

# **MEETING OF THE PARLIAMENT**

Thursday 10 February 2005

Session 2

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## Scottish Parliament

Thursday 10 February 2005

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

### Crown Office and Procurator Fiscal Service

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

Good morning. The first item of business is a debate on the reform of the Crown Office and Procurator Fiscal Service, which will be concluded without any question being put.

09:30

**The Lord Advocate (Colin Boyd):** Many members will recall that, in autumn 2001, I came to the Parliament to acknowledge some widely held and deeply felt criticisms of the Crown Office and Procurator Fiscal Service. I pledged the Executive's commitment to turning the organisation around and outlined my vision of restoring to the people of Scotland a prosecution system of which they could rightly be proud. Such a service would win people's confidence by pursuing cases independently, fairly and consistently in the public interest and would be committed to professional excellence. I welcome today's debate as an opportunity to examine just how far we have come along the road in achieving the transformation that I envisaged.

In 2001, the service suffered from low public confidence and low morale. We were under-resourced and undermanaged. I undertook to implement fully the recommendations of the various review reports and to engage with the Justice 2 Committee—which is what we have done.

Since 2001, the COPFS has made huge progress. For example, we have restructured the service to align it, outside Strathclyde, with police force areas and, in Glasgow, with the police divisions. We have increased the number of legal staff from 350 to 436 and built up our management skills and capacity by appointing a chief executive, specialist directors and area business managers. We have invested in new technology to increase our efficiency and flexibility; improved the range and quality of service to victims of crime through the victim information and advice service; refurbished many of our offices; and developed a service that is responsive to community concerns. That has all been achieved against a backdrop of major legislative and policy reforms and an increasing volume of business.

One of the key drivers of change has been the restructuring of the service, which has improved

communications with the police and court services and has helped to bring about a cultural change within the service. It has also promoted greater co-operation with our criminal justice partners to make the delivery of justice relevant to the people and communities of Scotland.

As Lord Advocate, I have been determined to improve the quality of our service to the victims of crime. The completion of the rollout of the victim information and advice service is a major achievement, but I want to make the service more open and accountable.

Historically, the Crown did not give victims and next of kin reasons for decisions. That long-standing rule is based on sound policy. However, it has been refined somewhat in recent years; for example, we have been giving reasons for decisions in child abuse cases and to many other victims of sexual crimes. That said, for many others, the rule is a source of grievance against a department that has been seen as closed and secretive.

I do not believe that such a rule should be maintained in a modern prosecution service. If we are confident of the quality of our decision making, we should be prepared to be open and accountable to those whose lives have been affected.

As a result, I am pleased to announce a change to the policy. Wherever possible, victims and next of kin who request it will be provided with an explanation by the Crown for any decision to mark a case "no proceedings" or, in cases in which proceedings have been commenced, a decision to discontinue proceedings or to accept a plea to reduce a charge.

Disclosure of reasons might not be possible in all cases. Decisions might rest on information that is given in confidence or there might be a particular public interest to protect. I should also stress that reasons will be given privately to the victims or, where appropriate, the next of kin. It is not for the Crown to make a public announcement on the guilt or innocence of an accused person when the allegations have not been tested in the public forum of a court. I hope, however, that this new policy will give victims of crime and the wider public greater confidence in the work of our prosecution service.

The big changes that have occurred in the department over the past three years would not have been possible without investment from the Executive. Our budget of £89 million for the current financial year is a real-terms increase of 27 per cent on the 2001 base.

Our most important resource is our staff. The total number of permanent staff in the department increased by 12 per cent from 1,250 full-time

equivalents in April 2002 to 1,389 in January 2005. Over the same period, the number of legal staff, including trainees, rose by 15 per cent. We currently employ 436 qualified lawyers, which makes us the largest employer of legal staff in Scotland.

This year, we will commence the major refurbishment of our largest fiscal office at Ballater Street in Glasgow. When that project is complete, we will have transformed the COPFS's look and feel. New office space has been secured at Oban, Stirling and Kirkcaldy and office refurbishment programmes at Kilmarnock, Hamilton, Linlithgow, Edinburgh, Inverness, Airdrie and Aberdeen are well advanced or have been completed.

Apart from better working conditions, the refurbishment brings practical benefits to those who visit our offices. There are now private waiting areas for next of kin; child-friendly interview areas; less intimidating surroundings for vulnerable witnesses and victims; clear and friendly reception areas for all members of the public; and flexibility of space to allow team-working to flourish.

Over the past four years, the COPFS has embraced modern technology to improve the quality of our service and to make more effective use of our resources. We have introduced a national database and implemented bespoke software systems—in particular the standard office system VI and the future office system—that have given the department more control over its work than ever before.

The future office system is a major new information technology strategy that has enabled direct electronic working by legal staff and signalled a move away from paper-based processes and labour-intensive tasks. It has brought about a major change in depute's working practices. For example, police reports are received electronically, transferred electronically to a depute and marked online with software that gives a choice of charges from a drop-down menu. The system then generates the complaint and supporting documents. Such an approach has allowed us to focus on dealing with police reports speedily to avoid delays and to improve substantially our performance against targets. We have the facility to move work around each area—or even around the country—to balance workload with resources.

IT investment has also resulted in significant savings for us and our criminal justice partners. Modern centralised printing equipment in Glasgow now prints and issues all suitable summary civilian witness citations and warning letters for the department.

**Stewart Stevenson (Banff and Buchan) (SNP):** I wonder whether the Lord Advocate will comment on morale within the service, which, a

couple of years ago, was at what I hope was an all-time low. Have these very welcome changes increased the morale of those who work in the service?

**The Lord Advocate:** Yes. I have acknowledged that, in 2001, morale was low because of the pressures that we were under. Our staff felt that they were not supported in their work or appreciated by the public. However, on our frequent visits to the various offices, the Solicitor General and I have noticed a different feel to things and an appreciation of the changes that have taken place since 2001.

Last year, some 55,000 citations were successfully completed by post. That has saved police time, because the police have not had to knock on 55,000 doors to serve them.

The COPFS was one of the first departments to support the small units initiative, which was announced by the Scottish Executive in October 2002 to improve the economic and social conditions of Scotland's more remote and rural communities. Jamie Stone will be especially pleased to hear about the transfer of 5.5 full-time equivalent posts to Dingwall. I can also tell him that a similar project will start soon in Tain. I am advised by the area procurator fiscal that a few peculiar teething problems arose but that they were quickly solved by the purchase of an office copy of "The Patter" as a reference manual of favourite Glaswegian expressions.

Working closely with the Scottish Drug Enforcement Agency, the department has been responsible for the successful prosecution of a significant number of major drugs cases in the High Court in the past three years. We continue to develop the SDEA's strategy of targeting serious and organised crime.

The Proceeds of Crime Act 2002 has given us a powerful new tool in the fight against crime: targeting the assets of criminals. I can inform Parliament that the total amount in criminal confiscation orders granted since the Proceeds of Crime Act 2002 came into force is almost £2.5 million. The money from cash seizures under the act now totals almost £3 million, from a total of 125 cash seizures. Three civil recovery orders have been granted so far, allowing £227,000 to be transferred to Scottish ministers. A total of 18 interim administration orders have been made.

We are, without doubt, leading the United Kingdom in this area. We were the first department in the UK to be granted a cash seizure order and the first to be granted a civil recovery order.

The work continues to increase. The total amount restrained so far this year—from March 2004 to date—is now £22.5 million, which

represents 145 restraint orders. Those figures represent continuing work in which confiscation orders may be made in due course. That will be an area of continuing activity.

**Stewart Stevenson:** It is welcome to hear about those growing figures for seizures, with the concomitant benefits of ploughing the money back into communities. However, figures from England suggest that an average heroin addict spends £35,500 a year on their habit. There are some 51,000 addicts in Scotland, so we are talking about a £2,000 million a year industry—if I may so term it. Are we being sufficiently ambitious? Can we expect substantial uplifts in recoveries in coming years? Is such work being resourced?

**The Lord Advocate:** The SDEA is very active in that area. We have to bear it in mind that we are in only the second year of the operation of the Proceeds of Crime Act 2002 and that it will take some time to get going. However, I am sure that substantially increased amounts will be recovered under the various powers in the act.

We are also supporting the initiatives of youth courts in Hamilton and Airdrie, the drugs courts in Glasgow and Fife and the domestic abuse court in Glasgow. The youth courts pilot project is now in its second year, tackling alleged young offenders aged 16 and 17 in the Lanarkshire area—young people with a history of persistent offending. Working closely with the police, we are succeeding in getting persistent young offenders into court more quickly, providing a tangible response to concerns in communities.

We are tackling environmental crime, working closely with the Scottish Environment Protection Agency. We are training a network of 15 specialist prosecutors so that we can continue to improve delivery of service irrespective of the area of law concerned.

As part of modernising the effective prosecution of serious crime, we have made a number of significant changes to the appointment and role of advocate deputes. We now have a new structure with a dedicated team of senior advocate deputes dealing with the most serious and complex crimes. We have allocated additional resources so that advocate deputes have additional preparation time before trials.

In 2001, we had 18 full-time advocate deputes; we now have 21 and, from March, we will have 23. A key feature of the new arrangements has been the widening of the pool of talented prosecutors. Advocate deputes are now drawn from the Faculty of Advocates, from the COPFS and from solicitor advocates in private practice. I am delighted that the Crown is attracting high-calibre candidates from diverse legal backgrounds. Recent high-profile cases have demonstrated the quality of prosecution in the High Court of Justiciary.

I will end on a more personal note. In two weeks' time, I will have served in the office of Lord Advocate for five years. It has been a time of major change and unprecedented developments. I was very fortunate at the beginning—fortunate in a legal and professional sense—to have the challenge of the Lockerbie trial. It was a challenge to which the whole department responded. We now face many other challenges—not least of which will be the implementation of the Bonomy reforms. The Solicitor General for Scotland and I are committed to continuing to modernise and reform the service, to drive it forward as a central player in the criminal justice community. That is made possible only by the on-going support and professionalism of the COPFS staff.

I also wish to acknowledge the support that has been received from all sides of the chamber, from MSPs of all parties. That is a vital component of any prosecution service's ability to prosecute independently, in the public interest, with the confidence of the people whom it serves. I thank members for that support and look forward to the debate.

09:46

**Mr Kenny MacAskill (Lothians) (SNP):** I thank the Lord Advocate for his comments. I will make two preliminary remarks about the basis of this debate.

I welcome this chamber having the opportunity to consider matters that the Lord Advocate and his office, and the Solicitor General, are clearly addressing. This chamber did not exist before 1999 and we used to be lucky if the Lord Advocate had time to consider matters with politicians, because of other duties. The body politic did not become involved and what we had was what we continued with, whether it was right or wrong. Today we are seeing one of the benefits of devolution.

However, there are some difficulties with this debate. I do not mean this as a criticism of the Lord Advocate or the Solicitor General, nor do I mean it as a criticism of the Minister for Justice or her deputy. My comments relate to the scheduling of the debate and the way in which information has been provided for it. Clearly, particular circumstances have led to our having today's debate at fairly late notice. However, it is not adequate that people have insufficient information on which to debate.

Some of us have a legal qualification. I have 20 years of legal experience, and others too have such experience. Some have the benefit of relevant experience on committees. However, others in the chamber who have neither legal nor committee experience would still wish to

participate in the debate. They have limited opportunity because limited information has been available to allow them to get up to speed on the issues.

If this chamber is to provide the perspective of all in Scottish society—and not simply that of people who are legally qualified or who are members of one of the justice committees—information should be available to allow others to participate. It is important to involve not only the practitioners but the receivers of the service.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I for one have no experience; I have only just joined the Justice 1 Committee. However, all 129 MSPs deal with cases that involve the Crown Office and Procurator Fiscal Service. I therefore hope that all members will feel free to speak in this debate.

**Mr MacAskill:** I am not suggesting otherwise. Members who participate without the benefit of committee or legal experience are to be commended. However, it would have been helpful for them to have information on what is going on. Not everyone will know what the Lord Advocate said in 2001, or know about the on-going work of the Solicitor General. On my way to the chamber, I asked the Scottish Parliament information centre what papers were available. The short answer was none.

We will have the benefit of a debate involving those with committee and legal experience and those with constituency knowledge. However, those who schedule debates such as this one could add to—

**The Minister for Justice (Cathy Jamieson):** Will Mr MacAskill take an intervention?

**Mr MacAskill:** By all means.

**Cathy Jamieson:** Mr MacAskill has said that he does not intend his comments to be a criticism of particular individuals who are here. Will he assist us by telling us exactly what kind of papers he was looking for? I know that he asks a considerable number of questions on such matters. A lot of the information is in the public domain, in one way or another.

**Mr MacAskill:** It may be in the public domain, but many people who are coming to the debate cold may have been looking for a synopsis—even just two sides of A4 from SPICe on the changes in the Crown Office. That would have been of assistance.

I want to move on. We put on record our support for the COPFS, which is a body that is perhaps not given the credit that it deserves. The Lord Advocate was correct to point out that it is the largest legal employer. Its role is not confined to involvement in criminal prosecutions. Many people

forget that the COPFS has a role to play in cases of sudden death and fatal accident inquiries and that it acts in the public interest in relation to applications for shotgun certificates and a whole array of other matters. We should recognise that its role transcends that of involvement in the prosecution of crime at solemn or summary level.

It is also important to recognise that the COPFS acts in the public interest. That is fundamental. I want to mention no pros—cases in which it is decided that it would not be in the public interest for proceedings to take place. The COPFS has a duty to consider whether it believes that a criminal offence has occurred, whether the case could be pursued and a conviction obtained and whether it is in the public interest that there should be a prosecution. We do well to remember that there are occasions when the COPFS decides that although it could prove in a court of law that an offence had been committed, it may not be in the public interest to do so.

I practised as a defence agent in years gone by and I remember many cases in which the COPFS gave people who had erred the opportunity to make recompense in some shape or form and, in doing so, allowed them to avoid getting a criminal conviction, which would have posed serious problems as they got older—for example, when they applied for a job. It is right and proper that the COPFS allows people to thole their assize and make proper recompense. In many situations, it is appropriate not to proceed and to allow matters to be dealt with in an alternative manner. It is the duty and responsibility of the COPFS to make such decisions. Judgment calls have to be made and sometimes politicians do not agree with the decisions that are made. Politicians should cut the Crown Office some slack. On occasion, the COPFS may make what the public perceive to be a mistake, but such things happen.

The COPFS needs to move on; that is why the changes that are being brought in are welcome. It must adapt to both internal and external changes. We must acknowledge that society has moved on, not just structurally, but attitudinally. People simply used to accept many things. It was a matter of course that when someone was cited as a witness, they would go. They could not expect to find facilities for a cup of tea, never mind a cup of coffee, unless the Women's Royal Voluntary Service happened to be on duty that day. In today's society, many people would regard that as unacceptable. We would all accept that if people act in a public-spirited fashion by giving evidence or attending court as victims of crime, we have a responsibility as a society to ensure that their journey through the legal system is as pleasant as possible and that they face as few difficulties and as little discomfort as possible.

The changes that have taken place are not just structural and attitudinal; there have been changes in the nature of the system. For a great many years, the system was left unchanged. No consideration was given to it—the thinking was that that was how it was and that was how it would always be. No attention was paid to the anecdotal evidence of cases in which witnesses were told at very late notice that a trial had been cancelled. Crown Office employees sometimes went home without remembering to tell them and they were left in witness rooms like flotsam and jetsam. Such things happened; they were not done deliberately. The system simply failed to address the needs of those who were involved in it. To some extent, it was a legal sausage-making machine. There was a lack of understanding that the individuals who went through the process had emotions and, most important, rights. It is appropriate that the necessary attitudinal and systemic changes have been made.

There has also been a change in the structure of the system and in how fiscals' offices deal with cases. As society has become more modern and transport has improved, it has become clear that it is not necessary or cost-effective to have as many manned offices in all the Borders areas or in some areas in the north of Scotland, for example. That does not mean that fiscals' offices have to close; the work that they do can be covered in another way. That can be worked out locally.

I welcome the Lord Advocate's comments about morale and related matters. My view is that morale is still patchy. In some cases, that is understandable. The limited opportunity for promotion in fiscals' offices is always a problem. The fact that only so many top jobs are available always causes bottlenecks that mean that, at a certain juncture in their lives, the people who work in such offices have to decide whether they have any future in the service. Although, to some extent, that will always be an irreconcilable problem, we must try to address it.

I am led to believe that in some areas there is a worry about pensions, although it would be wrong to say that that is a concern only in fiscals' offices—the problem affects all public sector employment at the moment. There is also worry about whether the retirement age for fiscals will rise. The Lord Advocate may or may not be able to comment on that. I am led to believe that there has been a substantial increase in the number of requests for early retirement. That might simply be a matter of demography—in other words, it might be a result of the number of aging baby boomers. Such matters have to be dealt with if we are to make progress.

Although it is clear that sheriffs and judges are pivotal to the legal system, the courts are not there

simply to serve them; the needs of other people who use the courts must be addressed. I know that evening courts have been considered. I think that there was an experiment in Dumbarton, which does not appear to have been a great success. My take is that the fact that the idea was not a success initially does not necessarily mean that it should not be reconsidered. We live in a 24/7 society. Sheriffs are very well recompensed for the job that they do. If they were able to work on a Saturday morning, that would ensure that the cell complexes in the city of Edinburgh could be cleared so that space was available for the people who misbehave on a Saturday night. It should not be impossible for sheriffs to sit on a Saturday and to clear a custody court to keep matters moving. Given the numbers of sheriffs, that would cause them minimal discomfort. We must address that. Given the difficulties that individuals have in attending court and the cost of taking time off work, evening courts might be suitable for dealing with the many minor road traffic offences, for example. I welcome the experiment that took place.

In summary, we welcome the steps that have been taken to make progress. The process is long overdue. That view is not partisan or ideological. We are talking about getting the best criminal justice system that we can for everyone who participates in it. In the past, errors were made as a result of the concentration on the rights and responsibilities of sheriffs and judges rather than those of the other people who participated in the court system. The COPFS has a vital job to do in our society, not simply in the prosecution of crime, but in a whole array of other matters. That is to be welcomed. I hope that people can gain a greater knowledge of what COPFS does. We should applaud and appreciate its work. It must be modernised in a sympathetic way, but we are heading in the right direction. The Scottish National Party is more than happy to pay tribute to the efforts of the Lord Advocate and his colleague.

09:58

**Miss Annabel Goldie (West of Scotland)**

**(Con):** The Executive has chosen to have a subject debate on the Crown Office and Procurator Fiscal Service; I say the Executive, because of course the Executive has the majority will on the Parliamentary Bureau. The use of the term "debate" is questionable, because there is no motion, there are no amendments, there will be no vote and, in essence, there is no point.

Mr MacAskill has alluded to the issue in more sensitive terms than I am prepared to adopt. If I look up to the public gallery, I can see that five brave members of the public have struggled into the chamber. They must wonder what they have

stumbled in upon. I contrast today's deployment of time in the chamber with last week's. On a subject of hugely topical interest—the Westminster Serious Organised Crime and Police Bill—which proved controversial for various reasons, the Executive not only denied the Justice 2 Committee adequate time to produce a proper report, but deigned to afford only 50 minutes' debating time in the chamber to the discussion of what were substantive issues. This morning shows the perversity of parliamentary programming and the Executive's completely haphazard and illogical approach to priorities.

I do not impugn the sincerity with which the Lord Advocate made his remarks and I pay tribute to his efforts to modernise and make more efficient the Crown Office and Procurator Fiscal Service.

**Stewart Stevenson:** Will the member give way?

**Miss Goldie:** I will finish this observation first, as it is a tribute to the Lord Advocate. I acknowledge that this morning is—although I was previously unaware of it—the quinquennial celebration of Colin Boyd's arrival in the office of Lord Advocate. I am sure that all parties in the Parliament commend him and pay tribute to what he has endeavoured to do, but the Crown Office and Procurator Fiscal Service—about which we are having a conversational exchange this morning—has been the subject of internal reorganisation, has been in receipt of significant capital expenditure in systems and equipment and was affected by the significant changes that were introduced by the Criminal Procedure (Amendment) (Scotland) Act 2004 and the Vulnerable Witnesses (Scotland) Act 2004. As recently as 29 December 2004, the Executive announced the establishment of an independent inspectorate for the Crown Office and Procurator Fiscal Service—that new body's first task will be to produce a thematic review on the service's approach to race issues.

Those are all important developments within the service, but it is utterly premature to make any judgment on how those changes are working and what strengths and weaknesses they have disclosed. Not only is it premature on 10 February, but it will still be premature on 10 March, 10 April, 10 May or even 10 June, because it is difficult to see how any sensible appraisal can be made without letting at least a year elapse from the passing of the Criminal Procedure (Amendment) (Scotland) Act 2004.

I welcome the Lord Advocate's announcement that the Crown will give victims an explanation for a case not proceeding or proceeding in a certain way and I welcome his confirmation that £22.5 million-worth of assets have been restrained, but is that enough grist for a debate?

**Stewart Stevenson:** Is Miss Goldie's speech an indication that the Tory party is less engaged with the legal system inside or outside the Parliament?

**Miss Goldie:** Even by Mr Stevenson's standards, that is a remarkably obscure and unintelligible intervention.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** I think that we understood it.

**Miss Goldie:** That would be a first.

It is perfectly obvious to anybody who cares to examine the Conservatives' contribution to the Parliament that we have made a singular contribution to promoting issues that concern our criminal justice system. Even the ministers would have the good grace to acknowledge that contribution over the past five years.

I am trying to address what I think are the priorities of the people of Scotland, because the Executive is adrift from that reality. What is happening in crime in our Scottish communities right now? What we are chatting about this morning is worthy, but it is only part of the whole. Only last week, we discovered that the number of young offenders has increased; in the same report, we read that the number of vulnerable children has increased. In England and Wales, a study is being carried out into the connection between cannabis use and schizophrenia. Fears about that link were expressed in Scotland when cannabis was reclassified, but has the Executive any proposals on that? In December, the Executive's Scottish crime survey told us that only one crime in four was being reported to the police. However disturbing that information may be to the public, it might at least point to something of a lacuna for the Crown Office and Procurator Fiscal Service. In January, the Association of Chief Police Officers in Scotland published a report recommending that the police not attend minor incidents.

**Cathy Jamieson:** It is important to point out that, as I hope Miss Goldie will acknowledge, ACPOS did not publish such a report; a report was prepared in a particular police force area, but it was not an ACPOS report. The police have clarified that and it is important to state it for the record.

**Miss Goldie:** The seniority of the officer who commended the suggestion leaves us in no doubt as to current thinking at senior police level.

The justice system in Scotland is nearing breaking point, but the Scottish Executive is ducking and diving, weaving and turning and dodging debate on the serious issues that have to be discussed. To be frank, it is allowing the Parliament to be used as an expensive and impotent social salon. We should be discussing

subjects such as drug abuse, to which Stewart Stevenson has referred. Nobody is in any doubt about the seriousness of drug abuse in Scotland. Although there has been an increase in the number of drugs-related crimes that are recorded, there has been a drop in the number of such crimes that are prosecuted. Perhaps the minister, or whoever closes the debate for the Executive, might wish to comment on that. In 1997, 8,219 people were proceeded against in Scottish courts for drugs crime; by 2002, the figure had fallen by 16 per cent. Does the Lord Advocate wish to comment on drugs-related deaths?

I merely articulate those issues, because I do not expect the Executive to agree with my views on them and it would not expect me to agree with it, but at least we could have a debate on a number of them, all of which are hugely relevant to Scotland today. We could consider various other issues, such as policing. Proposals on policing are on the table, but there is no agreement on them in the Parliament. My party's proposal for elected conveners for police boards is attracting interest in communities that are plagued by disorder and, although the Executive does not agree with that proposal, the subject could still be debated.

