should always think about the care of the child. We cannot expect grandparents to make dramatic changes in their lives without support—that in itself would be a form of abuse.

MSPs have a duty to protect and care for such kids. We should not kick local authorities around. It is up to the state to find funding through the local authorities and the new money should be ring fenced, if that is necessary.

17:24

**Christine Grahame (South of Scotland) (SNP):** In my previous life as a family solicitor, I was often involved in cases where it was the grandparents, aunts or uncles who held together the children of a broken relationship—I am sad to say that it was sometimes more than one broken relationship, as the mother and father of the children went through a series of partners. That is just part of life's course these days. I also dealt with cases where grandparents came to my office because their own children were having drug or alcohol difficulties and were therefore incapable for a variety of reasons—they could not look after themselves, let alone their children.

Those grandparents, aunts or uncles did not know the terms "kinship care" or "carers"—they were just looking after the children they loved and they did so with responsibility and experience. Therefore, it comes as news to me that there is apparently such discrimination in the way in which those grandparents and other members of the extended family are reimbursed and supported by the state. I am grateful to the Glasgow advice group for providing a briefing note on the subject. I hope that, in summing up, the minister will clarify

the position with regard to the various pieces of legislation that are referred to in that briefing note. For example, the Glasgow advice group is aware of

"50 cases where the child, as a result of a Supervision Requirement, imposed by a Children's Panel, resides with a relative, usually the grandparents, as a condition of that Supervision Requirement."

The briefing note does not say whether, once such an order is given, there is a financial consequence for the state to meet. I see that Scott Barrie is shaking his head to tell me that there is not and I thank him for that. If such an obligation is imposed, there must be some kind of assistance from the state.

There also appears to be a conflict between—or at least a brushing together of—several pieces of legislation. For example, there is the Fostering of Children (Scotland) Regulations 1996, under which discretionary payments are made; such discretionary payments are not usually made to people who have a blood relationship with the child. However, there is also the Children (Scotland) Act 1975, which rightly promotes the idea that the welfare of the child is always paramount. Neither parents' nor grandparents' interests should be taken into account; it should simply be the interests of the children that are considered. It appears that, under that act, there might be scope for making payments to the extended blood family.

However, the information seems to be in a bit of a mess and the position seems to depend on which local authority is involved. I would be pleased to know from the minister whether he can advise the chamber of any thoughts that the Executive has about making the situation more uniform throughout Scotland and about recognising the essential role of the blood family.

I commend all those grandparents, aunts, uncles, neighbours and others who often bring up without any recognition the many children who are victims of broken marriages. Through their experience, love and kindness, they repair the lives of those children.

17:28

**Phil Gallie (South of Scotland) (Con):** I congratulate John Swinburne on lodging the motion for debate. He, with Trish Godman, lodged a composite motion. [*Interruption.*] My apologies—I understand that it was Christine May. I remembered the composite aspect, at least, which sometimes goes against the grain for a Tory such as me. However, the motion is a particularly good one that covers issues that many of us have come across in our constituencies as MSPs and, in my case, as an MP.

I declare an interest as a grandparent with three grandchildren, but I am happy to say that there is no current need for legislation or interference to make me take over parental responsibilities. I hope that the situation stays that way, but I acknowledge some of the points that Trish Godman made. As we all get slightly older, our ability to look after children decreases. I know, as Trish Godman does, that when it comes to the end of a day of looking after grandchildren, I am relieved to see them go home or, at least, to bed. For a grandparent like me to have such responsibilities on a 24-hour, seven-days-a-week basis is an onerous burden that I hope not to face at this time in my life.

That said, I have found that many grandparents are very keen to take over responsibility under the conditions that John Swinburne described. I recently wrote to a number of local authorities on the matter and have brought along responses from Glasgow City Council, North Ayrshire Council and East Ayrshire Council. I am sad to say that I also have a letter from South Ayrshire Council, which almost rejects any responsibility for paying grandparents who are keen to take on an informal fostering role. Although those grandparents cannot afford to look after their grandchildren, they are none the less prepared to do so.

Elaine Noad, the director of social work, housing and health in South Ayrshire Council, wrote to me to say that the council does

"not have a scheme and cannot provide financial assistance".

**Trish Godman:** Does the member agree that in some instances—indeed, they are not so few—we might not want to leave children with the grandparents?

**Phil Gallie:** Yes. I also feel that in many cases social workers have a responsibility in that respect. That said, in many other cases, informal arrangements are made with grandparents who are more than suitable. I accept that there should be reasonable levels of scrutiny in some circumstances.

However, my point is that South Ayrshire Council does

"not have a scheme and cannot provide financial assistance".

Elaine Noad ends her letter by saying:

"This is a national political issue which needs to be addressed at national level".

I have some reservations about that statement. When devolution was introduced in Scotland, I felt that we had to be careful that Parliament did not take on board local authorities' responsibilities. However, although this particular local authority has the ability to make such payments, it says that

it “cannot” because of national policy. On that basis, I ask the minister to accept a copy of the letter from South Ayrshire Council and to respond to it in due course. I hope that he can assure me that South Ayrshire Council has the same ability as many other councils to make such payments.

17:32

**Donald Gorrie (Central Scotland) (LD):** Like other members, I congratulate John Swinburne on securing this welcome debate. I also declare my interest as a grandparent.

Other members have dealt very well with many of the specific issues that are outlined in the motion. However, I want to broaden the discussion in several ways. First, I must point out that we seriously undervalue care within the family. That care goes both ways. For example, some schoolchildren devote a huge amount of time to looking after either a single parent who has a drug problem or an elderly grandparent, while some grandparents help to look after children. We have to acknowledge that and consider the whole matter, including the financial aspects and other support issues. For example, as Trish Godman said, respite care rather than regular payments might really help in some cases.

In that sense, we need a flexible system. It is true that not all grandparents are angels; indeed, some of them are quite stupid and would not be much help to a child. However, other things being equal, it is probably better for a child to be looked after by an intelligent grandparent than by some other intelligent person such as a foster parent. As a result, I suggest to the minister that we examine the whole business of care within the family. After all, it is probably the biggest industry in the country and saves public funds millions and millions of pounds. Grandparents play an important part, in that respect.

Secondly, I want to raise an issue that might not be within the minister’s purview, but which is still relevant. Very often, grandparents get a raw deal from marriage break-ups and other such disputes and, in many cases, they are totally excluded from any contact with the child even though they are not the guilty party. I am sure that other members have experienced examples of such cases. Indeed, it almost makes one cry to hear about grannies who are not allowed to have even one photograph of their grandchildren.

**Christine Grahame:** I think that there is provision in existing law whereby any party who can show an interest in the child’s welfare can apply to become a party to the litigation. In those circumstances, a grandparent could enter the process and the sheriff might very well take the

view that the grandparent was better than either of the parents.

**Donald Gorrie:** Thank you, that was helpful. As often happens, people who are not lawyers catch up too late and matters are signed, sealed and delivered before the grandparents can get involved.

We should ensure that grandparents are properly valued and that they can make a useful contribution to the upbringing of children in whatever way. We all want our future citizens to be somewhat better than we are. That would not be difficult.

17:35

**Carolyn Leckie (Central Scotland) (SSP):** Like everyone else, I congratulate John Swinburne on bringing this issue for debate. I hope that our debate will move the issue forward.

Unlike previous speakers, I am not a grandparent.

**Christine Grahame:** Neither am I.

**Carolyn Leckie:** Good. That makes two of us. However, I am a mother of two teenagers and I cannot think of a more ominous prospect than having to do it all again. We have to recognise the role of grandparents, and not only in the particular situations that we have been debating. Grandparents allow people like me to work throughout our lives—we must recognise the cheap, or unpaid, child care that grandparents provide. It is farcical that caring for children by grandparents can be a condition of supervision but that absolutely no financial support is offered.

We also have to consider the disparity of the situation for foster parents and bear in mind that, since poverty is associated with the issues that John Swinburne raised—it is often a factor in situations of drug and alcohol misuse and family breakdown—it is unlikely that the grandparents are any better off than the parents. They, too, are likely to be on low incomes and officially poor, and are certainly likely to be unable to afford to take on a new family to bring up.

Local authorities are taking financial decisions and abusing their discretion in failing to act in the best interests of children. I suppose we need to examine why. It puzzles me how a blood relationship is somehow judged to reduce the price of bread, milk, shoes, coats, school uniforms or any of the necessities or comforts that every child should be entitled to. Such a relationship certainly does not do that. There is abuse of the good will of grandparents in such situations. Grandparents prevent children from being taken into the care of the state; we have to remember that the state is absolutely the worst parent of all,

based on its record. The outcomes for children who go into care are not good.