We could also debate sentencing. The public have lost confidence in sentencing policy. It is all very well for the Lord Advocate and his colleagues to do their best to deliver an efficient, modernised prosecution system in Scotland, but if confidence in the whole criminal justice system dissipates because of an inability to understand how sentencing works and why prisoners get out early automatically, we are not assisting the public to understand the totality of our criminal justice system—all they know is that sickening crimes have been perpetrated by people who were free to commit them because they were released automatically. Is that not worthy of debate?

The sad reality is that, under the Executive—with its lack of clarity of vision on what needs to be done, its lack of resolve in trying to do it and its lack of leadership in identifying any priorities—the criminal justice system in Scotland is in turmoil, but that is not the Lord Advocate's fault. Courageous leadership, clarity of purpose and firmness in providing solutions that work are not the hallmark of the Executive and this expensive MSP chit-chat session is a sorry testament to that failure.

10:06

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Miss Goldie questioned the Parliament's priorities in staging a debate on the prosecution service, but in light of last week's debate on the Serious Organised Crime and Police Bill and the fact that the Tories voted

against that bill, I and many others in Scotland question their priorities in relation to organised crime.

As one member who comes cold to the debate in not having had legal experience before or since I was elected and having only recently become a member of the Justice 2 Committee, I feel slightly as I felt when I did jury service in the supreme court on an attempted murder trial: I was rather bamboozled by some of the jargon.

**Miss Goldie:** Will Jeremy Purvis give way? I seek to assist.

**Jeremy Purvis:** I will give way in a moment. Twenty years of legal experience is not necessarily a benefit in a justice debate in the Parliament when the vast majority of our constituents are also bamboozled by legal jargon.

Scotland has never been safer, more tolerant or more open to embrace different cultures and communities. Police-recorded crimes fell by 18 per cent from 1992 to 2002, but the self-fulfilling prophecy that the fear of crime is the same as actual crime will be a feature of the forthcoming election campaign. The fear of crime never has been, and never will be, the same as actual crime, but that is not to belittle the effect of criminal behaviour. There are some who are intent on committing serious crimes for self-gain and others who make small communities a misery because of their antisocial behaviour.

**Margaret Mitchell (Central Scotland) (Con):** Does Jeremy Purvis consider that an increase of 16 per cent in violent crime, 23 per cent in vandalism, 49 per cent in the use of offensive weapons and 20 per cent in rape, serious attempted rape and homicide represents a safer society that he is proud to acknowledge?

**Jeremy Purvis:** I am sure that that intervention has taken a section from Margaret Mitchell's speech. Scotland has never been safer and its communities have never been more open. We should say so and not pander to the self-fulfilling prophecy that Scotland is less safe than it was 10 years ago and that crime is less reported than it was 10 years ago.

I hope that we in the Parliament recognise that we enjoy our freedoms within society because, by choice, we limit those freedoms to protect others. However, we must also acknowledge that, although we voluntarily limit our freedoms out of respect for and duty towards our fellow citizens, those freedoms will, at times, be abused by some in society. Such abuse can be prevented and offenders can be successfully rehabilitated. For our communities to feel safe, there must be effective policing and prosecution of offenders, as well as public knowledge that rates of detention and successful prosecution are high. There must

also be transparent justice that is anchored in local communities and is fair, equal and efficient.

In the first parliamentary session, the Executive and the Liberal Democrat Minister for Justice, Jim Wallace, put in place many of the reforms and investments that have been made to ensure that justice in Scotland is more efficient. They included the most radical reforms to the Crown Office and Procurator Fiscal Service in a generation, which the Lord Advocate has outlined, as well as the biggest increase in resources to that office in a generation. In 2001-02, when the reforms began, the budget for the Lord Advocate's portfolio was £65.1 million. It is now set to be £101 million in 2007-08.

The Liberal Democrats stood on an election platform to make communities safer by keeping the number of police officers at the highest-ever level. That is being done, with 17,000 officers in Scotland. We called for support to be given to the SDEA. Further support is being given this week, with the announcement of a consultation about putting the agency on a stronger statutory footing. We campaigned to tackle knife crime. The Executive announced this week its intentions to impose tougher sentences for possession of a knife. That is action, not words. The Liberal Democrats also stood on a platform to reduce crime through tackling recidivism and making services to support rehabilitation more effective, with longer programmes.

This morning's debate is about the prosecution of offences, but we need to focus on reducing offending in the first place. Reoffending rates are still too high. Research carried out in 1999 by the Scottish Prison Service showed that just under half of prisoners released from Scottish prisons returned to prison within two years. The reoffending level was particularly high among those who had served less than 12 months. The United Kingdom Government's social exclusion unit has estimated that the cost of recorded crime committed by ex-prisoners is at least £11 billion a year in the UK.

The recent Audit Scotland report on correctional opportunities in Scottish prisons showed that we have to make progress in reducing reoffending. Some 12 per cent of the SPS's full cost of prison operations, around £30 million, was spent on correctional opportunities in 2003-04. Audit Scotland's main findings included the recommendation that the SPS's commitment to provide correctional opportunities be reflected in the Scottish Executive Justice Department's objectives—I look forward to hearing the Minister for Justice's response to Audit Scotland's findings in due course. We pay so much attention to reducing reoffending, increasing rehabilitation and reducing crime because we want people to feel safer as well as actually to be safer.

There are criminals who seek to make a living while making other people victims. Since 2001-02, the Crown Office has made significant improvements to supporting victims. I pay tribute to the Lord Advocate and to the commitment of his staff in that regard. Making local Crown Office and Procurator Fiscal Service staff link with local alcohol and drug teams has been a positive move. Arguably, those links could be extended to include the voluntary sector.

It is vital for the police to be visible in communities and to provide information to community councils, neighbourhood watches, schools and colleges. One of the refrains that any constituency MSP will hear in their advice surgeries, especially in cases of antisocial behaviour, is, "What's the point of phoning the police? Even if they come round, they can't do anything about it." Under legislation that was passed by the Parliament, they can. With a more assertive prosecution service, each and every community should know the law and the powers that are open to the police and they should be aware of the fact that they can be at the centre of the judicial process. Crucially, communities need to know what has happened to the offender. I warmly welcome the Lord Advocate's positive response to help individuals to understand the judicial process in detail, especially in cases of decisions to take no further action.

**John Swinburne (Central Scotland) (SSCUP):**

The member mentioned antisocial behaviour. I am aware of a police division where 40 referrals of antisocial behaviour are shelved every week, because there are not the social services to follow the cases through. The system is not quite joined up.

**Jeremy Purvis:** If Mr Swinburne is arguing that the Antisocial Behaviour etc (Scotland) Act 2004 and the work of prosecutors will be successful only through joint working with other agencies, including housing associations, local authorities and social work departments, he is making a good point. In the area of the Borders that I represent, the prosecution service, the local authority and the police have a very good working relationship. We have well above the average rate of antisocial behaviour referrals on the slate—not on the shelf. That protects communities and puts them at the heart of the justice system, which is absolutely right.

The Executive has stated that, between 1992 and 2002, overall recorded crime fell by a third. However, the number of recorded antisocial behaviour offences increased. More people are recording crimes, because they know that something can be done. We must ensure that disposals from the courts or effective mediation services to reduce reoffending are supported. That

is not being weak on crime; it is being effective within communities. Mediation and other services should be supported.

I welcome the victim information and advice service. In 2003-04, 18,000 victims of crime were given information and advice about the progress of the case that affected them, as well as information about specialist support and counselling services. In December, that service was rolled out nationwide. In Ayr, Edinburgh and Kilmarnock, prosecutors are inviting victims of crime to submit statements to the court, setting out the effect that the crime has had on them.

I was interested to look at the Executive's victims of crime website, which provides practical information and cuts through a lot of the jargon associated with the criminal justice system. Better links with local authority justice teams—for both youth and adults—will assist with the roll-out of victim information and support schemes.

I welcome the fact that the future office system information technology project, which is now nationwide, will be extended in due course to the Scottish Criminal Record Office and the Driver and Vehicle Licensing Agency, which will improve case marking further. The new IT system has made a positive difference to the work of procurators fiscal in my area of the Borders. Files can be transferred more easily. Crucially, the initial stage processing and the first calling in court are made more efficient. Efficiency, equality in treatment for victims and fairness for all communities—those are the benefits of the Executive's action on justice.

**The Deputy Presiding Officer:** We come now to the open debate. I can allocate about seven minutes per speaker.

10:16

**Pauline McNeill (Glasgow Kelvin) (Lab):** You are so generous, Presiding Officer.

I can hardly believe that the Lord Advocate has now served in post for five years—that shows how quickly time passes.

Unlike the Opposition parties, I think that the debate serves an important purpose. Part of our job is to scrutinise what the Crown Office and Procurator Fiscal Service is doing. This is an important opportunity for us to consider the changes that have taken place. There can be no doubt that the transformation of the service since devolution has been remarkable. Gone are the days when the law officers were seldom seen and were not held fully accountable.

We all have our own experiences of the operation of our local Procurator Fiscal Service. I have seen the changes to my local service in

Glasgow, including in the relationships that we continue to have with the service. I have made my contribution to the debate, as convener in the first parliamentary session of the Justice 2 Committee, which conducted an 18-month inquiry into the Crown Office and Procurator Fiscal Service. Because of that work, I have no hesitation in recognising that the dedication of the staff, from the top to the bottom of the service, is second to none. Despite the pressures on the service, with the policy of strict time bars on prosecutions, we have a service to be proud of.

The Lord Advocate spoke about the changes involving the appointment of procurator fiscal deputes for the High Court and I welcome the introduction of additional advocate deputes. Let us not underestimate the decision that our law officers have made in that regard. Prior to taking that decision, it was not possible for procurators fiscal to progress to prosecute in the High Court. The proposal was met with much resistance, particularly from the Faculty of Advocates, but the Parliament must commend it, as there is talent that could progress. That change will ensure that we have the right team of advocate deputes in the High Court.

The scrutiny of all MSPs has ensured that there have been important reforms in the way in which the Crown Office and Procurator Fiscal Service responds to the communities that we represent. The service is to be commended at a time when there has probably never been as much pressure on it, because of the complexity of serious crime and the demand to bring cases without delay.

The most significant reforms that have been delivered relate to the treatment of witnesses and victims, which is a matter of serious concern to members. The appalling experiences of some families who have been through the criminal justice system came out in the former Justice 2 Committee's inquiry. There was the notable case of the Cawley family, who described in detail their arrival at the High Court in Glasgow, where there was no one to support them or to explain to them what would happen. There was also the case of the father who found himself placed in the vicinity of the person who was accused of assaulting his son. The Lord Advocate is right to point out that the physical aspects of the court system are important, particularly when it comes to the treatment of victims and witnesses. Let us not forget that the impact of crime is on communities, individuals and families. The Crown Office and Procurator Fiscal Service must support their needs.

We have a good system in Scotland. I defend enthusiastically the independence of the Crown Office in determining the prosecution of crime. We have ambitious targets and tight timescales. I

welcome today's announcement that the reason for marking a case "no proceedings" will be given to the next of kin. It is a mark of the current thinking of our law officers that they are responding to the demands of our constituents and the general public. I hope that the Lord Advocate will share with us in future the detail of how that will be handled. There are often sensitive reasons why it is not in the public interest to proceed with a case, but I hope that clear guidelines will be given to deputes and that the level of resources that might be needed to ensure that that commitment can be acted on is recognised.

I want to say something about the ability of the service to continue to deliver good-quality decisions. I have always stressed the need to ensure that resources are getting to the front line. We need a strategy to recruit good, experienced lawyers to the Crown Office and Procurator Fiscal Service. The Procurators Fiscal Society advised me that, at the most recent recruitment board, there was a failure to fill all the vacancies. If that is the case, we need to review the position. I recognise the work that has been done in relation to deputes' pay, but we may have to consider the reasons why young and experienced lawyers are not attracted to the service.

We await the full implementation of the Bonomy reforms to the High Court. The report is an excellent piece of work, but I am under no illusion about the difficulties involved in ensuring that those reforms come about. There have been some helpful changes, including the extension of the timescale relating to the previous 110-day rule. I do not underestimate the commitment that has been made by the Crown Office and Procurator Fiscal Service to what will be a very front-loaded system. However, if the system works, as the Justice 1 Committee believes it will, that will make a massive difference to witnesses and victims, who have often had to hang about and endure constant delays—now, they will no longer be required at the early stages of the process.

Twenty-two per cent of High Court business is already being transferred to the sheriff court. I have never been opposed to that decision, but I want confirmation that the resources will follow. I await the Scottish Legal Aid Board's review of the implications of the change, particularly in relation to the fact that an accused person does not have an automatic right to counsel if their case goes to the sheriff court. I would like to think that, in cases of serious crime, the accused person will still have access to counsel. I also want the Crown Office and Procurator Fiscal Service to recognise that fiscals are now more likely to face counsel in the sheriff court.

The debate is important, as it allows us to consider the reforms and the good things that

have happened over the past five years. We can see the benefits of the Pryce-Dyer report, which brought about far-reaching management changes—indeed, it would be helpful at some stage to clarify what the current management arrangements are. We should all support the transformation of the Crown Office and Procurator Fiscal Service and we should continue to debate in the Parliament what changes still need to be made. Let us not forget that, before the Parliament existed, there was no discussion and there was no place to raise directly with the Lord Advocate and the Solicitor General issues that our constituents raise with us. I very much welcome the debate.

10:24

**Linda Fabiani (Central Scotland) (SNP):** I come to the debate as one of those souls that Kenny MacAskill talked about who have no legal experience and who have not had the great honour of serving on one of the justice committees. I come from the point of view of someone who, over the years, has had dealings with and has thought about the Crown Office and Procurator Fiscal Service.

I am pleased about much of what the Lord Advocate said this morning, because it touched on many of the problems that the public perceive with the system. The criminal justice system and the Procurator Fiscal Service have hardly changed in 300 years, yet, if we consider the booklet on the 2003-04 review of the Crown Office and Procurator Fiscal Service, it appears that quite a lot has changed in the past five years. However, there is a bit further to go.

I was particularly pleased to hear the Lord Advocate's announcement on the disclosure, where possible, of the reasons for a case not proceeding. That is a great step forward, which will be welcomed by everyone. In the almost six years since I was elected, there has been much disquiet about that point. I add, though—and I would welcome feedback on this—that I have an issue with the general lack of information for victims of crime. I say that from my experience of being a witness twice in different cases over the past five years. They were only at Hamilton sheriff court, not the supreme court that Jeremy Purvis was fortunate enough to attend. On one occasion I was a victim of crime, and therefore a witness, and on the other occasion I was purely a witness. I still do not know the outcome of either case. In the case in which I was a victim, I do not know whether the chap was prosecuted, because nobody told me. In the case in which I was a witness, I do not know the result. That is not for want of trying to find out. The cases did not affect me badly, but for someone who has been badly affected by crime to feel that they are completely left out of the loop

must be psychologically difficult. I would like the Lord Advocate to respond on that point. It could be that action is already being taken in that regard.

I was impressed with the Crown Office and Procurator Fiscal Service 2003-04 review booklet—there are a many good things in it. I was pleasantly surprised to note the many achievements described in the “Building Public Confidence” section, such as the equality advisory group—equality being a subject that the Parliament has always felt strongly about. That is welcome. The openness of hosting visits for young people from non-professional backgrounds to try to interest them in the profession is good stuff too. The partnership with the Ethnic Minorities Law Centre is excellent, as is the fact that guidance has been issued on race crime. That is another issue about which all MSPs feel strongly. Building public confidence is what it is all about. That is important, because the perception is that the legal profession is a law unto itself and that it does not care about the people it directly affects.

The most important part of the review booklet is the “Continuing Reform” section at the back, because progress is still being made. It is important that there are more staff members but, as Stewart Stevenson mentioned, morale is equally important. Any service is only as good as the people who work in it. Staff morale is very important. The modernisation of information technology is extremely important too. I wonder whether the Lord Advocate has any idea how much paperwork has been saved since the IT system was put in place. I can hear the Solicitor General saying, “Lots.” That is good news.

It was useful to read about the pilot youth courts in Hamilton and Airdrie, and the victims of crime pilot schemes that Jeremy Purvis mentioned—one of which is in Kilmarnock—that enable people to write in describing the effect that a crime had on them. I would like to know how those pilots are progressing, whether they will be expanded and when they will report back.

All in all, I welcome the reforms that were put in place in 2001. They are progressing well, and I hope that they will continue to make good progress. However, the core of such reforms should always be building public confidence in the Crown Office and Procurator Fiscal Service, because, while much has been achieved so far—I congratulate the Justice 1 Committee on that—there is still a long way to go in that area.

10:30

**Jackie Baillie (Dumbarton) (Lab):** I, too, recall the Lord Advocate's words from 2001. More important, I recall his explicit recognition that very much at the heart of the reform of the Crown

Office and Procurator Fiscal Service was the need to win the confidence of the people of Scotland and to ensure that the Crown Office and Procurator Fiscal Service would be independent and fair and would work consistently in the public interest.

I am bemused by the fact that Opposition members do not consider the issue worthy of debate. I would have thought that reviewing how our legal system operates is a key part of tackling crime and delivering justice. We need to be assured that there is the capacity and the quality in our legal system to ensure efficient and effective prosecutions. As I do not mix in the same social circles as Annabel Goldie but lead quite a sheltered life, I am not quite sure what a social salon is. However, Annabel Goldie should know that the quality of the guests whom one invites to one's social salon is what counts, and I note that the Conservatives are down to two members in the chamber and that their chief has left the building.

Much has been achieved in modernising and improving the service, and this debate provides a good opportunity for us to build on those improvements and to enhance further the reputation of our prosecution service. I will pick out a couple of specific areas for comment. I acknowledge, as members would expect me to—I am a parochial politician, too—the welcome and significant capital investment that has been made in the courts throughout Scotland. Indeed, £3 million has been spent to refurbish Dumbarton sheriff court. That has made a huge difference to court staff and to the public, and it has made physical access to the court much easier. It has also made a huge difference to the experience of vulnerable witnesses, who are now catered for in more appropriate and better surroundings. Additionally, there has been an economic benefit to Dumbarton because, by retaining the court in the area, we have encouraged several legal firms to remain and become established in the town. I thank the Lord Advocate for that.

I also thank the Lord Advocate for his explicit recognition of the contribution of staff in the fiscal's office, which is key to the provision of a modern and effective service. An additional 100 or so legal staff are now employed there who are able to deal with more and increasingly complex cases. However, we need to ensure that those staff are deployed at the front line, directly in local offices, and not all together in the Crown Office. I would welcome some assurance on that point.

It will come as no surprise to the Lord Advocate that I raise the matter of FOS—the new future office system IT package. I have raised concerns about the glitches in the practical operation of the system before, especially when it was rolled out in

Glasgow, which has probably the busiest office in Scotland. Those glitches led to delays in case marking, which was in complete contrast to the purpose of the system, which was to speed up marking. I understand that FOS has improved considerably, but I would be grateful if the Lord Advocate or the Solicitor General could give me an update on current timescales for case marking, which I gather are significantly improved.

I will focus my remaining comments on the Lord Advocate's announcement on giving reasons for decisions to victims and their relatives. Essentially, that is about communication. In listening to constituents' first-hand experiences of the prosecution service, I have observed that the same issues arise over and over again. Victims and witnesses are often unaware of the court procedures that they face. Some complain that the charges in court are altered without their knowing why, while many never receive an explanation of why a decision has been made and encounter difficulties when they try to learn of the progress or outcome of their cases. Put simply, we need to become better at talking to people. We need a much more open, responsive and accessible service.

We all acknowledge—indeed, Linda Fabiani made the point—that the process of appearing in court as a victim or a witness is stressful. For some people, the experience can be truly traumatic. Their lack of communication with the prosecution service means that they are left feeling helpless and even more vulnerable. That is not how any of us would want people to be treated in this day and age. Complaints to the Crown Office about how cases have been handled are often a cry for help from people who have been left out of the information loop. The expansion of the victim information and advice service throughout Scotland undoubtedly will help victims by giving them general information about the criminal justice system and acting as an important tool in the provision of information about the progress of individual cases.

Nevertheless, I have already noted some gaps, which I will illustrate. In the past two months, constituents have told me that no reason was given for part of a charge being deleted; that no explanation was given of a decision that was arrived at; that there was difficulty in accessing information about the progress or outcome of a case; and that there was a lack of support following a case—indeed, the correspondence from the fiscal's office precluded any further involvement of the victim information and advice service. All those issues require attention. We need to ensure that support and advice are available to people after their case is closed, and we must give reasons why charges are dropped midway through a case. That will avoid the Crown

Office becoming clogged with complaints and information requests that relate to the outcomes of court cases from people who are trying to come to terms with the meaning of decisions. Therefore, the Lord Advocate is absolutely spot on with his announcement today, which I welcome. We need to give the reasons behind our decisions. People understanding why something has happened is essential to justice being done.

We need a prosecution service in which people in Scotland can have confidence—a service that is framed by openness, consistency and fairness. I believe not only that we have put the building blocks in place, but that we have made considerable progress towards ensuring that what we have in Scotland is exactly that. I hope that the momentum is maintained, so that we will continue to have access to a first-class justice system for all our communities.

10:37

**Bill Aitken (Glasgow) (Con):** It does not seem five years since the Lord Advocate assumed office, at a time and in circumstances that some of us thought were a bit unfortunate. To him, it must seem much longer ago. However, it would be churlish and quite wrong to say other than that he has acquitted himself well. It would also be unfair to say that what has happened since 2001 has been all bad—it has not. Morale in the fiscal service is undoubtedly better, as Pauline McNeill said, and the service is more sensitive and much more responsive, especially in its dealings with the public. The Lord Advocate's announcement on the provision of explanations of Crown Office decisions to relatives is not a step without dangers, but it is a courageous step and we will wait to see what happens in times ahead.

The additional resources that have been invested in the prosecution service should, in time, result in a reduction in delays, although I am a little concerned that we have not seen more tangible evidence of that up to now. The fact that we now have solicitor advocates with rights of audience in the High Court serving in the fiscal service is a positive step forward and builds on the changes that the Conservative Government implemented that brought about the solicitor advocate system.

I have noted the money that has been invested in the Crown Office and Procurator Fiscal Service and I have seen the improvements that have been made and, inevitably, I have compared and contrasted those with the performance of the Executive under other headings. If the Lord Advocate and the Solicitor General ever seek to eschew the law, they might think about entering the health service and bringing about similar improvements there. Naturally, I do not expect either of them to comment on that.

Nevertheless, there are still many problems in the prosecution service that require urgent attention. Although I accept that some of the issues are broader and not strictly within the remit of the prosecution service, they still require to be considered. The witness citation system appears to be more efficient, but I will relate a personal story about it. I was recently cited to attend Edinburgh sheriff court. Naturally, I was keen to fill the diary, so, two weeks before the case was due to happen, and after the intermediate diet, I attempted to find out what was happening, but nobody answered the phone. By fairly dubious and devious means, I got hold of the fiscal in Edinburgh, but a layperson would not know how to circumvent the system. That must be examined.

A problem continues with warrants, on which the Procurator Fiscal Service requires to be more proactive, because the feeling is growing in the Glasgow area that people who evade justice for long enough will get away with it. I know that the matter is for chief constables, but the fiscal service should lean on them more heavily. Relationships with the police have improved and the Glasgow scheme is working well, but problems remain with delays in receiving police reports. Fiscals must start jumping up and down more determinedly to ensure that reports are received. Perhaps steps could be taken.

**The Lord Advocate:** I thank the member for the personal comments, which I take in the spirit in which they were delivered. On police delays and warrants, I do not know whether Mr Aitken is aware of the protocols that have been agreed between the Crown Office and Procurator Fiscal Service and the police, which prioritise the granting and execution of warrants and target delays in order to reduce them.

**Bill Aitken:** I am aware of those protocols, which should have happened earlier. The issues should have been attacked more determinedly.

Pressures are still present in the fiscal service. I sometimes feel that decisions to divert cases from prosecution and to make conditional offers are governed by the pressure of work, rather than the interests of justice. The Lord Advocate will know that I feel unease about some of the Bonomy proposals. We will have to wait to see how they work, but the solemn courts and Glasgow sheriff court are under increasing pressure.