I would like from the minister some answers to questions about costs. What commitments will the Executive make to funding payments across the board? It is clear that local authorities are making financial decisions and that they need additional funding. Payments must also be standardised: it is not acceptable to leave to the discretion of local authorities decisions about what payments should be in each local authority area. Payments need to be standardised and they need to be adequate; that will have to be funded. There is consensus that the situation is wrong and must be changed. However, we need a real commitment to implementation of support for grandparents, including funding.

17:39

**Scott Barrie (Dunfermline West) (Lab):** Like everyone else in the chamber, I congratulate John Swinburne on bringing this matter to Parliament's attention. I also congratulate my colleague Christine May for the work that she did in drawing up the composite motion.

All of us in the chamber come to this debate with a previous life. For my sins, that previous life was as a principal officer in social work child care in Fife. I was the architect, if that is the right word, of the scheme that is currently used in Fife. It was one of the last things that I did before I left the employment of the council, and it was to do with related fostering.

John Swinburne was quite right when he said that we do not have a national scheme; what we have are 32 different local authorities that have chosen to interpret the existing law almost in 32 different ways. That is one of the problems that we face. John Swinburne mentioned the two principal pieces of legislation—the Children (Scotland) Act 1995 and the Fostering of Children (Scotland) Regulations 1996—but the Children Act 1989 is another important piece of legislation. It allowed related fostering in the form of the custody allowance scheme, which is now the residence allowance scheme. As Phil Gallie said, that operates in some, although not all, local authority areas.

**Christine Grahame:** Are you saying that, if a sheriff grants a residency order to a child's grandparents, that has no weight in providing financial assistance?

**Scott Barrie:** No, I am saying that the granting of a residency order may have such weight, depending on how the local authority in question has chosen to interpret the laws that permit them to do such things. The relevant provisions are not

mandatory. Under the Children Act 1989, related fostering is possible.

In the short time that is available to me, I want to make the point that we must be very careful that we do not throw the baby out with the bath water, which is perhaps a bad analogy. It is clear that youngsters who are the subject of supervision requirements and who reside with grandparents are under the state's care. Although the state allows them to live with a grandparent, they are still under the state's care and all the relevant laws and regulations must apply. I agree that local authorities should make financial contributions towards such children's upkeep, if that is permissible.

However, a large number of kinship carers are not looked after in the strictest sense of the 1995 act and they do not want to be. Given the informal nature of some of its provisions, it would not be in keeping with that act to bring them under such statutory cover. We do not want to make the hurdle to grandparents obtaining financial support too great by applying to them the panoply of fostering and boarding-out regulations.

As a former chair of the fostering and adoption panel in Fife, I can say that it was a pretty tough test to get someone approved by that panel. I think that a large number of grandparents—who have stepped in to look after their grandchildren in circumstances that, as John Swinburne said, are quite appropriate—would baulk at the prospect of being made approved foster parents so, if we are saying that we want to do that, we will end up undoing what we have at the moment.

Trish Godman is right: we must consider the issue more sympathetically and we must ensure that local authorities that choose not to implement what the law permits them to do in the way we think they should—members have mentioned such authorities—are encouraged to do so. They must come up with schemes that ensure that no one is penalised financially for taking on the care of related children. At the same time, we must ensure that we do not make the process so bureaucratic that we end up with a system that undoes what we want it to do.

17:43

**Eleanor Scott (Highlands and Islands) (Green):** Like everyone else, I thank John Swinburne for securing a debate on such an important topic.

Following on from what Scott Barrie said, I, too, have a past life that involved working with a social work department as a medical person; at one point, I was medical adviser to the fostering and adoption panels in the Highland Council. That is

the angle from which I approach the subject, so I understand what Scott Barrie was saying.

Some of the information that I have gleaned in the meantime has come from colleagues in the Highland Council. Highland got an honourable mention as being the one authority that pays an allowance to kinship carers; as far as I am aware, it pays the same as the allowance that foster carers receive, but without the child benefit. An assessment is carried out that is somewhat less exhaustive than the foster carers' assessment—unless the child has been placed with kinship carers on a fostering basis.

One of the colleagues to whom I referred said:

"The law is pretty messy and we could do with some clarity".

Essentially, they want to be sure that they have a legal base for the payments that they make and they do not know whether that comes under the fostering regulations. That follows on from what Scott Barrie said about authorities needing to know what they can do, whether it is okay to make such payments and whether there is some sort of basis for them.

The present policy drive is to try not to make such grandparents foster carers because, as has been said, a huge assessment is involved—multiple visits from a specialist social worker are necessary and some of the process is quite intrusive.

To be quite honest, some grandparents would not meet the foster carer criteria. However, as Carolyn Leckie said, the state makes "the worst parent". All the research shows that children do best when they are brought up in their own family—however apparently unsatisfactory that family is—rather than their being looked after away from that family. A carer that would not pass a foster carer assessment might still be a perfectly good carer for a child who is a blood relative, so they should be supported in doing that.

Former colleagues have talked to me about an issue that is possibly not a devolved power. It is the issue of poorer carers on benefit. Fostering allowance is not taken into consideration by the Benefits Agency, whereas payments to others that are not paid as a fostering allowance are taken into account. For example, kinship carer payments and residence allowance are taken into account: that is an anomaly. It is nonsense that the authorities are making such payments for kinship caring or for residence allowance.

**Scott Barrie:** That is one of the points that I wanted to bring up but omitted. Does Eleanor Scott agree that that is perhaps why some local authorities do not go down that road but instead make one-off payments, which may not seem to

be particularly generous, but which prevent people from ending up in the benefits trap in which they find that what they are given with one hand is taken away with the other?

**Eleanor Scott:** I am sure that that is exactly right. That is an anomaly that people must find ways round. I know that the Fostering Network has been trying to sort out the problem for some time, and it could really do with some help on that. That is an issue that the Executive could take up.

It would be nice if all authorities felt able—as Highland Council does—to make payments to ensure that kinship carers are supported and are doing the right thing. Authorities should not feel that that is outwith the scope of what they should be doing. They should feel that they can support grandparents and kinship carers. They deserve to be supported, because there is no doubt that they are doing a valuable job.

17:47

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** John Swinburne is to be congratulated on bringing the issue of kinship carers before Parliament. As we have heard, there is no doubt that there is an urgent need to address the problems that can arise in our communities when young, vulnerable children become the responsibility of social services and the local authority. The reasons why children require care are many and varied. Some children come from broken homes, are deserted by one or both parents or, as John Swinburne's motion says, are "disconnected from mainstream society". The end result, of course, is the same and is inevitable—stress and trauma for the children and serious disruption for their young lives.

We have also heard that the agencies with responsibility for those children handle the situation in a totally unacceptable and discriminating manner. They fund care through children's homes or foster parents and do little to support those relatives who, in certain circumstances, are providing care because they feel a keen sense of responsibility for the welfare of the young children. The situation becomes even more of a problem when that responsibility is taken on by the children's grandparents, who may be living on limited means and yet are obliged to encounter physical and financial difficulties in their retirement years.

It is quite absurd to suggest that, because someone is a blood relative of the children, they are not entitled to similar financial support to those who foster non-related children. Just today, I received a copy of a report from a Glasgow advice group, which states:



"An elderly woman, whose husband left her when she agreed to care for her grandchildren (3) (He was not the grandfather and saw no reason why he should pay to maintain children he was not related to) was given no financial assistance before we became involved in the case. She now receives £140 per week, in total, however, in Glasgow the Fostering Payment for one of the children, in this case, would amount to at least £160 per week if it was paid.

This woman has a serious Heart condition and other severe medical conditions so that the children are probably spending more time looking after her than she does looking after them."

That example shows the difficulties and the anomalies that can arise. The woman got £140 for three children, whereas under the foster care arrangements she should have had £160 for each child. The Scottish Executive must ensure that all foster parents have equal treatment. After all, we all accept that it costs the same amount to care for a related child as it does to care for a non-related child.

17:50

**Christine May (Central Fife) (Lab):** I thank John Swinburne for the considerable time that he spent with me. The debate on the resulting motion has tapped into the wealth of experience among members of issues around kinship care and the hardship and distress that it can cause to families. If nothing else, the debate is worth while in showing that the Parliament recognises the vital role that is played by grandparents and other relations, including aunts and uncles, in caring for related children.

As members have said, we should recognise that the children who are cared for in that way generally have better outcomes than children in other areas of the looked-after sector. It is also undoubtedly the case that looking after someone else's child, whether they are related or not, requires emotional and financial dedication—the expenses will almost always outstrip allowances.