The debate—if we can call it that—takes place against the worrying background of significant increases in violent crime, the fact that a crime is committed in Scotland every 78 seconds and limited police presence on the street. Despite the best efforts of all concerned, 85,000 more crimes and offences are committed in Scotland now than in 1997. Above all, we have the 21<sup>st</sup> century curse of drugs, which corrodes the heart of many of Scotland's communities.

We must examine solutions to those problems. I was intrigued to hear that Kenny MacAskill is at long last on board with the suggestion that we have made for years of wider utilisation of court facilities. I have said for years that I see no reason why courts cannot sit in the evening and at weekends. I do not see why diet courts cannot run at night, which would free up courts to deal with trials during the day.

I am disappointed that Sheriff Principal McInnes's proposals have had no more mention today, because the proposal to have, in effect, stipendiary magistrates could reduce delays.

Above all, the Lord Advocate needs to apply pressure to his colleague the Minister for Justice, who requires to consult the Treasury and the Benefits Agency to ensure that fines are collected from benefits and salaries. Members can think of the number of means warrants that that would cut. That practice must happen.

We must examine the operation of the drugs courts. I know that they are still experimental, but my observation is that those who appear before them are hardened offenders. I know that that is the policy—I disagree with it, but I understand its logic—but surely we should target the assistance that a drugs court can offer to the lower level of offenders and ensure that those who have only two or three convictions receive the proper drug rehabilitation that they need.

**Cathy Jamieson:** If that is the case, Mr Aitken will support the proposal that I announced for consultation yesterday of mandatory testing, which would enable people who could be involved in drug misuse and offending to go into treatment and rehabilitation at the earliest opportunity, even before they reach the courts.

**Bill Aitken:** The proposal is interesting, but the minister will be aware that I have concerns about the available resources. Many drug tests will require to be conducted and I have serious problems with the practicalities. We shall see what develops.

We must consider more radical solutions. A Glasgow solicitor recently described the children's hearings system to me as nurturing the seedcorn for his profitable and lucrative future. There is no doubt that the children's hearings system does not discourage offending.

**Stewart Stevenson:** Will the member give way?

**Bill Aitken:** Do I have time, Presiding Officer?

**The Deputy Presiding Officer:** We can manage one more intervention.

**Stewart Stevenson:** Thank you very much. It is always a pleasure to cross swords with Bill Aitken.

**The Deputy Presiding Officer:** Do not waste time—come on.

**Stewart Stevenson:** Does Bill Aitken remember that, before the children's hearings system was introduced some 40 years ago, the offending rate among young people was 25 per cent higher than it is now?

**Bill Aitken:** Mr Stevenson is somewhat older than me and his recollection might be better. However, as we have discussed before, there is no doubt that, in those days, offending was less tolerated than it is today. That accounts entirely for the disparity in the figures.

We must consider whether it is sensible to send 14 and 15-year-old serial offenders to the children's hearings system. The system does sterling work under many headings. In particular, it does tremendous work for children who are at risk of abuse or neglect. However, it is not an effective agency for dealing with higher-tariff offenders who are aged 14 or 15.

Above all, we must have honesty in sentencing. Annabel Goldie dealt with that. The recidivism rate is appalling and I know that it concerns the Minister for Justice. Many people have been adversely affected by the attention of thieves and those who would assault them, who would remain in prison if we did not have the ludicrous system of automatic remission.

The discussion has been interesting. I look forward to seeing what develops from it.

10:48

**Marilyn Livingstone (Kirkcaldy) (Lab):** I bring to the debate no personal expertise and I am not a member of a justice committee. However, as the convener of the cross-party group on survivors of childhood sexual abuse, I have had in-depth involvement with the Crown Office on some changes, particularly those for vulnerable witnesses. I will concentrate on that aspect.

I welcome the opportunity to speak in an important debate. I am surprised that the Conservatives do not agree that the debate is important. In a debate in 2001, the Lord Advocate outlined his vision for the prosecution service, which we were all pleased to hear. From our experiences in our constituencies, we knew of the need for that vision.

The vision was of a modernised service that responded to public needs. The first objective and value in the prosecution service's strategic plan, to which Linda Fabiani referred, was for the service to play a pivotal role in the community justice system in maintaining the security and confidence of all our communities throughout Scotland in the prosecution service, which would make the justice

system more accessible and responsive. That is what our constituents ask for and what we have been moving towards. The system has undergone many improvements.

As Pauline McNeill said, the debate gives the Parliament an opportunity to examine how far the department has progressed. I put on record my support for the steps that have been taken to date, especially the increase of 12 per cent in the number of permanent staff in the department, which has brought about a real improvement for our communities.

I also welcome the new fiscal office in Kirkcaldy, which was opened by the Solicitor General. My constituency office is located in the same office block as the new fiscal office, and I have seen at first hand the positive effect that it has had—not only on members of the public but on staff morale. The Lord Advocate raised that important issue this morning. Like Pauline McNeill, I believe that we have a service to be proud of and am pleased to have seen many improvements to the services in my constituency. I put on record my thanks to Procurator Fiscal Service staff in my constituency and elsewhere, who are working hard to ensure that there are improvements across Fife.

The Fife drugs court was set up on 9 September 2002 and involves both Dunfermline sheriff court and Kirkcaldy sheriff court, which is in my constituency. As Bill Aitken said, the court has dealt mainly with cases in which individuals have been subject to a drug treatment and testing order. All members have received representations from constituents who have been subject to drug-related crime. From the wider criminal justice perspective, I hope that there will be a reduction in such crime.

We hear continually from constituents of instances in which crimes have been committed to feed offenders' habits. Many of those crimes are perpetrated by continual offenders, which is a big challenge for the service. One elderly lady in my constituency had her property broken into and was robbed four times by the same perpetrator. The drugs courts are dealing and will continue to deal with such continual offending, which has a big effect. I look forward to seeing the results of the University of Stirling's research into the effectiveness of drugs courts and hope that they will be rolled out across the country.

Partnership is also important. In Fife, especially in Kirkcaldy, I have seen a huge increase in partnership working, involving the police, social work and drug and alcohol teams, and the effect that that has had. A lot of work has been done and there have been many different ideas. Flexibility of provision must be welcomed.

About 75 per cent of the complaints that I received at my surgery on Tuesday evening were

about antisocial behaviour. However, by working with the Minister for Justice, we were able to amend the Antisocial Behaviour etc (Scotland) Bill to ensure that consideration was given to antisocial behaviour using a vehicle. I know that that is a real problem across the board, including in my constituency. Every MSP supports the work that is being done and must continue to be done in our communities on antisocial behaviour. I thank the Executive for listening to my constituents on that issue.

The cross-party group on survivors of childhood sexual abuse, of which I am convener, warmly welcomed the Vulnerable Witnesses (Scotland) Act 2004, which changes the way in which the criminal justice system interacts with vulnerable witnesses. The group has seen evidence of the impact that the act has had. Many victims of sexual abuse come forward a long way down the line. Although they are now adults, they were children when the crime was perpetrated against them. The special measures for those under 16 and for very vulnerable witnesses are to be welcomed and have made a huge difference to people's lives. I also welcome the work of VIA, which provides first-class support to vulnerable witnesses. I have corresponded with the Lord Advocate on the service.

Jackie Baillie spoke a little about openness, which is relevant to the subject of the debate. People need to feel that they are informed throughout the process, especially if they are vulnerable and a crime has been perpetrated against them, perhaps historically. When people have the courage to come forward to report a crime, they should receive a high level of support and we should communicate to them at all times what is happening. Like Jackie Baillie, I welcome the Lord Advocate's announcement today that people will be given information. Historically, the system has been seen as inaccessible and secretive, so the changes that have been made are welcome. Today's announcement is significant, and I am sure that it will be welcomed by all members of the cross-party group on survivors of childhood sexual abuse.

10:55

**Colin Fox (Lothians) (SSP):** I am grateful to you for calling me, Presiding Officer. When Bill Aitken spoke for 11 minutes, I was worried that I would not get my time.

I welcome the debate, the Lord Advocate's remarks and the opportunity that the Parliament has been given to consider the on-going review of the Crown Office and Procurator Fiscal Service. I also welcome the Lord Advocate's assurances today that the service is stronger, more positive and more outward looking, and accept that real

progress has been made. I am sure that he will accept from me and from other members that, although progress has been made, we still have a long way to go before we assuage fully the public's fears about the service.

When reading the material that has been produced for the debate, I was reminded that the review was ordered because the system is deemed to be slow, cumbersome, frequently adjourned and poorly managed, and to offer little incentive to either the prosecution or the defence to process cases more quickly. In a previous debate, we were told that of 130,000 cases each year, 17,000 are dropped because of delays and repeated delays. Those who are seeking justice will welcome many of the reforms that the Lord Advocate has mentioned today.

The review states:

"Wherever possible, we explain the reasons for our decisions."

I welcome the moves that have been made in the right direction. However, from my speech and from others, the Lord Advocate will know that many members of the public still feel that they are ignorant participants in the process. A fortnight ago, a member of my staff was called up to Dunfermline sheriff court, where she sat around for a week or so without being informed properly of what was happening and the changes that were taking place. I am sure that the Lord Advocate is aware that we still have some way to go with the reforms.

Like other members, I put on record the fact that I strongly welcome the recommendations that have been made in a number of reports, not least the McInnes report, which contains five or six recommendations that are progressive and helpful. Welcome reforms include the proposal to take tens of thousands of cases involving relatively trivial matters such as road tax or television licence evasion out of the criminal justice system altogether, the use of a vast array of alternatives to prosecution such as fixed-penalty notices and social work interventions, and the use of abbreviated reports, which will save police time.

The documentation that has been presented for the debate talks about it in the context of reducing reoffending. We are focused on prison sentences of six months or less, which come from the summary courts and represent the vast majority of sentences. Such sentences present the Scottish Prison Service with real problems. The service admits that it can do very little in such a short time to prevent prisoners from reoffending. I welcome the fact that that issue has been highlighted.

I return to the main theme of our previous debate on the Crown Office and Procurator Fiscal Service. I have always been concerned—I will put

it no more strongly than that—that reforms to improve the rights of victims and witnesses should not abridge defendants' rights to a fair trial. Anything that does that is not modernising justice or making the system more efficient. I have expressed concerns that encouraging people to plead guilty to get rid of a case may prevent innocent people from pursuing the rights to which they are entitled. We have discussed the pros and cons of the 110-day rule, which is to be abolished because it is said to allow people to walk on a technicality. In fact, the rule is a progressive part of Scots law. Given the circumstances that we have discussed at Belmarsh, Guantanamo bay and Bagram airbase, I think that there is nobody who would not want to ensure that people are safeguarded from being detained for long or indefinite periods.

In an earlier debate in Parliament, I referred the minister, the Lord Advocate and the Solicitor General to the excellent new book by Helena Kennedy QC entitled "Just Law". I feel sure that the minister will have read it by now. In it, Helena Kennedy is sceptical about those who argue for

"rebalancing the system in favour of victims",

which she says is a phrase that has

"all the hallmarks of the advertising agency".

She adds:

"Maintaining that justice for victims can only be purchased at the expense of the accused is as dishonest as the claim that jurors are the source of miscarriages of justice ... The criminal justice system is based on the fundamental principle that it is far worse to convict an innocent person than to let a guilty one walk free. It is that fundamental principle that is now in jeopardy."

Before I turn to the theme of miscarriages of justice, I mention that Helena Kennedy QC has accepted our invitation to lead this year's Edinburgh May day parade, so I expect all those who find her remarks about international and domestic justice arresting to come along and hear her.

I hope that the Solicitor General will be able to answer some questions about miscarriages of justice. In light of the Kenny Richey case, which is admittedly not under the jurisdiction of Scots law, and in light of the Prime Minister's apologies to the Conlon and Maguire families regarding the Guildford four trial, I wonder whether the Scottish Executive intends to offer apologies to T C Campbell and Joe Steele or to Robert Brown? Those Scots have suffered miscarriages of justice. Does the Solicitor General believe that the lessons from those cases have been learned? Even where those cases occurred elsewhere, I believe that they still have lessons for us in Scotland.

I suggest to the Solicitor General that the best type of apology might be to announce that she

intends to support the retreat project that the Miscarriages of Justice Organisation has asked her to support. The project serves to offer counsel to victims of miscarriages of justice when they are released, to help them to cope with the mental anguish that they suffer after their release, because they get no help at present.

I am sure that the Solicitor General will not be keen to speak about any individual cases, but are we really clear and confident that there are no further miscarriages of justice in the Scottish system?

**Pauline McNeill:** Will the member give way?

**Colin Fox:** I will give way in a second. I refer in particular to the appeal of William Gage, which comes before the Court of Appeal next month. I hope that the Crown Office and Procurator Fiscal Service will become more positive and strong enough to withstand pressure to convict innocent men. What modernisation is planned to halt our depressing record—our repeat offending—of sending innocent men to jail? I notice from the statistics that there has been a stark fall in the number of criminal appeals that are held in the High Court—they are 31 per cent down on last year. Are we to conclude that the state is making fewer mistakes or are we to conclude that convicted prisoners are not getting access to the appeals procedure? I would appreciate it if the Solicitor General would address that question.

As all members have already done, I welcome the rolling out across the country of the victim information and advice service, but I seek clarification of when we will see it rolled out entirely.

I also welcome the proposed independent inspectorate of prosecution, but will the Lord Advocate tell us about developments to establish an independent police complaints commission? In the COPFS review, we learn that 337 complaints were registered, but only 10 resulted in proceedings. It does not say whether any complaints were upheld. Public confidence in police complaints must improve too.

11:04

**Karen Whitefield (Airdrie and Shotts) (Lab):** I am pleased to respond to the Lord Advocate's speech. As he has reminded us, when he took office five years ago, he acknowledged the need for change in the Crown Office and Procurator Fiscal Service. There was at that time a public perception that the welfare of victims and witnesses was not a priority for the justice system—a feeling, almost, that the rights of the accused came before the rights of the victim.

The Lord Advocate and the Solicitor General gave a commitment to change that perception by

recreating the Crown Office and Procurator Fiscal Service so that it was much more responsive to those concerns. Therefore, it is appropriate that the Parliament plays its role in judging the progress that has been made and in highlighting areas where further progress might be required five years on. I would have been pleasantly surprised had Miss Goldie engaged in today's debate on that basis. However, as is her wont, she is much more interested in rhetoric than in engaging in action and relevant discussion. When the Antisocial Behaviour etc (Scotland) Bill progressed through Parliament, she was far more interested in safeguarding the rites of passage of the young, even if that meant that the safety of communities would be destroyed. Last week, when she had an opportunity to do something to tackle serious crime in Scotland, she chose not to. I find it regrettable that she has failed to engage this morning and that she has not showed the Parliament respect by staying until the end of the debate.

Unlike Miss Goldie, I congratulate the Lord Advocate and the Solicitor General on the substantial positive changes that they have made to the organisations that they lead. They have ensured that increased resources are being used to improve prosecution services by investing in staff, both in raising their numbers and in improving training opportunities. They have ensured that the Crown Office and Procurator Fiscal Service has moved into the 21<sup>st</sup> century by introducing a range of IT resources aimed at improving the efficiency and effectiveness of both parts of the organisation. They have ensured that the physical estate in which those services are delivered is modernised, resulting in improved facilities for staff, victims and witnesses. Those improvements are all to be welcomed.

However, I will focus this morning on the improvements to the way in which the Crown Office and Procurator Fiscal Service deal with victims and witnesses. I will also mention the benefits that arise from youth courts. Many of us in the chamber will know from contact with our constituents how distressing the prospect and the act of giving evidence can be. We know that the stress that is felt by victims and witnesses often increases because of the lack of familiarity with proceedings. Distress can also be caused when victims and witnesses are left without any knowledge of how a case is or is not progressing.

The prospect of facing the accused in court can cause great distress to victims and witnesses. However, in recent years, we in Scotland have taken considerable strides to address those problems and to support victims and witnesses better. The victim information and advice service now provides a range of support measures to victims and witnesses. The service ensures that

victims and witnesses receive advice and information about how the criminal justice system works, including the option of visiting the court before trial. It will also keep victims, witnesses and next of kin up to date on the progress of the case with which they are involved. It is important to note that VIA will point victims and witnesses in the direction of other support services such as Rape Crisis Scotland and ChildLine Scotland.

In many ways, those are quite basic improvements, but they are making a genuine difference to the experiences of victims and witnesses in Scotland. The efforts of VIA have been complemented by the provisions of the Vulnerable Witnesses (Scotland) Act 2004. I was pleased to have been a member of the Justice 2 Committee when it dealt with that legislation. The act will ensure that there is far greater protection for our most vulnerable witnesses and that there is a proper balance between the rights of the accused and the rights of witnesses, including the victim.

I welcome the Lord Advocate's assurances that there will be training in that area for relevant staff, as that was one of the major concerns that were raised in the committee during consideration of the bill. I also welcome the extension of the youth court model to Airdrie in my constituency. If we get it right, the system could benefit the communities that are plagued by youth antisocial behaviour and the young people who perpetrate it. An effective system is one that tackles antisocial and criminal behaviour quickly and effectively. Fast tracking alleged young offenders not only helps to protect communities but ensures that offending behaviour is addressed at an early stage. In addition, partnership working by the courts and social services ensures that a range of non-custodial sentences is available where appropriate. Such sentences allow offending behaviour to be challenged more effectively, as they place greater emphasis on the individual circumstances of the young offender. I look forward to seeing how the youth court in Airdrie fares.

Lest it be said that I have been overly complimentary, I want to pick up on the Lord Advocate's comments on environmental crime. I welcome his positive comments, but I am concerned about the lack of effective challenge to those developers who consistently and deliberately breach the conditions that were imposed on them when their planning application was granted. We need improved communication between local authorities, the Scottish Environment Protection Agency and the procurator fiscal to ensure that sufficient evidence is gathered to enable a strong case to be brought against any developers who breach their planning agreement. We all have a part to play in that effort, but it is essential that communities believe that, where

possible, criminal proceedings will be taken against such developers and that the courts will protect communities.

In conclusion, I welcome the many positive changes that have been introduced by the Lord Advocate, the Solicitor General and all their hard-working staff in the Crown Office and Procurator Fiscal Service. Things have improved both in the way that we tackle crime and in the way that we involve victims and witnesses. I look forward to the on-going modernisation of the service.

11:11

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

I echo the congratulations that have already been expressed by many members, including Karen Whitefield just a moment ago, on the work that the Lord Advocate and the Solicitor General have done in improving a service that a previous Justice 2 Committee rightly identified as having some deep problems. We have seen notable improvements over the past few years but, as other members have said, there is still some way to go.

I welcome the Lord Advocate's announcement that victims and, where appropriate, their families will be informed of the reasons why some charges are not pressed or are changed, or why a whole case is dropped. We welcome that extremely important measure. It is long past the time when the Executive should have arrived there, but we are all grateful for a policy change that will allow people who are on the receiving end of crime to understand more about the process that the service uses and the reasons why charges are dropped or changed. As I said, that is a most welcome development.

I take this opportunity to praise the work of the staff in the victim information and advice service. The fact that they have helped more than 47,000 victims and vulnerable witnesses is testimony to their hard work and their dedication to the cause. It is extremely important that the service be supported and expanded, so I am pleased that it will be rolled out across all Scotland. Everyone is in favour of providing more care for victims of serious crime, for vulnerable witnesses and for bereaved relatives. It is long past the time when an organisation such as VIA should have been introduced, but I am pleased that it is now in place.

By providing information and advice both on the legal system and on what people should expect, VIA staff make an invaluable contribution to the smooth running of the justice service. We have heard many examples, some from personal experience, of how little knowledge and information was previously made available to people who became involved in the justice service

through being witnesses or jurors or through being victims of crime. By clearing things up and giving information and assistance, VIA makes an extremely important contribution. As Karen Whitefield said, VIA staff also keep victims and witnesses updated on the progress of cases and make them familiar with court proceedings. Where they deem that to be necessary or appropriate, the staff can put victims and witnesses in touch with organisations—a particularly useful function that ensures that the service is connected to the outside world. The introduction of VIA is one of the most important improvements of recent years for ordinary users of the court system.

However worthy and welcome such developments are, what good are they if budget restraints mean that a witness must sit in the same room as the accused or the family or friends of the accused? Familiarisation of victims and witnesses with the courtroom will count for little if, the first time they turn up to the court, they are confronted by the very people against whom they are to give evidence. Although the introduction of VIA is welcome, it is regrettable that many witnesses and victims must still share the same space in court as the alleged assailant while they wait to give evidence. The Executive must acknowledge that that is an on-going problem and it must commit resources to ensure that the problem is eradicated in the near future. Quantifiable targets would help. I know that providing more physical space in many older court buildings might prove to be difficult, but it is important that we target the problem and deal with it in the near, rather than the distant, future.

Much of our debate has rightly centred on the resources that are available to the Crown Office and Procurator Fiscal Service. The marked increase in resources for the service is certainly welcome, but those resources have been needed to allow the service to fulfil its expanded role in the past few years. In effect, the Executive has told us that it is piling in money to the service, but it should also consider the additional money that the justice system could use if it was not required to hand over money to the Treasury in London. For example, in a reply to a parliamentary question from my colleague Kenny MacAskill two weeks ago, the Executive confirmed that the Scottish Executive has handed over almost £12 million in district court fines to the London Treasury over the past few years. I listened with interest to the Lord Advocate's figures on seizures under the Proceeds of Crime Act 2002—if I remember rightly, he mentioned figures of £2.5 million from seizures, £3 million from cash seizures and £227,000 from civil recovery—but although I welcome the additional moneys that are being brought into the system, I am sure that the Lord Advocate will agree that the seizures have been

slow to come through and that much of the money has been siphoned off to the London Treasury.

**The Lord Advocate:** Is the member aware that such moneys go into the recovered assets fund, 100 per cent of which—up to a limit of £17 million—remains in Scotland?

**Mr Maxwell:** I am aware that a recent change, which the Lord Advocate explained to the justice committees, will allow more money to be retained within the system than was previously the case. However, the Lord Advocate confirmed in response to my question that the money is capped. Some money will be retained in Scotland, but beyond a certain point the money will still go to London. It seems to me to be entirely reasonable that all the money that is recovered from seizures in Scotland should be kept here.

**Cathy Jamieson:** Does the member accept that we need to work in co-operation not only with our political colleagues at Westminster but with HM Customs and Excise, which has a major role to play in ensuring that we tackle the problem of drugs being brought into the country? Does he accept that Westminster provides resources for that?

**Mr Maxwell:** I do not object to co-operation with the customs service, but the fact that the amount of money that can be kept in Scotland is capped is still a bit of a problem. I hope that the minister will inform us what plans the Executive has to ensure that we get the opportunity to keep all the money that we raise in Scotland within the Scottish legal system, so that we can ensure that all the resources that are made available put the safety of victims and witnesses at the forefront of our reforms.

My experience of dealing with reform of the High Court—I and other members of the Justice 1 Committee found it to be an interesting and complex issue—and my reading of the McInnes report have convinced me of the essential need to implement measures to speed up the rate at which cases progress through the justice system. Procurators fiscal are clearly often overburdened, but it is equally clear that some accused make calculated attempts to slow down the justice process and to avoid being taken to court by various technical manoeuvrings. It is important that reforms go through to block such attempts.

The High Court reform, the impact of that reform on the sheriff courts and the impact of the likely reform to the district courts will all affect the efficiency of the Crown Office and Procurator Fiscal Service. Several changes need to be implemented as a result of the High Court reform, but the idea that flowed from much of that work was the need for a cultural change in the way in which defence and prosecution operate. The idea

of cultural change was widely welcomed by all those who are involved in the system, but that much-desired change will have a significant impact on the operation of the Crown Office and Procurator Fiscal Service. The reforms that were intended to improve the efficiency of the High Court include areas that impact greatly on the work of COPFS. For example, it was envisaged that the presumption of early disclosure on the part of the Crown would assist the defence to prepare cases and thereby reduce the number of times cases were postponed. It is clear that continual postponements will do nobody any good and will only lead to inefficiency in the system, an increased workload and greater pressure on the Crown Office and Procurator Fiscal Service.