Again, as members have said, we need to be careful that we do not create a situation in which it becomes more financially viable for parents not to look after their children but to get their mums or dads to do it. It is essential that when we talk about kinship care we mean the recognised situation in which the child is legally deemed to require foster care.

It has been argued that foster carers who are registered and trained do a more professional job and that the fee that they get is to compensate them for not being able to seek other work. It has also been argued that they look after older or more difficult children with complex needs. We need to recognise the significant and complex care needs of the children of addicts in particular, as those

children are increasingly being looked after by their grandparents.

Other members have spoken about the training and scrutiny issues that are involved in becoming a recognised foster carer. As I do not have the benefit of Scott Barrie's experience, I checked on the present situation in Fife. I found that Fife Council pays a maintenance allowance or, if there is a residence order, a related carers allowance. In some of those cases, as only the basic registration requirements need to be taken on board, the barrier of the requirement for significant scrutiny and legal checks is not an issue. That encourages families to apply for residence orders for the children so that they can get the related carers allowance.

The issue is a national one and I am aware of the current cases. In Fife and elsewhere, people would like a national scheme with national levels of payment and national standards. I have become convinced over the past week that a national debate is required for that to happen. Work will need to be done to ensure that tax and benefit issues can be resolved.

There is an active and informed foster carers group in Fife. Trish Godman ably outlined the national scheme and special provision for kinship carers. I would like the minister to consider holding discussions with the Convention of Scottish Local Authorities about drawing up a national scheme—at the moment, the local authorities have the discretion and the legal right to make payments. I look forward to hearing the minister's comments on that point.

17:54

**The Deputy Minister for Education and Young People (Euan Robson):** I start by joining other members in congratulating John Swinburne on securing the debate. I know that the subject is one in which he takes a keen interest.

**John Swinburne:** I was so excited about being allowed to speak in this place that I omitted to thank Christine May for her contribution towards the formulation of the motion. I thank her now.

**Christine May:** Thank you.

**Euan Robson:** In the same spirit, I add my congratulations.

Members made some important points and brought their personal experiences and those of their constituents to the chamber. As to the benefits of handing back grandchildren, to which Trish Godman referred, my mother has mentioned that on one or two occasions in the past.

It is clear that the family can play a vital role in meeting the needs of what can be some of the

most vulnerable children and can enable them to lead happy and successful lives. I thought it might be helpful if I gave some figures. Of 11,000 young people who were formally looked after—I stress formally—at March 2003, around 12.5 per cent, which is about 1,500 children, lived with friends or relatives. I pay tribute to the efforts of grandparents, uncles, aunts, sisters, brothers and other relatives and carers in helping children and young people to thrive. That echoes the comments that have been made by members around the chamber.

As we heard, kinship care takes a variety of forms. It can be an informal family arrangement, in which social work or other agencies simply are not involved, or it can be a formal arrangement, whereby children are placed with relatives by the social work department or the children's hearing. Some relatives or friends can be approved formally as foster carers by the local authority. Others do not go through the full approval process, but are still vetted by the social work department to ensure that they can look after the child properly.

The statutory background was commented upon, but I will talk about the guidance. The Scottish Executive has issued to local authorities guidance on looked-after children, which notes that children may live with relatives in each of the different circumstances that I have just described. The guidance is designed to give help to local authorities on deciding whether a family placement is appropriate, on the approval of relatives as foster carers and on allowances. The guidance gives authorities considerable flexibility to decide what allowances to pay carers and lays out some clear principles for authorities to follow in making such decisions.

Maintenance allowances should reflect the true costs of caring for a child. Costs for fostering should not differ markedly throughout Scotland. With regard to relative carers, the guidance notes that where relatives or friends are approved foster carers for a child, it is unlikely that the cost of caring for the foster child will be much different from the costs faced by other foster carers. It also makes it clear that the local authority can provide financial support even if the child is not formally looked after.

In contrast to Carolyn Leckie, I am clear that local authorities are best placed to know the needs of families and, more important, to consider what is in the best interests of the child—based on local knowledge and circumstances—both in deciding on an appropriate placement and on whether and which allowances should be paid. By giving authorities the flexibility to treat each case individually, we ensure that they can respond to

the circumstances of each family on a case-by-case basis.

Phil Gallie gave me a copy of the letter to which he referred. I will be happy to take it with me and to write to him about it.