The same is true of some of the other changes that are being introduced, such as preliminary hearings and fixed trial dates. Although those are welcome changes, they will impact on the service. It is essential that the Crown Office and Procurator Fiscal Service works as efficiently as possible; that is necessary in order that it can meet the deadlines that will be expected of it following the changes. However, changes in the High Court, the sheriff court and perhaps the district court will all have an impact on the service's ability to carry out its functions efficiently and speedily.

It is fair to say that it is too early to say whether the Crown Office and Procurator Fiscal Service will be able to deal with the new pressures and challenges that will confront it as a result of changes elsewhere in the system, but I hope that the Executive has got the reforms and the matching resources right and that they result in the kind of service that we all want.

11:21

**Mrs Mary Mulligan (Linlithgow) (Lab):** I welcome today's debate and I also welcome the fact that we are all getting sufficient time to comment, which is probably why I got into the debate. However, I am concerned that the length of time that we have available to us is a reflection of the lack of interest—particularly from some Opposition members—in a debate that is particularly important and that has produced some worthwhile speeches.

The Lord Advocate's comments in the debate show that the Crown Office and Procurator Fiscal Service is aware that the way in which it worked previously may not be suitable for the 21<sup>st</sup> century. It is undoubtedly the case that prosecuting crime today is the same as it ever was, but expectations are very different. The expectation is that the Crown Office and Procurator Fiscal Service will work in partnership with others, such as the police and the courts, which has been mentioned. People, whether as individuals or as communities,

now expect more: they believe that the Crown Office and Procurator Fiscal Service should be more aware of their lives and their circumstances and that those should be taken into account as it does its job.

I take the opportunity to congratulate the Lord Advocate. I had not realised that this was his five-year anniversary. This is a good time to congratulate him and the Solicitor General for Scotland on the contribution that they have made to moving the Crown Office and Procurator Fiscal Service into the new century. As Pauline McNeill said, great strides have been made since devolution in 1999. There is increased confidence in the Crown Office and Procurator Fiscal Service, which is essential if the service is to be delivered appropriately. However, knowing the Lord Advocate and the Solicitor General for Scotland, I am sure that they will accept that there are still challenges and things to do.

I welcome the protocols that the Lord Advocate has announced to improve the effectiveness of the service's working relationship with the Scottish police and the Scottish Court Service. Such clear guidance on how those relationships will be developed will benefit us all because it will increase our understanding of how the service will develop. I will return to more general points later in my speech but, like Jackie Baillie, at this stage I will be more parochial.

A couple of weeks ago I met representatives of the police service in West Lothian. We discussed how they were developing their relationship with the procurator fiscal; they were full of praise for the progress that is being made. I will give an example. To some people housebreaking may not seem to be the most heinous of crimes, but it can be extremely traumatic for the victims. Repeat offenders therefore concern many of us. Now, when the police apprehend a suspect for burglary, a call to the procurator fiscal's office can be made to check the suspect's history and more appropriate action than was previously taken can be taken to prevent an individual from becoming a repeat offender and to stop him going back out on to the streets and offending again. By fast-tracking the accused's case, there can be a more positive result in a small local setting. That is a small example of the developing relationship, but it is one that is making a difference. As Kenny MacAskill said, it is a step in the right direction.

I believe that the relationship will be further strengthened in West Lothian when the Procurator Fiscal Service, Linlithgow sheriff court, West Lothian police division and West Lothian Council are all brought together on one site in Livingston. Although I might have some concerns about losing the court in Linlithgow, I recognise that it is no longer fit for purpose; it has gone way beyond its

usefulness and there is need for new provision. In many places, one or two such services have come together under the same roof; they have shared their experiences and have worked together more closely, but this is an exciting opportunity in that four of our major services will be delivered under one roof. The opportunities that that presents for people to work more closely together to deliver for the people in my constituency in Linlithgow and in the neighbouring constituency of Livingston are exciting ones and I look forward to benefits being delivered.

I will deviate a little from the direction in which the debate has developed. Many MSPs recently attended a briefing by the Scottish Retail Consortium, which provided us with information about the rise in retail crime and outlined the efforts that members of the Scottish Retail Consortium are taking to combat the problem. The Minister for Justice was present and contributed to the discussion. I have to say that I sometimes wonder whether stores might be able to tackle the problem more effectively if they employed a few more staff. However, I recognise that they are making efforts to deal with the problem.

I assure the Lord Advocate that I am not speaking as the mouthpiece of the SRC, particularly as I am a member of the Union of Shop, Distributive and Allied Workers. I am aware that the SRC is campaigning for the Crown Office to undertake a pilot awareness-raising scheme for procurators fiscal, sheriffs and justices of the peace to enable them to gain a clearer understanding of the impacts of retail crime. A similar project is currently taking place in the north-east of England. The feeling is that such awareness raising might result in more effective sentencing, more use of restorative justice and the use of disposals such as antisocial behaviour orders to cut reoffending rates for retail criminals. That could in turn encourage more retailers to report crime to the police. Retail crime is sometimes seen as being a victimless crime, but as staff can be involved and can be victims, and as all of us pay the price for stolen goods and damaged property, I suggest that the crime is not victimless. I would be interested to hear from the Lord Advocate or the Solicitor General for Scotland whether the suggestion to have such a scheme is one to which they feel they could respond positively.

I will return to the points that have been raised in the debate. The Lord Advocate referred to on-going projects and other members mentioned youth courts and the drugs courts. I add my support for the domestic abuse courts, which are a progressive development for people who are in those circumstances and which I know the Solicitor General for Scotland has greatly supported.

Like Pauline McNeill, I welcome the opportunity to discuss the issue today. I do not believe that we have to have debates on motions and amendments to ensure that genuine points of importance that will benefit the people that we represent are made in Parliament. Perhaps, because there is talk of a general election, some Opposition members are becoming nervous about how they contribute to the debate. Many of the contributions have been worthwhile, so I think that it was right to have the debate today.

11:29

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** As I said in my intervention, I come to the debate with no great knowledge of the justice system and I am completely new to the Justice 1 Committee. Nevertheless, although it may be becoming repetitive, I want to record my thanks to the Solicitor General for Scotland, the Lord Advocate and their staff. I have always received timeous, courteous and thoughtful replies to any problem that I have raised. That is good news. I congratulate the Lord Advocate on having served for five years. Elish Angiolini and Colin Boyd are, as far as I can see, rocks in an ever-changing—except for Ross Finnie—ministerial sea. Let us hope that they are in place for another five years.

The Lord Advocate mentioned openness and accountability, which is very much in keeping with Parliament's work. Members have made the point that before devolution there simply was no such access to the law officers. I think that the public recognise that—indeed, the very fact that the names of the Lord Advocate and the Solicitor General for Scotland are known when those of their predecessors, however worthy they were, were not, demonstrates that that is the case.

I cannot avoid welcoming and thanking the Lord Advocate for the announcement that a number of jobs will go to my home town of Tain. A similar number of jobs have already gone to Dingwall—I feel a good-news press release coming on.

I will comment briefly on members' contributions and I apologise for the fact that my judgment will be subjective—my knowledge of the law is pretty well limited to the worryingly high number of speeding fines that I seem to have built up of late. There is no doubt that Kenny MacAskill made a thoughtful contribution, although he talked about a lack of information from the Scottish Parliament information centre which is—as we all know—part of the Scottish Parliament and not part of the Crown Office.

**Mr MacAskill:** I did not mean to denigrate SPICe, just as I did not mean to denigrate the minister. Mary Mulligan was right to make the

point that we can have debates that are not based on formal motions and amendments, but I simply meant that if a debate entitled "Reform of the Crown Office and Procurator Fiscal Services" is to have value and if we are not to go off at tangents—to the credit of most members, that has not been the case—we need to know what the debate is about, where we are at and where we have to go. Therefore, information and statistics would have been of assistance and would have focused the debate. That said, we got there—although perhaps by accident rather than by design.

**Mr Stone:** Mr MacAskill is generous.

I welcome Miss Goldie back to the chamber, but it is unfortunate that she missed the debate, which has been a full debate rather than a "chit-chat" in an "expensive ... salon", as she described it in a contribution that was uncharacteristically ill-tempered. We expect something a little lighter from Miss Goldie, who said that there was no point in having the debate, but then made a good old-fashioned bang-'em-up Tory speech, which had quality, although I did not agree with it. There is a point in having the debate and arguments have been developed during its course.

Nobody can contradict the point that Jeremy Purvis rightly made: there are 17,000 police officers in Scotland, which is an all-time high. I will return to his comments about the role of community councils and schools.

Pauline McNeill was the first member to emphasise the point that I repeated about the visibility of the law officers. She also flagged up physical issues in relation to the court system. Members from different parties highlighted the importance of ensuring that witnesses who attend court do not encounter the people against whom they are about to give evidence.

Linda Fabiani made a generous and thoughtful contribution—she has the same information base as I have. She welcomed, as did others, the new policy to disclose the reasons for not proceeding with a case. In fairness to Bill Aitken, who has left the chamber, I say that he pointed out that that is a courageous move. There will be risks associated with the move, which has parallels with issues that are arising as a result of the Freedom of Information (Scotland) Act 2002, which all members are considering with interest. There are challenges associated with putting facts in the public domain. I will return to Linda Fabiani's comments later in my speech.

Jackie Baillie made a first-class speech and welcomed the changes' impact on her constituency. Bill Aitken made a measured, thoughtful and informed contribution from the Tory benches. I liked the cute twist whereby he used

his praise for the law officers as an opportunity to take a swipe at every other minister. That was quite a clever debating technique, so I give credit where it is due. Most important, Bill Aitken flagged up what he called “the 21st century curse of drugs”, which will remain a challenge not just for law officers but for us all.

Marilyn Livingstone and Mary Mulligan referred to what I call partnership working—four organisations under one roof—which presents a challenge not just for law officers but for all departments of the Scottish Executive. We must consider how work can be combined; imaginative approaches can be taken.

Colin Fox made an important point about the police complaints procedure, which I think would strike a chord with our constituents. It is my considered opinion that there is not the level of public confidence in the police complaints procedure that there should be. I accept that work is in progress and that it is too soon to reach conclusions. However, time is of the essence.

In conclusion, I pick up on Linda Fabiani's comments about building public confidence and Jeremy Purvis's remarks about the involvement of schools and community councils. Perhaps the fact that I am not a law professional helps in that regard, because we must consider what a layman understands by a court, a procurator fiscal and the police. People know that criminals are up in court and they know that they might become victims of a crime or be called for jury service or to give evidence. However, in general the system seems to be very much a matter that is parked at a distance and does not involve us. An approach whereby the system becomes involved with schools and community councils would be first rate. We must involve our communities and we can go further in doing so. It will take time, effort and a certain amount of money, but I would love to see the day when parties of schoolchildren are taken to the offices of procurators fiscal and to courts.

It is too bad that none of us has ever been to court—unless members have been called for jury service or, like me, been issued with a speeding fine. It is not a pleasure to see people up in court, but it is part of how we run our society. My suggestion is genuinely well meant and we should consider the comments of Jeremy Purvis and Linda Fabiani and acknowledge the importance of engaging the public. What we have done is great—well done to the Lord Advocate and the Solicitor General—but we can do more in the future. There is a role for members of this Parliament in that regard. Why do we not suggest to our local procurators fiscal—as I could do when the 5.5 full-time extra posts come to Tain—that fifth-year modern studies pupils visit their offices to

find out what happens and to learn about the system?

Good work is happening. The debate was worthwhile and has moved things forward. It was a pleasure to take part.

11:36

**Margaret Mitchell (Central Scotland) (Con):** I acknowledge the sincerity of the Lord Advocate's comments and I welcome his announcements about cases that are marked “no proceedings” and in which charges are reduced.

The Crown Office and Procurator Fiscal Service is a major player in the criminal justice system and is certainly at the sharp end of changing trends in crime and the detection of crime. On one side of the justice scales, police campaigns and enforcement initiatives have a direct impact on the workload of the service. On the other side, the increase in violent and serious crime since 1997 has reverberated through the service like a shock wave, causing strain in a service that was already under pressure.

It is therefore not surprising that during the past four years the COPFS has come under the microscope and has been the subject of, or an integral part of, a number of inquiries and reviews that have been aimed at improving the delivery of justice in Scotland. The reviews do not make happy reading. In early 2002, the Pryce-Dyer review of planning, allocation and management of resources in the COPFS stated that the service had poor internal and external communications and was seriously under-resourced. The COPFS revealed that, according to an internal audit:

“The pressures on the Department have ... had a serious impact on the morale of staff and left them feeling ‘stressed and undervalued’.”

Kenny MacAskill, Marilyn Livingstone and others raised that issue.

In January 2003, the Justice 2 Committee of the first session of Parliament published a report on its inquiry into the Crown Office and Procurator Fiscal Service, which referred to

“unmanageable caseloads for both procurators fiscal and advocate deputes, with inadequate preparation time and routine late evening or weekend working”.

In response, the Lord Advocate acknowledged to the committee that the service had been “chronically underfunded” for years. We must ask whether anything has changed. Much has been made of increased funding and although I welcome the new funding arrangements for the three years from 2003-04, I note that the Justice 2 Committee's report said:

“We acknowledge the significant resource increases now being made but note that neither the Committee, nor the

Department, have the necessary information to say whether these increases are enough ... We remain concerned about the real impact of the staff increases being made and how these translate into staff resource for frontline duties ... We would be particularly concerned if too much of the additional resource went on additional managers and management systems”.

In other words, there is concern that the response to the Pryce-Dyer review has resulted in what my colleague Bill Aitken has described as top-heavy management structures and systems, at the expense of the targeting of additional resources at increasing the number of procurators fiscal as a priority. Those concerns were fuelled by the evidence of the Faculty of Advocates to the Justice 1 Committee last year during scrutiny of the Criminal Procedure (Amendment) (Scotland) Bill, when the picture that emerged was of a COPFS in chaos. The committee was told that

“on numerous occasions when the defence approaches the Crown Office to speak to an advocate depute about a trial that is coming up, they are told, ‘I only just got the papers today and I have not read them.’ ... They might be sent the papers for 10 trials that are scheduled for a sitting and they cannot read them”.—[*Official Report, Justice 1 Committee*, 7 January 2004; c 395.]

Therefore, as Colin Fox said, it does not look as if much has changed since the Pryce-Dyer review or the previous Justice 2 Committee’s inquiry report.

As Stewart Maxwell and Annabel Goldie pointed out, there is as yet no real evidence that the reforms in the Criminal Procedure (Amendment) (Scotland) Act 2004 have resulted in improvements. If the COPFS is to be improved and is to provide the best possible service, those and other issues must be addressed. For example, continuity must be achieved in as many cases as possible and we must tackle the delays that arise when forensic reports that the Crown has commissioned are not available in time. Those issues are not technical, but are simply a matter of resources.

Quite simply, we need more procurators fiscal as well as weekend and evening court sittings to tackle the backlog of cases and to reduce the pressure on the COPFS in order that we can keep to an absolute minimum the consequent delays in trials and the number of cases that are marked “no proceedings”. Those outcomes seriously undermine confidence in our criminal justice system.

11:42

**Stewart Stevenson (Banff and Buchan) (SNP):** I congratulate Colin Boyd on the achievement of his first lustrum. I was greatly concerned by his tone of voice earlier—I thought that we were about to see a change of personnel, which I would definitely regret. I am glad that we did not hear that. The Lord Advocate has indeed

tholed his assize. In particular, I congratulate him on his innovative and correct use of parliamentary opportunities by participating in a members’ business debate last year on an issue about which he felt strongly. I hope that he and the Solicitor General will make use of such opportunities in future, where appropriate.

Since I became a member of the Parliament, a considerable amount of change has occurred in the service, almost all of which has been welcome. So much change has there been that, occasionally, newsreaders in London can pronounce the words “procurator fiscal” without stumbling, which is a substantial advance. On the person who holds the office of Lord Advocate, I must say the three words that I hear most often about him, although not always joined together, which are “integrity”, “honesty” and “commitment”. I congratulate him on his service to date and hope that it continues in a similar manner.

In view of certain comments in a national newspaper today, I apologise to FM—by which, of course, I mean Fordyce Maxwell. I have found a long-sleeved shirt today and I am wearing my jacket. I have brought to this debate the solemnity that certain people thought that I denied yesterday’s debate.

**Alex Johnstone (North East Scotland) (Con):** Hear, hear.

**Stewart Stevenson:** I see that Mr Johnstone applauds me.

I will say a word or two about information technology modernisation. Members will be aware that I spent 30 years—during which I might have engaged with wider society—as a technologist. I welcome the fact that the accounts appear to show that about £5 million or £6 million has been spent on modernisation, which is a substantial amount. However, although the benefits to the service of IT modernisation are enormous, I hear of a difficulty when I talk to the people who have to input data directly. That was previously done in ways that made it more difficult to share information, such as keeping data on bits of paper or annotating documents. However, although the change benefits others and improves the system’s efficiency, we must ensure that we resource the people who input directly to the system, because their workload may increase.

Like other members, my colleagues in the SNP and I substantially welcome the announcements on communication with victims on matters that they will not readily understand simply by looking at them. No pros, reductions in charges and deals are all a proper part of the system, but nonetheless they are often puzzling to victims, who may feel that they reinforce their victimhood. We require an appropriate monitoring system to

enable the Lord Advocate to report on the success of the scheme, perhaps through testing the opinions of those who receive communications from the Crown Office. That would allow the Lord Advocate to refine the system as he gains experience and it would allow the Parliament to support him in further efforts.

Many changes are taking place in our courts. I do not know whether we are planning to introduce a supreme court—perhaps Jeremy Purvis was in the United States on the occasion to which he referred.

**Jeremy Purvis** *rose—*

**Stewart Stevenson:** One moment, Mr Purvis.

Like others, Jeremy Purvis admitted to being a comparative novice on legal matters. Being a mathematician and a software engineer, I certainly profess no particular training or expertise, albeit I have thoroughly enjoyed my times on the justice committees. However, help is at hand for Jeremy. The Crown Office and Procurator Fiscal Service has produced a helpful series of publications to make understanding of the system more accessible to those of us who come to it cold.

**Jeremy Purvis** *rose—*

**Stewart Stevenson:** One moment.

In particular, I commend “Going to Court as a Witness?”, which is an excellent document, although I must say that it is for schools and for people who are aged five to 12. However, it is a useful primer for the Jeremys and Jemimas of this world.

Does Mr Purvis still wish to intervene?

**Jeremy Purvis:** I will intervene as Jeremy. I am sure that that reference work will be useful for Mr Stevenson and that he will find within it the fact that we have a supreme high court of judiciary, in which I served as a juror in an attempted murder case, in the Royal Mile. I am sure that he would wish to correct his error.

**Stewart Stevenson:** I am told that it is called the High Court of Justiciary. Perhaps the London newsreaders will now be able to pronounce that, too.

Annabel Goldie did not display the commitment to the debate that we expect of all parliamentarians. I welcome the opportunity to have a free-flowing debate on a range of subjects; it does not let the Crown Office and Procurator Fiscal Service off the hook, nor does it mean that the service will not have to ensure that we receive information in the future. I was interested in Kenny MacAskill’s suggestion that our courts should sit for 27 hours a day, which I hope the Executive will pick up.

Over the years, we have seen huge change in what is an important part of our criminal justice system. In the previous session of Parliament, the Justice 2 Committee started its work on the subject almost exactly when I became a member of the Parliament and I was happy to be part of that work. Many of the issues that that committee raised are being substantially addressed, but issues remain. We have achieved a lot—we have made progress on victims and on efficiencies—but there is more to do.

11:49

**The Solicitor General for Scotland (Mrs Elish Angiolini):** I thank members for their contribution to what has been a comprehensive and constructive debate.

The Lord Advocate set out in detail the progress that has been made in achieving the vision that he set out in 2001. That progress ranges from the technical to the practical and from dealing with the most complex crime to dealing with the persistent petty crime that tarnishes our communities—Marilyn Livingstone graphically spoke about that. There have been practical advances in management, IT and refurbishment, and cultural advances in respect of openness, professionalism and community contact. However, the vision that the Lord Advocate has set out is work in progress, and I assure members that we cannot and will not be complacent.

As the Lord Advocate emphasised, we have actively and recognisably moved away from the culture of non-engagement with the public to a culture that positively embraces the basis for consultation and openness. Similarly, our relationship with the police and other reporting agencies has, quite simply, been transformed. Area fiscals are now working more closely with Scotland’s chief constables to achieve focused prosecution of persistent offenders and more directed targeting of priority crime in force areas. Most important, we have a wealth of talent in our prosecution service and an exceptionally dedicated Crown counsel team and staff, whose work and dedication each day are outstanding. We get things right in the vast majority of cases under strenuous rules of evidence and extremely tight custody limits—indeed, they are still the tightest custody limits in Europe.

Our prosecutors and their staff provide a 24-hour advice service to police and give directions to police throughout Scotland to enable search warrants to be obtained out of hours. They appear daily in public courts under the constant gaze of judges, the accused, jurors, the public and the media. Behind the scenes, they analyse evidence, direct investigations and keep abreast of our ever-developing and complex law. They interview

victims and next of kin about the most awful crimes and tragic deaths. They must deal compassionately and sensitively with the grief, great anger and despair of people whom they interview and, in some cases, they must deliver to victims the unpalatable news that there will be no proceedings in their case. We ask a lot of our prosecutors and their staff and of victims and witnesses. Therefore, it is incumbent upon us to continue to develop the service in order to allow our staff to deliver excellence in such an important and pivotal part of the system.

The debate has been extremely constructive. I am grateful to Kenny MacAskill, Stewart Stevenson and other members of the Scottish National Party for their unanimous support for the changes that have taken place. Indeed, like the Lord Advocate, I endorse the support that we have received from all parties for the vital changes that the prosecution service has made.

Kenny MacAskill's description of witnesses as "flotsam and jetsam" illustrates an attitude towards victims and witnesses as marginal to a process that was perhaps perceived to be there for the permanent members of the courts. However, things have changed and are changing. Marilyn Livingstone, Jackie Baillie and Karen Whitefield have very effectively pointed out that changes are taking place, but we still expect improvement in the service that we provide to victims. In the Victorian buildings in which some of our courts are housed, there are limitations on our ability to ensure that victims are not confronted by the accused, but we are considering how things can be done. Stand-by systems, ensuring that victims come in at different times from the accused and that there is greater supervision of witness rooms are ways in which we can achieve our aims. The Procurator Fiscal Service and the Court Service are working furiously to achieve more comfortable environments for witnesses.

**Stewart Stevenson:** Can the Solicitor General give us any quantitative or qualitative view of what witnesses think about the changes that have been made and the challenges that are still to come?

**The Solicitor General for Scotland:** An important part of the changes is ensuring that we monitor and evaluate them, so that there are not just fine words spoken from a platform such as this. We are monitoring the changes closely. Customer surveys have been carried out and there have been exit surveys from fiscals' offices. I am pleased to report to the Parliament that the surveys show a sea change in the attitudes of witnesses and victims towards members of the Crown Office and Procurator Fiscal Service and in their perception of how they have been treated. That is not to say that we have got things absolutely right. There have been complaints from

witnesses who feel that they have been isolated by the system, and we are working on those matters. There is huge dedication behind that research. We are examining how VIA is operating to ensure that we can improve the service, following its roll-out at the end of December. Therefore, we are not standing still.

Kenny MacAskill, Jeremy Purvis, Linda Fabiani and Jackie Baillie spoke about staff morale, which is, of course, vital. Staff must be motivated. Before I took this appointment, I was in the Procurator Fiscal Service for just under 20 years. I have travelled through fiscals' offices and, time and again, I am hit by the energy and new dynamic in them, which is given by new management, training for management and the environment in which people now work. People feel a fresh dynamic that hitherto I have not experienced. One rather long-in-the-tooth depute who has been in the service for around 25 years said to me that there have been changes in the past and that there has been cynicism and a view that nothing could change, but people now feel for the first time a significant and real change in the appreciation of fiscals. A great deal of that feeling is the result of the support that MSPs have given fiscals in their communities through visiting fiscals' offices.

A number of members have mentioned the accessibility of fiscals' offices. I say to members that they should—please—invite members of their communities into fiscals' offices. We want to see members of the community and to meet more vulnerable members of communities. Fiscals want to be out there among their communities and listening to people. People are welcome to visit their local procurators fiscal, who will be pleased to see them and to explain what they are doing. We have a great deal to show, and we will be happy to do so.

On what Kenny MacAskill said about the information that is provided, the SNP did not seem to me at all disabled in this very constructive debate. However, seminars have been arranged by the Crown Office for MSPs and we will happily put those seminars on again and provide information about processes.

On the openness of our organisation, fiscals are currently participating in a number of initiatives with community councils and neighbourhood watch schemes. Schools are being invited in for mini-trials and visits to fiscals' offices. There is a conscious move away from the closed-citadel image of the prosecution service of the past. As I said, I hope that members of the community will be encouraged to participate in the changes that are taking place.

I was somewhat saddened by Annabel Goldie's contribution to the debate, as she has been a staunch supporter of the changes that have been

made in the past. This discussion is not a salon discussion. The Crown Office and Procurator Fiscal Service and its members form a pivotal part of solving the problems of the criminal justice system. It is absolutely vital that the Parliament supports and recognises the hard work that goes on behind the scenes and that MSPs appreciate that fiscals are not desk-bound lawyers or bureaucrats. Fiscals work at the coalface with officers. They were at Rosepark care home in the middle of the night and with the emergency services in Maryhill at the Stockline Plastics factory disaster. At such times, procurators fiscal play a practical and real part in proceedings.

Annabel Goldie is concerned about drugs and tackling drugs. The fiscal service is tackling that issue behind the scenes and in court. I regret the suggestion that a discussion about the service is perhaps not the best use of the Parliament's time. The work and contribution of fiscals must be recognised. They are contributing to drugs courts and to a much more problem-solving approach to resolving the difficulties that they see with persistent offenders, particularly where drug addiction may be the source of that offending behaviour.

Pauline McNeill contributed greatly to this morning's debate, and what she said about the transformation is extremely welcome. As convener of the Justice 1 Committee, she has shown a dedication to and interest in the organisation. Her comment about advocates depute was well made. We are now opening up the opportunity for other lawyers to participate in the High Court to ensure that the best lawyers are there. We are encouraging more members of the Faculty of Advocates and giving fiscals the opportunity to prosecute in the highest court and to show their skills and talents. That is another morale issue.

We look forward to participating in the reforms that are about to take place as a result of the Vulnerable Witnesses (Scotland) Act 2004 and the Bonyon bill—the Criminal Procedure (Amendment) (Scotland) Act 2004. There is energy in the fiscal service and a willingness to ensure that reforms take place and that we work closely with other partners in the criminal justice system so that, as far as possible, delays are avoided and witnesses and victims receive justice in a speedier and improved fashion.

Prosecutors will continue to tackle head-on serious and organised crime. Enhanced cross-border co-operation of prosecutors means that procurators fiscal are now working in Europe in the international fight against organised crime and terrorism.

We also look forward to assisting in the reforms of summary justice and delivering smarter and speedier justice throughout the system. Fiscals

are out there in communities and are visibly listening to and learning from the public and explaining how we do what we do and how we can improve things. I assure members that we look forward to continuing that process over the next few years.

## First Minister's Question Time

12:00

### Cabinet (Meetings)

**1. Nicola Sturgeon (Glasgow) (SNP):** To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-1430)

**The First Minister (Mr Jack McConnell):** First of all, I hope that all members will want to join me in congratulating His Royal Highness the Prince of Wales and Mrs Parker Bowles on the announcement of their wedding in April. *[Applause.]* We certainly look forward to continuing our work with them both, as the Duke and Duchess of Rothesay, when they are in Scotland in the years to come.

At the next meeting of the Scottish Cabinet, we will discuss our progress towards building a better Scotland.

**Nicola Sturgeon:** I echo the First Minister's comments and I congratulate the Scottish band Franz Ferdinand on its stunning success last night. *[Applause.]*

Today, people all over Scotland will find out how much more they will be hit for in council tax next year. Is the First Minister concerned that the average increase will be more than double the rate of inflation?

**The First Minister:** Given that local government in Scotland has received a 5.5 per cent increase in resources from central Government for the coming financial year on top of the substantial resource increase of about 40 per cent in the five years since devolution, I believe that local authorities should be able to get closer to the rate of inflation than many of them have been predicting, and I think that today's figures might show that that is, indeed, the case.

**Nicola Sturgeon:** Is the First Minister aware that councils, most of which are run by his party, say that council tax hikes—and they will be hikes—are his fault? That view has been echoed by one of his own back benchers, Kate Maclean, who has demanded that the Government explain why it has set such a low level of budget settlement this year.

Is not it the case that, two months ago, English councils got an extra £1 billion to keep council tax down and that Scotland has had its share of that money? The straight question for the First Minister is why he has not handed that cash over to Scottish councils to let them keep council tax down here in Scotland.

**The First Minister:** That is not true. The additional resources that were allocated to English local authorities in November totalled about £120 million and we in Scotland received £12 million for that. As I have said before in the chamber, council tax increases in Scotland have been and will continue to be consistently lower than those in England. That is a good thing for local authority management in Scotland, as are the resources that have been received from the devolved Government.

There has been an increase of 40 per cent in the past five years and there will be an increase for next year of 5.5 per cent, which is well above the rate of inflation. Therefore, local authorities should be able to get their increases closer to the rate of inflation than many of them have been predicting. I notice one or two particularly high increases from councils with which Ms Sturgeon might want to be associated.

**Nicola Sturgeon:** The hard fact is that action has been taken to help English council tax payers, but the First Minister has not lifted a finger to help council tax payers here in Scotland. I invite him to come down from his ivory tower and to see the matter from the point of view of real people all over Scotland. What is the reality for them? It is eight consecutive council tax rises—under Labour; a rise this year of more than double the rate of inflation—under Labour; and an overall increase since 1997 of 55 per cent—under Labour. Does the First Minister not realise that because of the council tax, pensioners and hard-working families are struggling to make ends meet under Labour? Is it not time for him to do something about that and to axe the unfair council tax?

**The First Minister:** A few weeks ago in the chamber, in relation to the council tax, Ms Sturgeon proposed that we should cut £450 million from local authority budgets during the next few years. That would have a devastating impact on the poorest sections of Scottish society, in particular on Scottish pensioners. The local authority services that are provided in Scotland remain of the highest importance to us. At the same time, they are properly funded by the devolved Government. A 5.5 per cent increase has been allocated to Scottish local government next year, and there has been a 40 per cent increase in resources during the past five years.

There is a responsibility on Scottish local authorities to have efficient, properly managed budgets, to deliver the improvements in services that we are funding and, at the same time, to keep council tax rises to a minimum. That goes as much for places such as Angus and Falkirk as it does for anywhere else.

**Nicola Sturgeon:** Today, council tax rises will be more than double the rate of inflation. If the

First Minister had listened, he would know that I have argued that money that the Executive has already cut out of local council budgets should be used to help council tax payers, and that the help given to council tax payers in England should now be given to Scottish council tax payers. Is it not the case that the First Minister has consistently failed to answer the question of what he is prepared to do to ease the burden on council tax payers, whose bills have gone up by 55 per cent under Labour?

**The First Minister:** Ms Sturgeon recently mentioned her legal degree in the chamber; I sometimes find it a pity that she does not have a maths degree. The 5.5 per cent increase in local authority resources in Scotland is more than three times the rate of inflation. There is absolutely no need for local authorities to make excessive council tax increases. In any case, I point out to Ms Sturgeon that the 5.5 per cent increase in the resources available to local authorities is just that: it is an increase, not a cut. It will fund improved services in our schools and nurseries and will improve services in social work, transport, the police and a range of other areas. At the same time, councils have a responsibility to manage their budgets efficiently, to keep rises to a minimum and to ensure that the substantial resources that they receive from this devolved Government are used properly to the benefit of the people in their areas.

### Prime Minister (Meetings)

**2. David McLetchie (Edinburgh Pentlands)**  
**(Con):** I associate the Conservative party with the remarks made by the First Minister and Ms Sturgeon about the forthcoming marriage of the His Royal Highness the Duke of Rothesay and Mrs Parker Bowles.

The First Minister, in his response to—*[Interruption.]* Oh, sorry. I beg your pardon. I have to ask the question.

To ask the First Minister when he will next meet the Prime Minister and what issues will be discussed. (S2F-1431)

**The First Minister (Mr Jack McConnell):** I have no plans for a formal meeting with the Prime Minister.

**David McLetchie:** In his response to Ms Sturgeon, the First Minister alluded to his degree in mathematics. I want to set out for him an appalling equation that is coming to light today. A court decision made today means that prisoners in our jails will be set for multimillion-pound compensation payments over slopping out as a result of disastrous political decisions taken by the First Minister and his deputy back in 1999. As we have heard, the very same day, people will hear

the announcement of higher council tax bills. Is not that an appalling equation of more taxes on the one hand and more wasted money on the other?

**The First Minister:** I am happy to give Mr McLetchie an example of both. As far as the council tax is concerned, we all know that in every single year since devolution in Scotland council tax increases have been less than they were in each of the last five years of the previous Conservative Government. As a result, I will take no lectures on council tax increases from him.

As for wasting public money and the lack of investment in public infrastructure, I point out that we are only now getting close to ending slopping out in Scottish prisons—which, after all, was stopped in English prisons a considerable time ago—because, when the Conservative Government was in power, it refused to invest in new prisons in Scotland or in changes that would have ended the practice. The court case that has been before us over the past few months is a direct result of the Conservatives' decisions back in the mid-1990s to invest only in English prisons, not in Scottish prisons, and to leave Scottish prisoners to slop out.

**David McLetchie:** People in Scotland are not interested in the higher council tax bills that they received from Labour councils in 1995; they are interested in the higher bills that they will receive from Labour councils in 2005. The First Minister should get up to date with the issues that concern people.

As for the First Minister's claim in relation to slopping out, I point out that the judgment of Lord Bonython in the first instance made it absolutely clear that the decisions on budget allocations and to stop the completion of the prison estate improvement programme—a programme initiated by the Conservatives—that the Scottish Executive took in 1999 are what led to the compensation claims and to a situation in which at least £160 million will be wasted. Will the First Minister apologise for that appalling waste of public money?

**The First Minister:** I fail to see how not spending money is an appalling waste of public money. That seems a strange equation to use.

I say, yet again, that the fact that there has still been slopping out in Scottish prisons in recent years is a direct result of the decision of the previous Conservative Government to invest in ending slopping out in English prisons but not to make the same investment in Scotland. At the time, the Conservatives were probably trying to pay for a botched reorganisation of Scottish local government with resources that could have been used elsewhere. It is to the credit of those who have invested national public resources in local

services that, in recent years, we have seen consistently lower council tax increases in Scotland than south of the border, and consistently lower council tax increases in Scotland than there had been for several years.

However, increases must be as reasonable as possible. That is why, with an increase of 5.5 per cent in council budgets for next year—from this Government's coffers—and with a 40 per cent increase in council resources over the past five years, councils have a duty and a responsibility to have the most efficient budgets possible and the lowest council tax increases possible. I hope that all of them will take heed of that message today.

**David McLetchie:** The First Minister has a responsibility to ensure that all the millions of pounds of savings that he says he will make through his efficiency drive are, in part, returned to the council tax payers of Scotland, who are having to shell out fortunes to have local services provided by their councils.

I want to return to the points about slopping out and the money. In the judgment of the court, Lord Bonomy said that the situation arose because the Scottish Executive

“took a deliberate decision not to address”

cell conditions

“when they both had the resources and the capacity to do so”.

That was the judgment of the court; why will the First Minister not accept that judgment?

**The First Minister:** The judgment was subject to appeal and may yet be subject to further appeals, despite today's news. Therefore, it would be inappropriate for me to comment on the judgment in detail in this chamber—as I am sure Mr McLetchie, with his background, knows.

It is appropriate to point out that the sum of money that Mr McLetchie quotes would not even have paid for the recent extension to the prison here in Edinburgh. Directly equating the sum of money to the ending of slopping out in Scottish prisons is simply not accurate.

I return to my previous point. The fact that, in the late 1990s and early 21<sup>st</sup> century, we have still had slopping out in Scotland's prisons when it does not exist elsewhere in the United Kingdom is a direct result of the investment decisions of the previous Conservative Government. It is only now that we have proper decisions on investment in capital infrastructure for Scotland's prisons—as well as in our roads, schools, hospitals and other important areas of public life in Scotland—that we are making the difference that brings Scotland into the 21<sup>st</sup> century.

## Secretary of State for Scotland (Meetings)

**3. Robin Harper (Lothians) (Green):** To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he intends to discuss. (S2F-1449)

**The First Minister (Mr Jack McConnell):** I do not have a formal meeting with the Secretary of State for Scotland tomorrow, but I intend to see him tomorrow. We will discuss how to ensure that, in the aftermath of any United Kingdom election that might be held this year, Scotland and the rest of Britain continue to go forwards and not backwards.

**Robin Harper:** I am sure that the First Minister will join me in welcoming the first environment week in the Parliament, which is currently under way and was organised by Scottish Environment LINK. At last night's Scottish Environment LINK reception, the First Minister accepted—very honestly and clearly—that some of Scotland's environmental record has been pretty poor. However, he made another important point on the G8 and climate change. He said:

“the single most damaging decision made by any government in the last ten years was the United States decision not to sign up to Kyoto.”

Will the First Minister confirm that statement today and commit to ensuring that George Bush and Tony Blair hear the point when the G8 comes to Scotland in July? Perhaps he could do that through his meeting with the Secretary of State for Scotland.

**The First Minister:** The British Prime Minister has perhaps not used such specific language, but he has made a similar point in calling on the American Government to sign the Kyoto protocol. It is essential that we maintain the pressure on the United States of America to recognise its responsibilities not just to present and future generations of its own citizens, but to the citizens of the rest of the world. The USA creates far too much of the world's pollution. It has a duty and a responsibility to help to alleviate the world's pollution and to ensure that, in years to come, the environment is much better than it is today.

**Robin Harper:** I warmly thank the First Minister for that answer. I am sure that he will agree that it is important that, when the G8 comes here, there is no embarrassment about Scotland's contribution to climate change. According to research by the national environmental technology centre, between 1990 and 2002, emissions for the United Kingdom as a whole fell by 14.9 per cent, those for England fell by 18 per cent and those for Wales fell by 8.6 per cent but, over the same period, Scotland's emissions fell by only 5 per cent. In other words, our emissions are not falling as quickly as those of other parts of the UK. Does the

First Minister agree that it is important that, before July this year, we are able to show clearly and convincingly how we will catch up with England and Wales on reducing CO<sub>2</sub> emissions?

**The First Minister:** I do not have the specific figures in front of me, but I believe that we need to update and refresh our strategy for tackling climate change in Scotland. That is precisely why we have embarked on a review of the policy. I hope that members of all parties will contribute to that review, because I believe that the issue should—at least at times—cross party boundaries. In the spirit of this week's environment week and of the great work that Scottish Environment LINK does to publicise environmental issues throughout the year, I hope that we can move forward not only by influencing in our own way what happens at the G8 summit, but by ensuring that we have in place the right policies to reduce pollution and to help with climate change here in Scotland.

**The Presiding Officer (Mr George Reid):** Members will want to join me in welcoming Philippe Auberger, the president of the France-UK friendship group, and a delegation of members from the National Assembly. [*Applause.*]

### Fresh Talent Initiative

**4. Ms Wendy Alexander (Paisley North) (Lab):** To ask the First Minister how the United Kingdom Government's reform of the immigration and asylum system will assist the fresh talent initiative. (S2F-1439)

**The First Minister (Mr Jack McConnell):** The Home Office five-year strategy for asylum and immigration acknowledges the specific challenges that face Scotland due to our falling population and emphasises the importance of having flexibilities within the UK system. It puts us in a stronger position to attract fresh talent to Scotland, by using the new graduate student leave to remain scheme and other initiatives.

**Ms Alexander:** Does the First Minister share my dismay at the Conservative party's call for fixed quotas, the disparaging remarks that a Conservative spokesperson made this week about Scotland as a place to settle and the call that the Scottish National Party leader made on Monday for there to be two different immigration policies within the UK? Under that proposal, I presume that Alex Salmond would have to have a visa check when he went to work each week. Are any of those developments offside distracting the First Minister from getting on with attracting new Scots through the fresh talent initiative?

**The First Minister:** Not only does the nonsense that we hear from the Conservatives and the Scottish National Party not distract me from that important initiative, but it encourages me to speed up and to make further progress with it.

Dominic Grieve of the Conservatives said:

"Scotland is not a very attractive place for people to come and settle."

Frankly, he should come and enjoy the benefits of living in Scotland for a month or so. If he did, he might not make such a statement again. By the same token, for the nationalist party to claim that the best way to attract more people to Scotland is to erect more borders and barriers on the outskirts of the country is for it to engage in fantasy-land politics. We need to have not only a strong UK immigration system but, crucially, specific measures here in Scotland that promote our country as a great place to visit and in which to live, study and work and which allow people who want to come here to contribute to our economy and the future of our communities.

**Mr Kenny MacAskill (Lothians) (SNP):** I will leave aside the problems that the fresh talent initiative is experiencing from without and address some of the flaws that it is experiencing from within. I refer the First Minister to a letter in *The Herald* today from Professor Anthony Cohen, the principal of Queen Margaret University College in Edinburgh. Although he praises the scheme, he indicates that, on a trip to Singapore and India from which he has just returned, he was dismayed to learn from British Council representatives that

"they have been instructed not to advertise Fresh Talent further, not least because they have been unable to elicit any further guidance about it from the Scottish Executive."

If the Executive cannot get its act together, how can the people of Scotland have any faith in it?

**The First Minister:** I do not want to question the letter or its writer—I do not know the gentleman concerned and do not want to question his personal credibility—but by raising that point, Kenny MacAskill is making a disgraceful slur on the British Council, which has been one of the best supporters of the fresh talent initiative. At its events—including one in Edinburgh just before Christmas, which SNP members attended, at which the British Council promoted our fresh talent initiative to its representatives from all over the globe and encouraged them to work with the embassies and consulates around the world to promote the initiative—the British Council has been a great supporter of the initiative, and to criticise it for a lack of support is wrong. It is helping to deliver the initiative rather than talking Scotland down like the SNP does.

**Rosie Kane (Glasgow) (SSP):** Does the First Minister realise that a woman came into my surgery the other day—[*Interruption.*] Do members mind? This is a serious question. That woman has a PhD in statistics, but her visa runs out at the end of February and she graduates early in the summer. She is from Cameroon and, if she

graduated later in the year, she could take advantage of the fresh talent initiative, but because her graduation date falls before the scheme starts, she will have to return to Africa and apply to come back to the UK. Will the First Minister consider extending the initiative back to 1 January 2005 to allow all of this year's graduates to take up the scheme?

**The First Minister:** To allow the new scheme—which is to Scotland's direct benefit and is supported by the UK Government and the Home Office—to operate properly, all the right regulations and procedures must be in place, and it cannot start until they are.

### European Development Funding

**5. Rob Gibson (Highlands and Islands) (SNP):** To ask the First Minister how infrastructure development in the Highlands and Islands will be affected by the European Commission's audit of European regional development fund projects. (S2F-1447)

**The First Minister (Mr Jack McConnell):** I do not expect infrastructure development in the Highlands and Islands to be adversely affected by the European Commission's audit of European regional development fund projects.

**Rob Gibson:** It is hard to see whose interest was served by leaks to the BBC of the draft interim European Commission audit documents on objective 1 projects. The Scottish Executive's silence on its responsibilities, as highlighted in the audit, which is confirmed today, is deafening. Will the First Minister guarantee that no programmes in the Highlands and Islands will suffer as a result of the audit and that proper procedures for monitoring European spending in Scotland are in place? Will he detail what action he is taking in Brussels to support the Highlands' claim for future European Union structural funding? Independent analysis shows that too many areas in my region have a lower gross domestic product than do parts of recent accession states in eastern Europe.

**The First Minister:** Of course, we will fight extremely hard to ensure that the maximum resources are available to the Highlands and Islands of Scotland and I am convinced that, should Tony Blair and Gordon Brown be re-elected to the positions of Prime Minister and Chancellor of the Exchequer following any election that might take place this year, they will deliver for the Highlands and Islands in the same way as they did in the previous negotiations in 1999.

I will comment on the general issue of the audit procedures that the Executive is currently challenging. Mr Gibson has perhaps missed it, but Allan Wilson has never been off the television and the radio, commenting on the matter and

explaining the Executive's position. In doing so, he has been talking accurately and truthfully about the issue, unlike the member for Inverness East, Nairn and Lochaber, from whom we have heard inaccurate rubbish. This week, he said that the audit, which relates to the years 1994 to 1999 was

"the most devastating example of financial mismanagement since devolution."

I believe that the Parliament was created in 1999. The situation has nothing to do with devolution.

By properly challenging the situation, by providing the facts and by ensuring that the current audit is properly completed, we hope to ensure that the Highlands and Islands are properly protected.

**Mr Alasdair Morrison (Western Isles) (Lab):** Does the First Minister agree that European structural funds have helped to improve life and work in the Highlands greatly? Does the First Minister agree that the £200 million of transitional funding, which was secured five years ago by the Prime Minister and the Chancellor of the Exchequer, is being properly and sensibly spent? Incidentally, that £200 million was once described by the SNP as a disaster for the Highlands and Islands. Will the First Minister join me in condemning the cretinous remarks of SNP members, who have done nothing but undermine decent, hard-working public servants in local authorities in the Highlands and Islands and throughout the Highlands and Islands Enterprise network?

**The First Minister:** It would be wise of me not to comment on the audit until it is complete. We believe that, with the proper information, the issues will be properly dealt with once the audit is complete. I endorse the member's remarks about the importance of European funding to the Highlands and Islands over the years. The investment in infrastructure has made a real difference. It is through the negotiating power of Great Britain, alongside the actions of the Scottish devolved Government, that the best representations will be made for the Highlands and Islands in the years to come.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** I would have thought that the Scottish Executive would have learned a lesson after its mathematical incompetence caused the Highlands and Islands to lose objective 1 status and millions of pounds of grants.

Allan Wilson has denied that £21 million might have to be repaid to the European Union. Will the First Minister give the Parliament an assurance on the issue, given that all the 14 projects that were inspected failed the auditors' initial inspection test and that a second inspection by the European Commission is due shortly? Is this yet another

appalling equation produced by the Executive's financial mismanagement?

**The First Minister:** Highlands and Islands politicians would serve their constituents better if they backed up the projects that have received the funding and argued that they should retain the money. The sort of comments that we hear from Jamie McGrigor, Fergus Ewing and Rob Gibson encourage the European Commission to take back the money from such projects, and they are very unwise to make them. The current audit is part of the way through—it is not yet complete—and the proper representations have been made to the Commission. If any resources were ever taken back, they would come from the projects themselves—from the businesses and local public projects in the Highlands and Islands that have been financed. However, that is something that we are doing all that we can to avoid, rather than to encourage, as the Opposition parties seem to be doing.

**George Lyon (Argyll and Bute) (LD):** It is interesting to note that Audit Scotland, which has audited Highlands and Islands Enterprise, reports no concerns to the Scottish Parliament's Audit Committee about how Highlands and Islands Enterprise implements the various programmes concerned. Will the First Minister assure us that everything possible will be done to ensure that this matter is drawn to a conclusion quickly and that we win our fair share of funding during the negotiations leading up to 2006, during which so many members seem determined to ensure that we damn ourselves and lose the investment that is badly needed in the Highlands and Islands?

**The First Minister:** Absolutely. I have absolute confidence in the truthfulness, accuracy and credibility of the people in the Highlands and Islands, in both the public and private sectors, who have used European money well over the past few years. I do not accept that they should be condemned either by the Commission auditors or by the Opposition parties in the Parliament. We will continue to defend them before the European auditors. We will argue their case to retain the money that they were right to spend on their projects. Thereby, we will ensure that the credibility of European programmes in Scotland remains intact.

### Economic Success

**6. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the First Minister how the Scottish Executive measures economic success. (S2F-1433)

**The First Minister (Mr Jack McConnell):** Our top priority as a devolved Government is to help to achieve a sustainable increase in Scotland's long-term growth rate. I would measure economic

success in a number of ways, but employment and unemployment levels are central to that.

**Murdo Fraser:** The First Minister might be aware of the publication this week of the Federation of Small Businesses index of success, written not by a Conservative economist but by John McLaren, former adviser to the First Minister's predecessors. Does the First Minister agree that the fact that the report ranks Scotland last out of 10 nations with populations of less than 9 million puts into perspective the First Minister's oft-repeated claim that Scotland is the best small country in the world? Furthermore, will the First Minister acknowledge that as Scotland has, according to the report, fallen four places in the rankings since 1990, here is conclusive proof, from a Labour economist, that we were better off under the Tories?

**The First Minister:** Let us take some of the indicators that I mentioned earlier. What were the figures for unemployment in Scotland back in the days to which Murdo Fraser wants us to return? Just 10 years ago, unemployment in Scotland was more than double what it is today. If we go back 20 years, to the very heart of the Conservative Government to which Murdo Fraser wants us to return, unemployment in Scotland was nearly four times what it is today. I do not want to return to those days; I would rather be where we are today here in Scotland, with the second-highest employment levels in the European Union and the lowest unemployment that we have had in the whole of my adult life.

Frankly, the Conservatives have taken a survey that I would strongly dispute. Scotland is not the worst small country in the world, and it is nonsense to suggest that that is the case, much as the Conservatives might enjoy doing that. However, the Federation of Small Businesses says in its survey that we in Scotland need to do more about health improvement, and I agree with that absolutely, so I challenge the Conservatives to put their votes where their mouths are, to vote for the smoking ban in the Parliament later this year, and to ensure that that health improvement comes about.

12:32

*Meeting suspended until 14:00.*

14:00

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Enterprise, Lifelong Learning and Transport

##### Manufacturing

**1. Marilyn Livingstone (Kirkcaldy) (Lab):** To ask the Scottish Executive what action it is taking to assist the manufacturing sector. (S2O-5404)

**The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson):** Manufacturing remains vital in both its direct and its indirect contribution to the Scottish economy. That is why we announced to the Parliament last year the establishment of a Scottish manufacturing advisory service, which will assist in the provision of product and process innovation best practice to manufacturers in Scotland. The service will become operational later this year.

**Marilyn Livingstone:** I know that the minister is aware of the proposed loss of 110 jobs at Forbo-Nairn Ltd in Kirkcaldy in my constituency. In light of that announcement and of the impact that those losses will have on the central Fife economy, which already faces major challenges, will he agree to meet me, Scottish Enterprise Fife and Fife College to discuss what support the Executive can give to us to meet the challenges?

**Allan Wilson:** I will indeed. We obviously regret the company's decision and I am conscious of the impact that it will have on the employees and their families. I will therefore be pleased to meet Marilyn Livingstone and the local partnerships involved to see what advice, assistance, support and guidance we can give on reskilling, retraining and providing alternative sources of employment to those affected.

##### A80

**2. Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** To ask the Scottish Executive what action it will take following the publication of, and formal consultation on, draft road orders for the A80. (S2O-5399)

**The Minister for Transport (Nicol Stephen):** The draft road orders and compulsory purchase orders for phases 2 and 3 of the A80 upgrade, which were published on 26 November 2004, have attracted a number of objections as well as indications of support. The intention is to hold a public local inquiry this summer. The inquiry will consider all three phases of the A80 upgrade.

**Cathie Craigie:** I certainly look forward to the public local inquiry and to progress being made in tackling congestion along the A80. However, residents in Cumbernauld have been sceptical about the timing of publications relating to the A80. For example, the draft orders were published, as the minister mentioned, towards the end of November and into the Christmas and new year holiday period, making it difficult for community groups to meet. For that reason, I ask that the public local inquiry not be held during the recognised summer holiday period. I ask also for further information on the remit of the inquiry.

**Nicol Stephen:** Those are matters for the inquiry reporter, but I see the good sense in what Cathie Craigie says. If there is an appropriate way in which I can make representations on timing, I shall do so. Otherwise, I am sure that she will be able to pass on to the office of the inquiry reporter a copy of the *Official Report* of this afternoon's meeting. At the local inquiry, the department would expect to justify its proposals and it would be in order for objectors to seek to challenge proposals on areas such as the need for the specific new road proposals and the appropriateness of the chosen alignments. The department would expect the public local inquiry to be able to demonstrate the merits of the proposed road against alternatives such as the Kelvin valley route.

**Elaine Smith (Coatbridge and Chryston) (Lab):** In relation to the work that is scheduled for the A80, what consideration, if any, has been given to the concerns that my constituents in Mollinsburn have about road safety?

**Nicol Stephen:** In the development of the proposals, careful consideration needs to be given to those issues as they relate to Mollinsburn. Indeed, that is the case for all the traffic management arrangements along the route. At all times during such schemes, we try to keep two lanes of traffic flowing. We will continue to take that approach and to look at impacts on neighbouring roads. We will work closely with North Lanarkshire Council on the issue.

##### Biomass Energy Group Report

**3. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** To ask the Scottish Executive how it will take forward the recommendations of the forum for renewable energy development in Scotland's biomass energy group report. (S2O-5356)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** The report recommends actions for a number of agencies as well as for industry. The forum for renewable energy development in Scotland, which I chair, will monitor progress. I take this opportunity to acknowledge the

importance of the biomass sector and the need to support it further. I will look urgently at the recommendations that are addressed to the Executive and respond as soon as possible.

**Jeremy Purvis:** The minister may be aware of the considerable investment programme in the Borders for three new high schools, which is a large public sector build. Does he see the rich potential for those schools to be heated and powered by biomass through the use of combined heat and power plants? Given that all MSPs are being asked to sign the Holyrood declaration as part of Scottish environment week, the commitment that I seek would be a good measure for the Executive to take and would demonstrate our commitment to biomass fuels in the future.

**Mr Wallace:** I am aware of the investment in secondary schools in the Borders. Indeed, we have identified the Borders as an area where there is considerable potential for biomass. School public-private partnership projects can provide a good opportunity for local authorities to consider sustainability issues, consistent with the Executive's approach to such projects.

Perhaps I should make it clear that the specification for PPPs is output based rather than input based. The output specification that the local authority has to produce should set out the authority's requirements regarding sustainability issues and highlight the specific areas in which bidders can be expected to demonstrate good practice. Through a workshop last July in Glencoe, we directly targeted the local authorities that are involved in school building projects. The workshop was organised by the Executive's Education Department and its objectives were to raise awareness of sustainability issues and to assess how that aspect can be better incorporated into school projects.

**Sarah Boyack (Edinburgh Central) (Lab):** I welcome the minister's positive replies. Is he aware of the concerns of those who promote biomass that our environmental regulations may be slightly out of step with our aspirations for biomass energy? Will he talk to his colleague Ross Finnie, the Minister for Environment and Rural Development, about ways in which the Executive can promote the biomass industry? We need both to act in an environmentally responsible way and to ensure that our environmental regulations deal with the current generation of biomass developments and not previous, old-style developments. There is a real fear that, without a bit of joined-up thinking, we may not be able to take full advantage of the great opportunity that biomass energy offers. I hope that the minister can give me a positive response.

**Mr Wallace:** Certainly, I am aware of some of the concerns to which Sarah Boyack refers. I want

to ensure that we can maximise the opportunity that biomass offers. Biomass has considerable advantages, as it is a predictable and stable form of renewable supply. I will discuss the matter with Ross Finnie—indeed, I have done so already. Our discussions will continue as we respond to the FREDS biomass energy group report. We will look at the ways in which we can address some of the problems—which in some respects are definitional—that may be holding back a better use of biomass for generating electricity.

**Mr John Swinney (North Tayside) (SNP):** The point that I want to raise is similar to the one that Mr Purvis made about the school estate. The PPP projects in my constituency would benefit enormously from a wood-fuel heating system under the biomass umbrella. A concern has been expressed that the configuration for grant applications for a more expensive heating system is outwith PPP projects. Can the minister update me on whether a resolution has been found that fits the Executive's strategic priorities?

**Mr Wallace:** I am aware that at times difficulties have been encountered with renewables inputs into PPP projects. Under the Scottish community and householder renewables initiative, profit-making organisations are ineligible for funding. As I said in my reply to Jeremy Purvis, the specifications are output based rather than input based. Setting outputs and calling for best practice is one way of addressing the issue, although access to the SCHRI would not be allowed. The problem is that, if we were to allow profit-making schemes to access the fund, the percentage of grant funding could come down from 100 per cent at the moment—which some community groups have benefited from—to something like 30 or 40 per cent. Because of that problem, we are evaluating the SCHRI. The study will consider the use of that source of funding for PPP projects. We expect the outcome of the research to outline how we can best move forward to help to fund the installation of small-scale renewables technologies in PPP projects.

**Christine May (Central Fife) (Lab):** The Deputy First Minister will know that at peak times 40 per cent of Scotland's electricity is generated from coal. In light of the report, what discussions is he having with coal producers and power generators to increase the use of biomass for co-firing?

**Mr Wallace:** We received the report only at the end of last month—it was warmly welcomed by the FREDS group when we met on 31 January—but it gives us an opportunity to move forward and to see how we can maximise the contribution of biomass. I am more than willing to engage with coal producers to see where there are opportunities for co-firing. I know that some regulatory issues need to be ironed out.

**The Deputy Presiding Officer (Trish Godman):** Question 4 has been withdrawn.

### **Economic Development**

**5. Jim Mather (Highlands and Islands) (SNP):** To ask the Scottish Executive what steps it will take in the light of the publication of Peter Wood's issues paper for the cross-cutting expenditure review on economic development, published on 1 February 2005. (S2O-5386)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** Growing the economy is the Executive's top priority. As I made clear to the Finance Committee when I appeared before it, our spending plans reflect that. We will respond in due course when the committee publishes its final report.

**Jim Mather:** What steps will the minister take to minimise the negative impact on economic development of recent spending levels, which, as the paper proves, have not kept up with increases in the overall Scottish Executive budget? In particular, what will he do to minimise the negative impact on businesses, investors and skilled people who are considering investing their capital and their working lives in Scotland?

**Mr Wallace:** Because the issues paper was an advisory paper to the committee, it would be inappropriate for the Executive to respond until it has received the committee's report. However, I make it clear that we approach our objective of growing the economy in the widest sense. All Cabinet ministers are signed up to that objective, which has relevance to the work of the transport division; to the Education Department, in relation to primary and secondary education; to my department, in relation to higher and further education; to tourism, culture and sport; and to the Environment and Rural Affairs Department. It also has relevance to the Health Department—it is important to recognise that one of the biggest items of expenditure in the Scottish Executive's budget is health and that what we do to tackle illness and promote good health can lead to improved productivity and, therefore, to growing the economy. I am not sure that that was reflected in the paper to which Mr Mather referred.

**Des McNulty (Clydebank and Milngavie) (Lab):** I agree with the minister that we should wait until the Finance Committee has completed its investigations in its cross-cutting review of the Scottish economy. In that context, I hope that he accepts that some of the decisions that we make on spending should be transparently aligned with economic growth priorities and should be seen to be able to deliver not only economic growth, but the Scottish Executive's other key objectives, including closing the opportunity gap. I hope that

the problems of urban areas such as the one that I represent are as much to the forefront in those considerations as are those of the area that the minister represents.

**Mr Wallace:** I share that view. It is important to recognise that items of expenditure that might not immediately appear to relate to economic growth—for example, health spending—can nevertheless make an important contribution to it. On urban and rural expenditure, I acknowledge the work that is being done on regeneration—I visited Clydebank and know about the work that is being done there and the importance that ministers attach to it.

The issues paper also considered funding for the common agricultural policy, which is non-discretionary for ministers. It therefore gave a slightly misleading impression. Moreover, I understand that it saw Highlands and Islands Enterprise as operating in a totally rural area. Inverness is a city—the Latin for city is “urbs”, which gives us our “urban”—so perhaps it was wrong in that respect, too.

### **Wave Power**

**6. Eleanor Scott (Highlands and Islands) (Green):** To ask the Scottish Executive whether it expects the wave power industry to contribute to the target of generating 40 per cent of electricity from renewables by 2020. (S2O-5440)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** We expect our renewables targets to be met from a wide range of renewable sources, including marine technologies.

**Eleanor Scott:** I thank the minister for that answer and agree absolutely. It is a pity that companies that are trying to promote and develop wave power, such as Wavegen in Inverness, are constantly struggling to get funding and are still dependent on the vagaries of venture capital. Given that wave power is a young technology, the companies are less attractive to venture capitalists, who expect a much quicker return on their investment than the industry can offer. Does he accept that the Government must underpin the funding for the emerging renewables technologies so that they are not lost to Scotland?

**Mr Wallace:** Both the Scottish Government and the Westminster Government are doing a considerable amount to support and promote renewables technology, particularly marine technology. Eleanor Scott will certainly be aware of the resources that the Executive has put into the European Marine Energy Centre in Orkney, which is now operating successfully. We have announced the strategic environmental assessment of our coastline, which will be funded

from resources that we are providing. Moreover, the Department of Trade and Industry has allocated £50 million to help to realise the potential of the development of marine renewables; as it indicated recently, £42 million of that has been allocated largely as revenue support for the development of a number of larger-scale pre-commercial demonstrations. I believe that Scottish projects and developers are well placed to benefit from the funding.

**Alasdair Morgan (South of Scotland) (SNP):**

Will the minister assure us that that the new transmission charging arrangements, which will come into force in the not-too-distant future, will not discriminate against methods of producing electricity such as wave power, which are often, by necessity, located quite far from the sources of electricity consumption?

**Mr Wallace:** I assure Alasdair Morgan that my colleague Allan Wilson and I have engaged with our DTI colleagues and have made appropriate representations to ensure that—this is exactly the point that Alasdair Morgan makes—the charging regimes will have no adverse impact on the ability of our resources, such as marine energy and wind energy, particularly in our peripheral areas, to contribute to our overall energy supplies in the years to come.

**Richard Baker (North East Scotland) (Lab):**

The Deputy First Minister will be aware that it has been estimated that up to 20,000 jobs could be created in Scotland in a successful wave and tidal energy industry. Those jobs would be vital to the north-east and to his constituency. Does he agree that the review of the renewables obligation certificate system, as well as the welcome continued investment in research and development, could be key to developing a renewables sector that includes a successful wave and tidal energy industry?

**Mr Wallace:** I certainly agree that the opportunity for jobs is considerable. The FREDs marine energy report, which was published last summer, speculated that, by 2020, marine energy could generate as much as 10 per cent of Scotland's electricity, as well as help to create 7,000 new jobs, which will of course be part and parcel of our green jobs strategy.

The ROCs operate effectively and, as Richard Baker will know, work is under way to extend the obligation to 2016, which will give increased security. That will be followed by a fundamental review, which is to take place this year. We will certainly consider the views of stakeholders and the Enterprise and Culture Committee when we come to undertake the review.

## Developing World Markets

**7. Irene Oldfather (Cunninghame South)**

**(Lab):** To ask the Scottish Executive what action it is taking to increase trade with developing world markets. (S2O-5405)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** Through Scottish Development International, which is a joint venture, we monitor world markets and the opportunities for Scotland's key industries and high-potential companies. SDI's activities, which are delivered in partnership with UK Trade & Investment, senior business people and trade organisations, are targeted at areas of highest business opportunity in established markets and at helping companies to explore the potential in fast-developing economies such as those in China—where SDI will shortly double its staffing—Russia, Brazil and India.

**Irene Oldfather:** The Deputy First Minister might be aware of the work that James Watt College in my constituency has done to attract a number of international students, particularly from China. How does he think that we can use the opportunity that is provided by the increase in SDI staff in China to open up further opportunities for Scottish further and higher education and Scottish manufacturing and exports?

**Mr Wallace:** I share Irene Oldfather's view that there is a huge potential in China, which I saw for myself when I was there two weeks ago. I welcome what she said about the students attending James Watt College. Since 1999, the number of Chinese students studying in Scotland has increased sixfold; indeed, that grouping has overtaken European Union students as the international grouping with the highest number of students in Scotland, which reflects the high regard in which Scottish higher and further education is held. The work that has been done by the Scottish Qualifications Authority to form partnerships with Chinese education institutions is encouraging and was part of the memorandum of understanding that I signed with the Chinese Government when I was in Beijing.

China also represents opportunities for companies. The life science companies that accompanied me on my trip to China demonstrated their potential there. Furthermore, as the chamber will be aware, earlier this week the First Minister announced that, during 2005, there will be introductory workshops relating to China for Scottish companies and new market research will be made available. As he also said, there will be learning visits for top chief executive officers and, in October, a major China business conference.

## Justice and Law Officers

### Youth Offending

**1. Christine Grahame (South of Scotland) (SNP):** To ask the Scottish Executive what confidence it has in the accuracy of the latest figures on youth offending produced by the Scottish Children's Reporter Administration. (S2O-5434)

**The Minister for Justice (Cathy Jamieson):** On 4 November 2004, I made a statement to the Parliament setting out a robust, credible baseline against which to measure future progress.

**Christine Grahame:** I refer the minister to the minutes of a meeting on 14 May 2004 at Victoria Quay between her civil servants in the sponsor division and the SCRA's senior management. The minutes state:

"A significant gap continues to exist between SCRA and the Minister about the role of SCRA ... Not simply process improvements—must be about improvements in outcomes for children."

A later meeting was referred to as being a "make or break meeting" with regard to the role of the SCRA. Is it not the case that the SCRA has lost the battle for taking on a wider role—that is to say, improvements for individual children—and is now skewed to servicing statistical data for the minister, as is evidenced by the resignation of the widely respected Alan Miller?

**Cathy Jamieson:** We should be clear about the fact that ministers—including me and the ministers responsible for education—take actions because we want to prevent young people from becoming involved in a life of crime. That is why I wanted to know exactly how many young people in Scotland were involved in persistent offending. That is why I have been working, over the past years, with elected members and chief executives in local authorities to ensure that the information that we have on our databases matches up with the experiences of people at a local level. That is why I made a parliamentary statement to indicate that the number of persistent young offenders was higher than had previously been thought. I hope that people of all political parties will recognise that, for every one of those 1,201 young people referred to in the reports, there is an individual tragedy as well as family tragedies and tragedies in local communities. That is what the Executive is trying to deal with and that is why we take the issue seriously.

### Communication with Victims

**2. Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Executive what action it is taking to improve communication with victims in the justice system. (S2O-5336)

**The Deputy Minister for Justice (Hugh Henry):** In line with our commitments in "A Partnership for a Better Scotland" and our strategy for victims, we are taking significant steps to ensure that communication with victims in the justice system is constantly improved, most notably through our promotion of the victim information and advice service, our support for Victim Support Scotland and the introduction of the victim notification scheme. Moreover, as the Lord Advocate announced this morning, victims will, in future, be given an explanation by the Crown Office if it decides not to pursue a prosecution or to discontinue a prosecution.

**Jackie Baillie:** I, too, welcome the Lord Advocate's announcement that victims and relatives will be given reasons for the decisions that are taken by the Crown Office and Procurator Fiscal Service in the circumstances outlined. The minister will be aware that I have constituents whose experience of the justice system is sometimes less than satisfactory, who have not been given reasons for charges being dropped and who have no idea of the outcome of the case and are therefore unable to move on. The change in policy will make a significant difference. Will the minister indicate the criteria that will inform and guide fiscals and the likely timescale for implementation?

**Hugh Henry:** That is very much a matter for the Lord Advocate, who I am sure will consider Jackie Baillie's comments carefully. I know that Jackie Baillie is a long-standing campaigner on justice issues on behalf of her constituency, but her specific question is a matter for the Lord Advocate.

**Mr John Swinney (North Tayside) (SNP):** Among the victims of the justice system are individuals who are poorly served by the conduct of solicitors. When does the minister intend to publish the consultation paper on the improvements—I hope—to the regulation of solicitors in Scotland, particularly in relation to the handling of complaints about solicitors' conduct by the Law Society of Scotland?

**Hugh Henry:** As I recently indicated to John Swinney, we intend to publish that paper soon. We are reflecting on many of the arguments and issues, not least of which are the implications of the Clementi review.

### Sex Offenders

**3. Paul Martin (Glasgow Springburn) (Lab):** To ask the Scottish Executive what additional training will be provided to police officers and social workers to help them to deal with sex offenders. (S2O-5421)

**The Minister for Justice (Cathy Jamieson):** We are training 400 front-line police officers and

social workers in risk assessment. That will give them the right skills when assessing the risk that individual sex offenders pose to our communities.

**Paul Martin:** I have two questions for the minister. First, does she agree that we need to consider how we manage sex offenders, instead of allowing them to manage the system? Secondly, does she accept that there is a need to train a wide range of agencies and staff who deal with sex offenders to ensure that we can effectively monitor registered sex offenders?

**Cathy Jamieson:** First, I pay tribute to the work that Paul Martin has done on the issue following some tragic circumstances in his constituency. He has been able to pull together a range of people who have an interest in the matter to look for positive ways in which to proceed.

We intend to legislate to establish joint arrangements between the police, social workers and prisons to assess, monitor and manage sex offenders. We also intend to give the court with jurisdiction in the place of the offender's last-known address the power to grant a warrant for the arrest of a sex offender who has failed to register timeously.

A community-based sex offender programme that we have developed, based on work that has been done elsewhere, has been provisionally accredited. It covers community sentences and work with those released from prison. As members are aware, I have also asked Professor George Irving to review the operation of the sex offenders registration scheme.

I take the issue very seriously. As members will be aware, the Parliament is considering legislation that we hope and believe will ensure greater protection for children who are at risk of being exploited by sex offenders.

**Scott Barrie (Dunfermline West) (Lab):** The minister mentions joint training opportunities at local level for social workers and police officers. Does she agree that the fact that only two local authorities have boundaries that are coterminous with those of constabularies should not be used as an excuse for either social workers or police officers to fail in their statutory duties to investigate and prevent the sexual abuse of children and young people? Does she believe that there is a key role for local child protection committees to ensure that effective procedures are in place and adhered to? Such procedures can minimise repetitive interviewing and enable proper joint sharing of information.

**Cathy Jamieson:** I agree that there is never any excuse for failing to take the appropriate measures to talk to other agencies, to share information and to ensure that children are given the best possible protection. Clearly, the child protection committees

have a key role to play, but individual agencies also have to recognise that it is their responsibility to share information where they believe that there is a risk to children. We want to encourage people to do that, but they will also have a duty to do so.

#### **Procurator Fiscal Service (Dumbarton)**

**4. Des McNulty (Clydebank and Milngavie) (Lab):** To ask the Scottish Executive what steps are being taken to improve delivery of the Procurator Fiscal Service in Dumbarton. (S2O-5413)

**The Lord Advocate (Colin Boyd):** The Crown Office and Procurator Fiscal Service has made great progress in the past three years in improving the quality of service that is provided in Dumbarton. The Dumbarton office has been successful in meeting targets for processing criminal business, despite an increase in reports received from the police. The introduction of our future office system to the Argyll and Clyde area has been a success and, together with the introduction of team working, has led to a 69 per cent reduction in the number of cases that are waiting for a decision to be taken on possible prosecution. A victim information and advice service was established in Dumbarton on 1 June 2004 in a dedicated office within the local fiscal's office and has since been able to provide an effective source of advice and information for victims of serious crime in the local area.

**Des McNulty:** I recognise that there have been improvements in the service and in the physical environment of the court system in Dumbarton. What further improvements might be made in aligning the fiscal service with the police to ensure that maximum use is made of police time in carrying out duties other than court duties and that an appropriate service is provided for offenders and others?

**The Lord Advocate:** Co-operation between the police and the fiscal service is an important component of the criminal justice system, which is why we have restructured the service to make better use of such opportunities. The fiscal in Dumbarton regularly meets the local police commander. On support for victims of crime, VIA has been in place since June and is making a difference. It will continue to do so in co-operation with other agencies.

**Jackie Baillie (Dumbarton) (Lab):** Like my colleague, I welcome the £3 million investment in Dumbarton sheriff court, which is making a real difference. I am sure that the Lord Advocate will agree that partnership working is essential to improving service delivery. At the national level, the fiscal service is working with Scottish Women's Aid on training for new prosecutors on the range of issues that they are likely to encounter. Will he

encourage similar partnership working at a local level and suggest that fiscals should attend domestic abuse partnership groups such as the one in West Dunbartonshire, as that dialogue will result in improved service delivery?

**The Lord Advocate:** I am sure that the fiscal will take that suggestion on board and respond appropriately. Partnership working is an important element. At the national level, fiscals, the Crown Office, Scottish Women's Aid and others meet regularly. The Solicitor General has chaired a group that is looking at the prosecution of sexual offences, which is of particular importance to people in Scottish Women's Aid, Rape Crisis Scotland and other groups.

**The Deputy Presiding Officer:** Question 5 has been withdrawn.

### Scottish Human Rights Commission

**6. Robert Brown (Glasgow) (LD):** To ask the Scottish Executive what the current timescale is for establishing a Scottish human rights commission. (S2O-5349)

**The Deputy Minister for Justice (Hugh Henry):** The Scottish Executive remains committed to introducing legislation to establish a Scottish human rights commission in the current parliamentary session.

**Robert Brown:** The matter has been consulted on twice over the course of the previous parliamentary session and into this session, and there has been an unqualified commitment to it in the partnership agreement for some time. Can the minister confirm that it will be in the legislative programme for 2005, as it will require to be if the commission is to be up and running before the end of the current session? Will the commission be up and running before the end of the current session?

**Hugh Henry:** I refer Robert Brown to my previous answer. It is right that we take our time to consider the detailed responses that we received during the consultation. Notwithstanding that, we are continuing to develop the bill and examine the issues that were raised in the consultation. We have considered examples of other institutions in the United Kingdom and abroad. For example, officials have discussed our proposals with the national institutions unit at the Office of the United Nations High Commissioner for Human Rights, and they have attended a series of workshops that have been run by the British Council in order to learn from the experiences of human rights institutions around the world. We have set out our legislative programme for this year and it would be wrong for me to anticipate what a future programme might look like. However, we remain committed to establishing the commission in the current parliamentary session.

**Linda Fabiani (Central Scotland) (SNP):** What right will the commission have for ensuring the protection of human rights at Dungavel immigration and removal centre?

**Hugh Henry:** That would depend on which specific aspect was raised. Many of the issues are reserved matters, although there may be some specific instances of devolved competences. The commission's main functions would be promotion, education and awareness raising; providing guidance to public authorities; advising the Parliament on legislation after introduction; general monitoring and reporting in relation to law and practice; and investigating and reporting on generic or sectoral human rights issues. The Dungavel situation would depend on the claim that was made.

**Cathy Peattie (Falkirk East) (Lab):** Is the minister aware of plans to create a single equality body for the United Kingdom, which will include a human rights commission? Would an overlap be created if Scotland had two bodies to deal with human rights?

**Hugh Henry:** It is obvious that the potential for overlap would exist. When a proposal is produced, not only the Executive but the Parliament will need to consider it carefully. The UK proposals that have been developed have several benefits, but we are keen to ensure that we do not have two bodies that examine the same issues at the same time. Detailed consideration would need to be given to protocols and areas of work and a proper understanding would need to exist between the bodies.

**The Deputy Presiding Officer:** Questions 7 and 8 have been withdrawn.

### Firearms Crime

**9. Mr Stewart Maxwell (West of Scotland) (SNP):** To ask the Scottish Executive what further action it will take to tackle crimes involving firearms. (S2O-5316)

**The Minister for Justice (Cathy Jamieson):** In the past 10 years, the number of firearms offences in Scotland has almost halved. I want that trend to continue, but we are not complacent. We are discussing with the Home Office the responses to a major consultation last year on what more might be done to control the use of firearms.

**Mr Maxwell:** I welcome any reduction in firearms crimes. The minister will be aware that the latest figures show that four fifths of attempted murders and four fifths of recorded robberies that involved firearms took place in Strathclyde. She will also be aware of the increasing use of replica firearms in crime—the use of replica weapons is a growing menace throughout Scotland. Therefore, does she agree that there is no obvious logic to

the Parliament having power over some offensive weapons, such as knives and swords, but no power over firearms? Does she agree that control of firearms should be devolved to the Parliament, so that we can tackle the issue now, rather than waiting in the hope that Westminster will act at some future date?

**Cathy Jamieson:** I am perhaps sorry to disappoint Mr Maxwell by saying that I disagree. I will draw his attention to provisions that were commenced in January 2004. Any situation in which a replica firearm is used is serious and the legislation should be able to deal with that. The Anti-social Behaviour Act 2003 introduced new laws to protect the public from the misuse of air weapons and imitation weapons. It raised the minimum age for owning air weapons from 14 to 17 and created a new offence of possessing an air weapon or an imitation weapon in a public place without reasonable excuse. We also banned the import and sale of air weapons that use self-contained air cartridge systems and introduced licensing for such weapons that are already held.

That is a good example of the Scottish Parliament, the Scottish Executive and Westminster working together on devolved and reserved matters to protect the public. I hope that the Scottish National Party will at least acknowledge that.

**Alex Johnstone (North East Scotland) (Con):** Does the minister agree that the current system that is designed to regulate the use and ownership of firearms and shotguns UK-wide is robust and resilient and that very few crimes that involve firearms or shotguns are committed by licence holders?

**Cathy Jamieson:** I do not often find myself tempted to agree with Alex Johnstone, so I am checking my notes carefully before I answer. I understand that the number of crimes and offences that involved the alleged use of a firearm represented only 0.4 per cent of all recorded crimes and offences of homicide, attempted murder, assault, robbery and vandalism in 2003.

Whenever a firearm or replica firearm is used, that is serious. However, as people are aware, Scotland has a particular issue with knife crime. We have announced measures that we propose to take on that. I look forward to receiving Mr Johnstone's support when we vote on those measures in Parliament.

### **Prisons (Rehabilitation)**

**10. Margaret Mitchell (Central Scotland) (Con):** To ask the Scottish Executive what value it places on rehabilitation programmes in prisons to tackle drug and alcohol abuse. (S2O-5370)

**The Minister for Justice (Cathy Jamieson):** The Scottish Prison Service offers a number of accredited programmes that are designed to address offending behaviour. As I made clear when launching the criminal justice plan, we must ensure that sentences, whether served in prison or the community, focus on changing offenders' behaviour. That will include addressing alcohol and drug misuse.

**Margaret Mitchell:** In England, there is an easily accessible directory of drug treatment places and programmes, with up-to-date information for addicts and their families. Does the minister agree that such a directory is a useful tool? Will she commission a similar directory for Scotland?

**Cathy Jamieson:** Information is currently available in a number of ways. I draw Margaret Mitchell's attention to some of the work that has been done on arrest referral schemes, even before the point at which people enter the prison system. There are very good working relationships between the Scottish Prison Service and the voluntary sector to deliver programmes. We have also increased the amount of funding that is available for drug treatment and rehabilitation programmes and have a robust alcohol action plan. People can already be linked into the system in a number of ways.

Of course, we will continue to try to ensure that the earliest possible action is taken. I remind members of the proposals that we announced for consultation yesterday, concerning the possibility of introducing mandatory testing for people who are arrested in connection with drug-related crime. I hope that there will be a full and proper debate on the proposals, to ensure that we get people into treatment at the earliest possible opportunity. I look forward to debating the proposals and, I hope, securing people's support for them.

## **General Questions**

### **Land Register**

**1. Linda Fabiani (Central Scotland) (SNP):** To ask the Scottish Executive how it will reform the way in which the land register operates. (S2O-5383)

**The Deputy Minister for Communities (Johann Lamont):** The Scottish Law Commission is undertaking a review of the legislation that governs the operation of the land register, the Land Registration (Scotland) Act 1979, as part of its sixth programme of law reform. The commission published the first of two discussion papers in February 2004. The paper considers the connections between the law relating to registration and the underlying rules of property

law. It sought views on proposals to improve the alignment between those areas of law and is available on the commission's website. The commission is working on the second discussion paper, which is to focus on practical aspects of registration, and expects to publish it in June 2005. The commission expects to publish its findings in a report at the end of the year. The Executive will consider carefully the report and any recommendations that it makes.

**Linda Fabiani:** I thank the minister for a thorough answer. Will she confirm that the land register is in chaos? How many people in Scotland do not have a proper secure title to their property because the land register is so slow and inefficient? What is the average time for registration of title?

**Johann Lamont:** We should remember that registration counts from the date of receipt of application, so no one is disadvantaged by delay. We must recognise that it is important that the process is thorough, that people have confidence in it and that any possible disputes are dealt with at a very early stage. Thus far, 0.1 per cent of dealings have led to a dispute that required indemnity.

I do not accept that the whole process is in chaos. There are delays because cases are at an early stage and thoroughness is essential. We are conscious that it is important to seek to eliminate delays by improving efficiency and are moving towards electronic registration. However, we must focus on the fact that these are complex matters and people must have confidence in them. Once the more complex cases have been dealt with, we can deal with more straightforward ones and the process can be developed in a way that allows everyone to have confidence in it.

**The Deputy Presiding Officer:** Question 2 has been withdrawn.

### Sexual Health Strategy

**3. Marilyn Livingstone (Kirkcaldy) (Lab):** To ask the Scottish Executive how it will take forward the implementation of the strategy and action plan for improving sexual health. (S2O-5398)

**The Minister for Health and Community Care (Mr Andy Kerr):** On the day that the sexual health strategy was launched, I wrote to national health service board chairs, council leaders and other organisations, stressing the importance that I attach to early action to secure its implementation. As part of that process, two workshops for key stakeholders are being organised. The first will be held on 16 February and will bring together clinicians and other senior NHS personnel to set in train work on service redesign to improve sexual health services. The second, which will follow

shortly thereafter, will involve a range of voluntary and statutory interests and will concern their role in implementing the strategy.

Steps are also being taken to appoint the national sexual health advisory committee, which I will lead and which will have an important role in monitoring progress. An early task of that committee will be to offer advice on targets that will help to deliver the key elements of the strategy. Implementation will be facilitated by additional funding of £15 million over the next three years, the bulk of which will go towards improving front-line services.

**Marilyn Livingstone:** I am aware from the publications that I have seen that information will be suitable for a wide-ranging audience, including those who are not currently accessing services. That is important. What specific methods and strategies will be used to ensure that information will be available to all, whatever their requirements?

**Mr Kerr:** With regard to the member's particular interest in the adult survivors of childhood sexual abuse, I tell her that the strategy mentions specifically a review of relevant services and support.

In the practical plan for action that is contained in the document, we seek to ensure that no one is excluded from appropriate sexual health services, whatever their life circumstances, by means of a comprehensive equality and diversity impact assessment process in line with the Executive's equality and diversity approach. It is for the Executive to ensure that that happens on the ground, as well as for NHS boards whose nominated executive directors will need to take into account the issues that impact on sexual health, especially in relation to inequalities, and utilise the diversity impact assessment process. We have considered the points that the member raised in her question and we have adequately addressed those issues in relation to the work of all the partners that are involved in ensuring that the sexual health strategy is a success.

**Mrs Nanette Milne (North East Scotland) (Con):** Will the minister clarify the Executive's position on the funding of faith schools should they decide not to implement the sexual health strategy in full?

**Mr Kerr:** As I have said, there is no exclusion zone around our sexual health strategy. That has been borne out by our previous work, by the McCabe report and by the useful guidelines that are now available in our schools. The strategy advocates, without the alarmist implications of the member's question, a sensible approach at a local level that recognises rural, urban and faith issues throughout the school environment. I have faith

that the professionals in our schools and the NHS will ensure that our sexual health strategy and our sex and relationships education strategy are appropriately implemented in all parts of society, and particularly in our schools.

**Christine May (Central Fife) (Lab):** Will the minister encourage the new national sexual health advisory committee to consider further use of initiatives such as the Place in Glenrothes—the young people's health project that he saw during his visit on Monday?

**Mr Kerr:** I place on record my thanks to Christine May for organising some aspects of that visit and for being there with me.

I met some of those professionals whom some people seem to disregard but who provide professional services to young people in difficult circumstances. I had an opportunity to engage with those professionals about the advice that they give to young people and about involving parents and the wider family in discussions about difficult issues that they might experience. I was absolutely reassured by the professionalism of the people who work in our communities in difficult circumstances and by the fact that they are taking an holistic approach to the sexual health of our young people and are saying to young people, "Delay until you are ready, but when you are active, be safe." That is a sensible message and I am sure that the sensible professionals in NHS Scotland, and indeed local councils and other partners, will ensure that our sexual health strategy is delivered effectively.

### Rod-licensing Charges

**4. David Mundell (South of Scotland) (Con):** To ask the Scottish Executive whether it supports the Environment Agency's plans to introduce rod-licensing charges on the Scottish section of the River Esk. (S2O-5388)

**The Deputy Minister for Environment and Rural Development (Lewis Macdonald):** The Scottish Executive supports the introduction of the fisheries management plan for the border Esk that is proposed by the Environment Agency. The duty to introduce rod licences is imposed on the Environment Agency under the Salmon and Freshwater Fisheries Act 1975.

**David Mundell:** I thank the minister for his very careful answer. Does he agree that, in effect, the Environment Agency has reneged on the commitments that Lord Sewel gave to Lord Monro of Langholm when the Scotland Act 1998 was being passed that those powers would not be used? Will the minister tell the chamber why if rod-licence charges are not a good idea on any other river in Scotland, they are a good idea on the Esk?

**Lewis Macdonald:** David Mundell should understand that primary legislation is primary

legislation and that the Salmon and Freshwater Fisheries Act 1975 does not provide the Environment Agency with discretion over whether to introduce rod licensing for salmon and trout. The member should also understand that the Scotland Act 1998 did not transfer responsibility for the issuing of rod licences from ministers of the Crown to Scottish ministers because the issuing of such licences was never a ministerial function but one that was imposed on the Environment Agency under primary legislation. Therefore, transferring that role to Scottish ministers was simply not an option.

**Christine Grahame (South of Scotland) (SNP):** Does the minister agree that it is an historical anomaly that the River Esk is designated as an English river, unlike the Tweed, which has been a Scottish river since the 1850s act of Parliament that bears its name? Does he share the concerns of the Gala angling association, whose members will have to pay for all 200 of the rod licences? Would a solution not be to devolve the Esk back to Scotland?

**Lewis Macdonald:** The Environment Agency's management of the River Esk in the Borders is no more an historical anomaly than the management under Scottish law of the River Tweed's last 10 miles, which are in English territory, or the management of the River Till, which is a tributary of the River Tweed that the Tweed acts placed under Scottish law even though the river is entirely within the county of Northumberland. Those are not historical anomalies but demonstrations of the fact that river catchment areas are managed as river catchment areas, not divided by administrative boundaries.

**Dr Elaine Murray (Dumfries) (Lab):** Will the minister confirm my understanding that the Tweed fishery is regulated under schedule 6 to the Water Resources Act 1991, which enables Scottish ministers to agree to the byelaws that regulate the fishery, but the introduction of the rod licences comes under the Salmon and Freshwater Fisheries Act 1975, which is a separate piece of legislation? Is he aware that Dumfries and Galloway Council believes that there is some dubiety about the legislation? Will he join Dumfries and Galloway Council in requesting the Environment Agency to defer the introduction of the rod licences by one year so that those legal issues can be further examined?

**Lewis Macdonald:** I agree with Elaine Murray's description of the legislative basis of the regulations. The Salmon and Freshwater Fisheries Act 1975 requires the imposition of rod licensing, although the conservation, management and exploitation of fisheries are regulated under other legislation. Consequently, although it might be possible to defer the management plan for the

river—I see no particular advantage in doing so, but it would be possible—it would not be possible to defer the introduction of rod licences on the same basis because those are imposed under a different piece of legislation. In law, the Environment Agency is required to proceed with the introduction of rod licences.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** As one who was born on the north bank of the River Tweed in Berwick-upon-Tweed, I ask the minister to confirm that one of the benefits of devolution is that the Scottish Parliament and Scottish Executive can work closely with the Westminster Parliament and Westminster Government when such cross-border interests arise. Does it not prove the insanity of the nationalists' desires for independence that they would divide communities and, bizarrely, seek to divide rivers?

**Lewis Macdonald:** As Jeremy Purvis will know given his origins on the north bank of the Tweed, on certain sections of the River Esk, the north bank is in Scottish territory and the south bank is in English territory. The idea that it would somehow make more sense to manage the two banks of the same river under entirely separate legislation does not seem very sensible to me.

### Pressured Area Status

**5. Bristow Muldoon (Livingston) (Lab):** To ask the Scottish Executive how many local authorities have approached it with a view to establishing pressured area status in respect of the right to buy for council houses. (S2O-5344)

**The Minister for Communities (Malcolm Chisholm):** Although informal discussions about pressured area status have taken place with a number of local authorities, only one local authority—South Ayrshire Council—has applied for such status to date.

**Bristow Muldoon:** Does the minister share my concern that councils in areas such as Edinburgh and the Lothians, where the affordable housing stock is undoubtedly pressured, have not yet applied for pressured area status? Is he of the view that that is because the current arrangements are too complicated? Will he give a commitment to review the arrangements and to broaden the powers that are available when the review of the right to buy that has been talked about takes place?

**Malcolm Chisholm:** I am not aware that the current arrangements are too complicated, but if Bristow Muldoon or West Lothian Council feels that they are, I would be interested to hear from them. I know that West Lothian Council has had informal discussions with the Scottish Executive and I would be keen to hear an informal response from the council on that issue.

Bristow Muldoon highlights wider problems in the Lothians. Edinburgh is going for a major initiative on community ownership. That will produce a major expansion and the quantity of affordable housing that is required in this part of the world. West Lothian Council is not saying that it will go down that route, but I know that it has been innovative and adventurous in releasing land. That is another fundamental issue in the provision of extra affordable housing.

**The Deputy Presiding Officer:** Question 6 has been withdrawn.

### National Sexual Health Advisory Committee

**7. Patrick Harvie (Glasgow) (Green):** To ask the Scottish Executive how the members of the national sexual health advisory committee will be appointed and when the committee will hold its first meeting. (S2O-5389)

**The Minister for Health and Community Care (Mr Andy Kerr):** I will write shortly to key stakeholders to invite nominations for membership of this important committee which, as I said, I will lead. The first meeting will be held as soon as possible after the membership has been finalised.

**Patrick Harvie:** I welcome the minister's earlier comments about the work that will take place later this month to begin to progress the strategy. I am sure that the minister will agree that it is very important to maintain the momentum on the issue. When the committee is established, what support can it expect from the Executive? For example, will a unit within the Health Department be dedicated to supporting the work of the committee to ensure that it can implement elements of the strategy?

**Mr Kerr:** I assure the member that that will be the case. There will be official support from the Executive to ensure that the work of the committee—most of the work will be done between committee meetings—takes place and that we maintain momentum on the sexual health strategy.

I am aware of the member's role in the cross-party group on sexual health. Now that the strategy has been published this is probably an appropriate time for us to meet again for further discussion. I will be happy to have such a meeting if the member finds that to be of use. I reassure him that the Executive will fully support the work of the advisory committee. A dedicated resource within the Executive will ensure that such support is provided and I look forward to developing our strategy in the best interests of the health of the Scottish nation.

**Susan Deacon (Edinburgh East and Musselburgh) (Lab):** Will the minister give an assurance that other work will not be put on hold

pending the creation of the advisory committee? In particular, when can we expect to get the evaluation of the healthy respect project and to see decisions being made as a consequence of that? Not least among the issues that require to be addressed is the roll-out of a national testing programme on chlamydia, which is the single biggest cause of tubal infertility in women in Scotland.

**Mr Kerr:** I share the member's concern about the rise in chlamydia. I will respond very shortly on the reports that are before me on the healthy respect project and the findings in respect of the pilot on the testing for chlamydia. I have not finalised our response, but I assure the member that that will be done very shortly.

### **Jobs Relocation (Dumfries and Galloway)**

**8. Chris Ballance (South of Scotland) (Green):** To ask the Scottish Executive how many public sector jobs have been relocated in line with Executive policy and how many of these jobs have been relocated to Dumfries and Galloway. (S2O-5314)

**The Deputy Minister for Finance and Public Service Reform (Tavish Scott):** To date, the Scottish Executive has relocated more than 1,400 public sector jobs as a result of its job dispersal policy. In November 2004, we announced the relocation of the national health service central register to Dumfries and Galloway. It comprises a team of 17 staff and is a vital component in the smooth running of the NHS in Scotland. The unit will relocate to Dumfries this year.

**Chris Ballance:** Is the minister aware of the statement that Jack McConnell made on 28 October 2002? Jack McConnell said:

"I want to see rural communities ... from the Highlands and Islands to ... Dumfries and Galloway – enjoying"

the positive impact of relocating jobs. Seventeen out of more than 1,400 is not an enormous positive benefit. Why has the Executive's strategy been so unsuccessful for Dumfries and Galloway?

**Tavish Scott:** The small units initiative, which I thought Mr Ballance understood, relates not only to Dumfries and Galloway but to every area of Scotland. I hope that he has noted, as most of us have, that there have been four small unit relocations in recent months. Those have benefited communities as far afield as Tiree and Tain.

Scottish Enterprise Dumfries and Galloway and Dumfries and Galloway Council have played a positive and leading role in submitting a joint proposal to the Executive and to the officials responsible for putting together the list of potential relocation areas and have identified areas in

Dumfries and Galloway that would legitimately benefit from the relocation of an Executive small unit. We will make further progress on that as relocations come round.

**Alasdair Morgan (South of Scotland) (SNP):** Does the minister agree that there is a danger that the same places will always win, whatever the criteria that are used in decisions about the dispersal of units? Will a fair distribution of Government jobs throughout Scotland be a factor in any decisions that the Executive makes?

**Tavish Scott:** Mr Morgan will be familiar with the Finance Committee's report on the relocation of public sector jobs and with the Executive's response to the report. The point that he raises is entirely legitimate. We seek to balance the necessary and at times conflicting requirements of relocation policy in relation to economic development and areas of deprivation or population sparsity—about which he and I might be particularly concerned. We need to strike that balance, but in our response to the Finance Committee we provided a level playing field from which I hope that our policy can be taken forward to benefit all areas of Scotland.

## Anti-racism Strategy

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

The next item of business is a debate on motion S2M-2402, in the name of Malcolm Chisholm, on an anti-racism strategy, and three amendments to the motion. Demand to speak in the debate is high, so I ask members to adhere to the indicative timings.

15:02

**The Minister for Communities (Malcolm Chisholm):** I am grateful for the opportunity to introduce this important debate and to send out a clear message that there is no place for racism in contemporary Scotland.

Scotland is diverse and multi-ethnic—it has been shaped by the ebb and flow of migrants over centuries. People have come to our shores from many parts of the world to live and work, and Scots have left to set up home abroad, sometimes voluntarily and sometimes forced by circumstances. The richness of our culture and tradition, our architecture and music, and our art and education is testimony to those influences. Scotland in the 21<sup>st</sup> century continues to change; the country is growing in confidence and is becoming more dynamic, more forward thinking and more energetic. Contemporary Scotland has a varied complexion. It is rich in the diversity of its culture and communities and it has all the ingredients to be innovative, smart and successful.

However, there are real challenges. First, we have an aging and declining population, although innovative approaches such as the fresh talent initiative can transform that challenge into an opportunity. Secondly prejudice, bigotry, racism and discrimination too often shackle opportunities and our nation's potential. Scotland has a reputation for being open, friendly and internationalist in outlook, but that is not the reality for some people for whom racism, harassment and discrimination are still too often the experience. That is totally unacceptable. Neither is it acceptable that a climate of fear is generated around asylum seekers and refugees or that heightened international tensions are exploited to foster anti-Islamic sentiments.

We want Scotland to be at ease with its diversity. We want Scotland to be a place of innovation and creativity; a place to which people want to come and where they are welcome. We are clear that action has to be taken and we are clear about the central underpinning message, which is: one Scotland—no place for racism.

### **Tricia Marwick (Mid Scotland and Fife) (SNP):**

Will the minister join me in condemning the invitation that the University of St Andrews union

debating society issued to Nick Griffin of the British National Party? Is he, like me, grateful that Fife police were convinced that there would be a public order issue and forced cancellation of the debate?

**Malcolm Chisholm:** There are many issues around the matter. I share Tricia Marwick's sentiments and pay tribute to the police and the many other organisations—led by Positive Action in Housing—that campaigned on the issue.

The creation of the climate for change and shifting of attitudes are critical parts of the work to combat racism and promote race equality. Our one Scotland, many cultures campaign sets aspirations about the sort of Scotland that we want to live in. It raises public awareness of racist attitudes and behaviour and highlights the negative impact that they have on individuals and society in general. The campaign also celebrates the positive aspects of Scotland's multicultural society.

Race equality and tackling racism are not only critical to achieving the kind of society we want to live in; they are fundamental to delivery of accessible quality services that are responsive and capable of meeting the diverse needs of the population. Tackling racism and promoting equality are also necessary for successful outcomes in flagship policies such as the fresh talent initiative. We must create a climate in which people want to stay once they are here.

Today, I launched the third phase of the one Scotland campaign. On Monday, we will begin screening three new television advertisements that will run for six weeks and which will be complemented by cinema, radio and bus advertising. The television advertisements will highlight three different aspects of the issue. The first is the importance of in-migration, which will be linked to the migration of Scots to other parts of the world. The second is that of racism as a destructive element in society and a virus that should not be spread. The third is that Scotland is a diverse and dynamic country where there is no place for racism.

The media campaign is only part of the Executive's work to promote race equality and tackle racism. It would be somewhat cosmetic to focus on advertising and media work without concrete activity to substantiate it. A range of measures are being taken throughout Executive departments. Of course, it is impossible to mention all that is happening, so I suggest that if members want more details they read last year's report on the recommendations of the race equality action forum and the Executive's race equality scheme action plans. However, I will highlight some key measures.

The first measure is the Health Department's fair for all approach, which I was pleased to drive forward in my previous ministerial post. That initiative seeks to create a national health service in which staff are professionally and culturally equipped to meet the distinctive needs of black and ethnic minority communities and in which employment practices are fair for all and reflect the communities that are served. The initiative was supported by the creation of a national resource centre for ethnic minority health.

The Crown Office and Procurator Fiscal Service has made significant changes to the way in which it is organised and operates to ensure the elimination of racial discrimination and the promotion of race equality. Asylum seekers and refugees are another major issue. The 57 actions of the Scottish refugee integration forum's action plan are being implemented throughout departments and a progress report will be published in the spring. Since 2001, the Scottish Executive has invested more than £7 million in projects that help refugees and their host communities to integrate, including additional funding for English classes.

We will continue to work with the Commission for Racial Equality Scotland, Scottish Enterprise and others in considering the recommendations of the Whitehall strategy unit's "Ethnic Minorities and the Labour Market: Final Report" of March 2003 to ensure that key principles are implemented in Scotland. The Executive also collaborates with the CRE to support the independent review of police in Scotland.

We have produced a range of educational materials for schools, including the new holocaust memorial day education resource—which was launched on 27 January—and the Kiddiesville FC website, which was launched in November last year. We have supported various pieces of work with young people, including Show Racism the Red Card, Heartstone and Young Scot and we have funded the Scottish Trades Union Congress's one workplace, equal rights campaign, which aims to tackle racism and promote equal opportunities in workplaces.

Last, but by no means least, we are implementing the Executive's race equality scheme to ensure that we eliminate discrimination and promote race equality in all that we do. The Race Relations (Amendment) Act 2000 shifted the nature of race legislation from compliance to proactivity, particularly through the introduction of a duty on public bodies to promote race equality. Although the impact of that change is only now beginning to be felt, its significance cannot be underestimated. It provides for mainstreaming of race equality in all activities, which is a critical element in challenging institutional racism and discrimination.

We know from work that the Prime Minister's strategy unit has undertaken—reinforced by subsequent work in Scotland—that there is an ethnic penalty in earnings. Even when class and qualifications are taken into account, most members of minority ethnic communities fare worse than those in the majority population do and, in Scotland, those whose heritage is Pakistani or Bangladeshi earn less in employment and are less likely to be employed.

People from minority ethnic communities will account for half of the growth in the working population in Great Britain in the next 10 years, so failure to improve the labour-market achievement of minority ethnic groups in Scotland will have serious consequences. More than that, there would be a tremendous waste of talent. Grappling with the issues will require our being more sophisticated in our analyses and solutions.

We know that there is systemic racism and bias—better known as institutional racism—and that it accounts for the significant proportion of racial inequality in Britain today. The way institutions and organisations do business can often unwittingly lead to racial bias and inequality, so getting organisations to change and address equality issues in all that they do is at the heart of the race relations changes and of combating the institutional racism that was highlighted in the Macpherson report following the murder of Stephen Lawrence. That underpins the Executive's equality strategy and is part of the one Scotland, many cultures campaign.

The Executive is seeking to address the problem in its role as policy maker and employer. In the latter role, the Executive has improved the diversity of its workforce and has positively encouraged people from minority ethnic communities to work in the Executive.

Significant international and domestic changes are taking place that are influencing our communities and providing a different context for race relations in Scotland. In response, we have undertaken a review of delivery of race equality work. We are anxious to see how best to use our resources and to ensure that we focus on the right priorities. The review builds on the work that has been undertaken by the Executive in the past three years. We are deeply indebted to the many people and organisations that have provided evidence and information to us, and to the individuals who have given time to provide us with advice. We received the final report this week and are now considering the evidence and the way forward. I intend to respond shortly with details of the actions that we will take.

In conclusion, much has been done in recent years to advance the race equality agenda. We benefit enormously from collaboration with

communities and with key organisations that work in the field. That collaboration has enabled us to see and understand more clearly what needs to be done. We should not underestimate the challenges that we face or the complexity of the issues, but neither should we be deterred from addressing those challenges and issues. We want a Scotland to be proud of, which means one Scotland that has no place for racism.

I move,

That the Parliament fully welcomes the Scottish Executive's continued commitment to tackling racism and promoting race equality; welcomes the high profile One Scotland Many Cultures campaign and flagship Fresh Talent initiative; supports the continuing need to raise awareness of, and tackle, racism in Scotland and to celebrate our diversity; supports the range of Executive activities and actions to promote race equality including work in health, the police and education, and is committed to eradicating racism in Scotland in whatever form it takes to ensure that we create an inclusive and prosperous Scotland.

15:12

**Ms Sandra White (Glasgow) (SNP):** I welcome the minister's speech and will touch on some of the issues that he raised.

We all agree that racism is abhorrent. As such, it cannot and should not be tolerated in any way, shape or form in this or any other country. We welcome the Executive's on-going commitment to anti-racism and particularly its continuing strategies, which the Scottish National Party whole-heartedly supports. We acknowledge the good work that is being done, especially in the one Scotland, many cultures campaign, which the minister mentioned. However, concerns still exist about the increase in racist crimes, which increased from 2,705 in 2001-02 to 3,787 in 2003-04. That increase might be due to more people reporting such crimes; if it is, we should welcome people recognising that racism is a crime that they should report. However, a University of Strathclyde report suggests that the figure could be five times higher than the figure of almost 4,000, which is worrying and must be examined. We must consider doing more research into aspects of the problem. The report clearly shows that, unfortunately, we have much more work to do in Scotland to eradicate racism.

The minister mentioned the race equality annual report. Keeping that report fully updated and monitored is important in ensuring that we can see the statistics for racist crimes that are committed. It is also important to consider mainstreaming—which the minister also mentioned—in the health service and in posts elsewhere. We should consider mainstreaming of equality and ensure that it is fully implemented at all levels.

Parliament is committed to eradicating racism in Scotland, but I have grave concerns about some aspects of the media, which it is important to discuss. We have concerns about how some sections of the media and some politicians portray immigration and asylum. We must recognise that democracy and freedom of speech are paramount, but we must also tell the media that with freedoms come responsibilities and that they should be responsible in their reporting.

The fresh talent initiative has been mentioned a lot. I note that the Conservative amendment would remove the reference to the initiative from the motion; it will be interesting to hear why when Mary Scanlon speaks to her amendment. I think that it is a bold initiative, although given the First Minister's remarks in answer to earlier questions, clarification is needed. I fully support the initiative and intend to continue doing so, but perhaps the minister will give us some clarification during his summing-up.

Like everyone else, I have read the report. The gist of it is that we need the initiative because we have a falling population. In the First Minister's statement to Parliament on 25 February 2004, he said:

"Our first target must be to avoid our population falling below 5 million. To do that, we need an additional 8,000 people living in Scotland each year between now and 2009."

He said that the way to do that was

"by retaining home-grown talent within Scotland; by encouraging Scots who have moved away to come back home; and by attracting some who are completely new to Scotland—from the rest of the United Kingdom, from the European Union and from further afield."—[*Official Report*, 25 February 2004; c 5941.]

I take it that that is why the fresh talent initiative has been mentioned in the motion.

We must remind ourselves that if we want to attract people from overseas who have never been to Scotland before, it is essential that when they come here, either as visitors or to settle, they do not experience racism and discrimination. Unfortunately, the figures show that they do experience those things. I welcome the fact that the initiative is mentioned in the motion because the matter is important.

I have asked the minister various questions about facts and figures on the fresh talent initiative, but unfortunately I have not had any reply other than to say that the figures are not held centrally. My questions were mostly about expatriates because that was my starting point. I ask the minister to look into that: if we do not have accurate information, how can we possibly monitor what is going on?

I said earlier that we seek clarification, and Kenny MacAskill raised the matter during First Minister's question time. What exactly is happening with the fresh talent initiative? In a letter to *The Herald* today, Professor Anthony Cohen, the principal of Queen Margaret University College in Edinburgh, writes:

"I am writing from India while on a trip which has taken me to Singapore, Kolkata, Mumbai and Delhi, to nurture Queen Margaret University College's relationships"

with its collaborators in the university sectors in those places, who are

"greatly enthusiastic about the Fresh Talent initiative."

He continues:

"Imagine my dismay on learning from the British Council representatives in these various centres that they have been instructed not to advertise Fresh Talent further, not least because they have been unable to elicit any further guidance about it from the Scottish Executive."

We need clarification on that.

**Robert Brown (Glasgow) (LD):** Given the importance that the member attaches, quite rightly, to the fresh talent initiative, I wonder whether on reflection she might consider that it would be better for a unified statement to go out from the Parliament today in support of the Executive's motion. We are getting into the fringe, itty-bitty issues on the edge of the matter rather than the substance of the anti-racism message, which is what we are trying to put across.

**The Deputy Presiding Officer:** You have one more minute.

**Ms White:** I cannot agree with Robert Brown on that. This is a debate; we have reservations about the Executive's motion and are entitled to suggest amendments to it. We will support the motion anyway, but we ask the Executive to examine the immigration policies of the Westminster Government. I will move on to address those, but it was important to mention the fresh talent initiative. We need fresh talent, but when people come from overseas we must ensure that they are not subjected to racism. I merely point out that that is why the initiative is mentioned in the motion. We will support the motion, but we also encourage members to support our amendment.

The immigration policies of the Westminster Government are punitive, as are the policies of the Tories. The minister mentioned asylum seekers, Islamophobia and so on. His comments are welcome and I know that they come from the heart, but the policies of both the Tories and Labour at Westminster are totally different from what he says.

We will support the Scottish Socialist Party's amendment, and I ask all members to support our amendment. However, we will support the motion.

I move amendment S2M-2402.3, to insert at end:

" , and expresses concern that Labour and Conservative immigration proposals do not reflect Scotland's population requirements or multicultural ethos."

15:20

**Mary Scanlon (Highlands and Islands) (Con):**

I certainly welcome the debate on the anti-racism strategy in Scotland. Scottish Conservatives are vehemently opposed to racism in all forms, both direct and indirect, and we will always be willing to participate in any initiatives that we believe will eradicate the problem.

The positive features of the many diverse cultures in our one Scotland with many cultures must be the focus of any campaign. It is that attitude that could be celebrated and admired as the trait of a maturing and confident small nation. However, we need to be clear about the messages that go out from Parliament and we need to be equally clear about the strategy for tackling problems in Scotland.

At the outset, I want to mention school bullying. It may not always be racist in nature, but it can breed behaviour—and the acceptability of a culture of behaviour—that is unacceptable when directed at any person. I think that more needs to be done to address bullying in schools.

The Executive motion acknowledges the

"commitment to tackling racism and promoting race equality".

We certainly should not lose sight of that commitment, particularly given that 56 per cent of Scots feel that there is a great deal, or quite a lot, of prejudice towards minority ethnic communities in Scotland. Also, 46 per cent of people said that they would prefer to live in an area where most people are similar to themselves.

As others have said, the number of racist incidents that are recorded by Scottish police forces continues to rise annually and stands currently at 3,801 for 2003-04. Of course, that could be attributed to more incidents of racism, to more recording of incidents or to a combination of the two. It would be interesting to have a breakdown of the figures, both geographical and numerical. For example, it would be interesting to know how many incidents related to people from New Zealand, Australia, Canada or America, how many to people from other European Union countries and how many to people from Africa, India, the middle east and the far east. I note in that respect the minister's point about people from Bangladesh and India earning less than other immigrants in Scotland.

We believe that a fair system of immigration control is necessary to promote good race relations—not the chaotic system over which the Labour Government has presided in the past eight years.

**Stewart Stevenson (Banff and Buchan) (SNP):** Will Mary Scanlon give way?

**Mary Scanlon:** Stewart Stevenson should just give me a second.

As Michael Howard said yesterday:

“Instead of offering a haven to those most in need, our asylum system has created a twilight world in which people-smuggling flourishes. The vast majority even of genuine refugees are forced to enter our country by deception, often at the hands of criminal gangs.”

In Scotland—

**Stewart Stevenson:** Will Mary Scanlon give way?

**Mary Scanlon:** I am not forgetting about Stewart Stevenson—he need not worry.

Scotland has a proud tradition of giving refuge to those who flee persecution, and we are a stronger country because we have offered a home to families that want to come here, to work hard and to make a positive contribution to our society.

**Stewart Stevenson:** The Conservative amendment states that

“immigration control is necessary in order to promote good race relations.”

Can Mary Scanlon tell us what the link is between immigration and race? She started—I respect what she said in that regard—from a position of being anti-racist, so how does linking those two things help?

**Mary Scanlon:** If Stewart Stevenson did not bother wasting my time by intervening, which means that I have to cut short my speech, and if he gave me a chance to work the argument through, the answer would be as clear as crystal.

Conservatives were the first to propose a rational points-based system for economic migrants, so that we could maximise the benefit to our country from new workers. We were also the first to propose a 24-hour security watch on points of entry. We view control of our borders as a grave responsibility: Tony Blair sees it as a hot polling issue. Michael Howard wrote that even the Labour Government’s own community cohesion panel has pointed out—Stewart Stevenson should listen to this—that

“when it comes to securing public assent for new migration, ‘the pace of change is simply too great’”.

The panel also pointed out that

“The pressure on resources in those [disadvantaged] areas is often intense and local services are often insufficient to

meet the needs of existing community, let alone newcomers.”

**The Deputy Presiding Officer:** One minute.

**Mary Scanlon:** The amendment in my name would remove the reference in the Executive motion to the fresh talent initiative because the fresh talent document makes no reference to race, racism or ethnic minorities. As the First Minister states in the foreword to the document:

“The single biggest challenge facing Scotland ... is our falling population”.

Sadly, time constraints mean that I will have to cut back on the quotation.

We are experiencing a net loss of young people to the rest of the United Kingdom. Given that people can afford to buy their first home only at the average age of 37, and that there has been an 18 per cent drop in the number of first-time buyers in the past year, that is hardly surprising.

Many people even have to travel to England to get a dentist and, in Scotland, waiting lists and waiting times are rising, as are infertility rates. Indeed, infertility treatment is an area that we need to prioritise within the national health service in Scotland. Apart from making people feel welcome, we need to ensure that incoming workers are given the proper support that they need. For example, when doctors are recruited to posts in the national health service, they should be given appropriate and adequate support in administrative procedures and NHS protocols.

My final statement is—

**The Deputy Presiding Officer:** Quickly.

**Mary Scanlon:** A fair and just system of immigration control is essential in order to promote good race relations and an entrepreneurial low-tax nation with value for money high-quality public services—

**The Deputy Presiding Officer:** The member must close now.

**Mary Scanlon:** That is what will bring in fresh talent. It will also encourage people who were raised in Scotland and graduates of Scottish institutions to stay in Scotland.

I move amendment S2M-2402.2, to leave out from “and flagship” to end and insert:

“supports the continuing need to raise awareness of, and tackle, racism in Scotland and to celebrate our diversity; supports the range of Executive activities and actions to promote race equality including work in health, the police and education; is committed to eradicating racism in Scotland in whatever form it takes to ensure that we create an inclusive and prosperous Scotland, and believes that a fair system of immigration control is necessary in order to promote good race relations.”

15:26

**Rosie Kane (Glasgow) (SSP):** I, too, welcome the minister's speech. I know that he means what he says.

In Scotland, we have a reputation for our warmth, friendship, sense of humour and so on. Our reputation is one that we enjoy. We celebrate and welcome diversity—or, rather, I hope that we do. It is not too wide of the mark to say so, because I see much evidence of that up and down the country from people in power, in organisations and, of course, among everyday folk as they go about their everyday business and help out other folk.

However, no member would deny that there is a problem or that it is growing. Members of the Scottish Parliament received a briefing from the Commission for Racial Equality. Sandra White talked a little about the fact that, in the years between 2001 and 2004, the number of reported racist incidents rose by over 40 per cent to 3,787. Some might say—or might imply—that the figures show that folk are receiving better support to come forward or that they now have the confidence to report. However, given that one in five incidents still goes unreported, we cannot hide behind that notion.

Sandra White also mentioned the fact that the number of reported racist incidents is far greater today. No one in the chamber would deny that the numbers are worrying for politicians, damaging for society and terrifying for those who are on the receiving end. The Commission for Racial Equality warns us that we should not be complacent; that warning is one that we in Parliament must heed. We must also condemn racism. The Scottish Executive's one Scotland, many cultures campaign does that. However, I am sure that the Executive would be among the first to admit that we have some way to go. Sadly, the figures show that our journey towards a racism-free Scotland is now being made up a steep incline.

The Prime Minister, Tony Blair, has a goal to eradicate racial discrimination from the labour market in Scotland by 2013. I have to say that 2013 is a long way off and that the policies of his Government stand in the way of that reported goal—indeed, they also stand in the way of the Executive's initiatives. Changing minds, hearts and attitudes requires deeds as well as words. The Executive can offer both, but if its masters at Westminster continue to push policies that marginalise, exclude, stigmatise and imprison those who seek refuge in this country, we will continue that uphill climb.

In Scotland, we have the space, time and heart to welcome people from around the world. However, it turns out that population decline and a

skills shortage mean that we need to welcome people from around the world. We are fully aware of our population decline and of the need to plan for the future. We are also aware that we have a skills shortage. The two issues are different and although they might overlap and interlink, they require separate approaches.

Fresh talent may well be helpful in assisting people to come to work and stay in Scotland but, as many of us know, working hard to get by and choosing to have a family are seldom compatible choices. The solution to our population decline is that we require families to come to Scotland; the solution requires women to have children and for their families and children to want to stay in Scotland. It also requires families to feel safe in Scotland—folk need to feel welcome.

What plans have we to support those choices? The good news is that the answer to our problems lies in high-rise blocks up and down the country—our asylum seekers. The bad news is that our Prime Minister refuses to look past the coming election. He panders to the middle-England vote and the right-wing media to secure his own position, and damn the rest of us.

Let me tell members what that means for the ordinary people who come to this country. It means that asylum-seeker families are swooped upon in the wee small hours of the morning. It means that they are forced into vans. It means that children watch their mothers being handcuffed, and are separated from them as they are taken on a harrowing journey to detention.

Last week, an asylum-seeking family from Sri Lanka were made homeless by the national asylum support service at the hand of the Home Office. That family have been in this country since 2001. They had the choice to live on the streets of Glasgow or return to Sri Lanka. After a struggle, we managed to secure section 4 support as they were able to prove that, because of the tsunami, they should be considered for hardship support. I know two men from southern Sudan—where a civil war has been raging for 17 years, and where we send food, medicine and shelter—who have also been made homeless and been given the same choice of sleeping on the streets or taking the next flight home. It is all about messages. The Home Office has made those men homeless and hungry, not in Sudan, but in Scotland. I could go on. It is harrowing and difficult for the people who are on the receiving end.

The Westminster Government's pursuit of popularity at the polls means danger and trauma for many. It sends out the message, "You're not welcome here," and makes a mockery of the Executive's anti-racism strategy. One day, I believe that this Parliament will have control over immigration, although it may be too late to deal

sensibly with our skills shortage and population decline. Perhaps the Westminster Government's inadequacies and lack of courage will bring that about sooner rather than later. However, until then, the best will in the world will not send out the message of one Scotland, many cultures.

We have no problem supporting the motion in the name of Malcolm Chisholm and the amendment in the name of Sandra White. I know that both mean what they say, so we can get behind the motion and the amendment without any difficulty. Initiatives of this Parliament to deal with the problem of racism are to be commended, supported and expanded upon. The amendment in my name recognises the fact that the message from Westminster is that we can have a wish list, but we cannot make our wishes come true, which is to the detriment of this Parliament and the people of Scotland and, sadly, threatens the future of this country.

I move amendment S2M-2402.1, to leave out from "to ensure" to end and insert:

" , and believes that current immigration and asylum policy from Westminster undermines the Executive's attempts to eradicate racism in Scotland."

15:32

**Donald Gorrie (Central Scotland) (LD):** Along with Robert Brown, I am happy to re-emphasise the Liberal Democrats' strong support for the anti-racism strategy. We welcome the announcement this morning by Malcolm Chisholm and the widespread support for a further initiative.

I suggest to the Opposition parties that it is quite right that they put forward their views and argue their case, but they might consider not having votes that divide the Parliament. It would help if, so far as the Scottish Parliament's affairs are concerned, we could express a unanimous view. We obviously have differing views on what happens at Westminster, but we can deal with that on a separate occasion. I put that forward as a suggestion.

We delude ourselves if we think that we can remove people's prejudices. We all have prejudices. I remember a bus-load of friends going from my son's wedding in church to the reception. They were civilised and nice people, but when they heard that the English had just lost a rugby match there was a spontaneous cheer. People never get over that attitude. It does not mean that they do not treat English individuals quite correctly, but it is there. We have other prejudices, such as views on citizens of Glasgow or Edinburgh, or the Highlands or lowlands. I have a personal prejudice against white male youths with funny hair, but I have to get over that.

We have to accept that there are prejudices, but we should create a society in which we combat

them. We should change attitudes so that we combat hate of the unknown and ignorance. We should make every pupil in every Scottish school recite "A Man's a Man for a' that" every day—then we might get somewhere. We have to educate people that foreigners and people who look slightly different are not peculiar, bad and untrustworthy. That is something in which we can all take part.

We also have to try to get the media on board. We all experience the most disgraceful consistent