Little is known nationally about the issues that arise from family placements for children, their carers, parents and social work departments. Research in the United States shows the benefits of such placements, which include the fact that children maintain a sense of identity and have a sense of belonging and feeling settled, because they are placed with people they know. They have more stable placements than children who are placed with non-relative carers and they are less likely to be subject to placement moves. Some disadvantages have been identified in the US research, which include problems for carers in coping with behaviour difficulties, lack of support from child welfare agencies and lower rates of reunification with parents.

The lack of knowledge around the issue is of great concern to me, the Executive and, doubtless, the Parliament. The importance of understanding what makes a child feel secure and confident at an extremely distressing and difficult time cannot be underestimated. Therefore, I have asked for two pieces of work to be undertaken, both of which will report to me towards the end of the year.

A research project on kinship care will be undertaken by the social work services inspectorate. It will examine the issues around kinship care and will identify the characteristics and experiences of kinship carers. The research will focus on the child, and we hope to get information about experiences of kinship care from young people as well as from carers. It will provide information on the benefits and disadvantages of kinship care placements—up to now, that information has been lacking.

The other piece of work will consider fostering services in Scotland, particularly the characteristics of foster carers and the arrangements for the delivery of fostering. I have invited the Fostering Network to undertake that work and it will begin soon.

The results of the two projects will give us a clear picture of both kinship care and foster care in general. The findings will allow us to see whether there are gaps and, if so, what can be done to address them most effectively for the good of the children who are involved. In thinking about the issue, the best interests of the child must be the key. For some children, kinship care is, indeed, the best option, and it promotes a stable and loving family life. For other children, or for some

relatives, it might not be the best option. Our research will examine the matter.

When children are in kinship care, local authorities must be flexible in their response and must take into account the needs of both the child and their carers. We plan to share the findings of the two projects to ensure that they are reflected in planning future services and to improve life for the carers and the children. I will ensure that we share the findings with members who have expressed an interest tonight.

A lot of concern has been raised this evening about allowances. In view of members' comments, I will go away and consider whether the guidance that I have mentioned extensively in my response should be reissued to local authorities. I will respond to Phil Gallie and also to Eleanor Scott, who raised a point that I am not competent to respond to now. I do not want to give her a misleading answer, so I will reply in writing.

In conclusion, this has been a useful and important debate. I am grateful to members for their contributions and I repeat my appreciation of the combined efforts of John Swinburne and Christine May in bringing the matter to the chamber this evening.

*Meeting closed at 18:02.*



Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Thursday 29 January 2004**

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

#### PRICES AND SUBSCRIPTION RATES

##### DAILY EDITIONS

*Single copies: £5*

*Meetings of the Parliament annual subscriptions: £350.00*

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

*Single copies: £3.75*

*Special issue price: £5*

*Annual subscriptions: £150.00*

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £3.75*

*Annual subscriptions: £150.00*

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

**The Stationery Office Bookshop**  
**71 Lothian Road**  
**Edinburgh EH3 9AZ**  
**0870 606 5566 Fax 0870 606 5588**

**The Stationery Office Bookshops at:**  
123 Kingsway, London WC2B 6PQ  
Tel 020 7242 6393 Fax 020 7242 6394  
68-69 Bull Street, Birmingham B4 6AD  
Tel 0121 236 9696 Fax 0121 236 9699  
33 Wine Street, Bristol BS1 2BQ  
Tel 01179 264306 Fax 01179 294515  
9-21 Princess Street, Manchester M60 8AS  
Tel 0161 834 7201 Fax 0161 833 0634  
16 Arthur Street, Belfast BT1 4GD  
Tel 028 9023 8451 Fax 028 9023 5401  
The Stationery Office Oriel Bookshop,  
18-19 High Street, Cardiff CF12BZ  
Tel 029 2039 5548 Fax 029 2038 4347

**The Stationery Office Scottish Parliament Documentation**  
**Helpline may be able to assist with additional information**  
**on publications of or about the Scottish Parliament,**  
**their availability and cost:**

**Telephone orders and inquiries**  
**0870 606 5566**

**Fax orders**  
**0870 606 5588**

**The Scottish Parliament Shop**  
**George IV Bridge**  
**EH99 1SP**  
**Telephone orders 0131 348 5412**

**RNID Typetalk calls welcome on**  
**18001 0131 348 5412**  
**Textphone 0131 348 3415**

[sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers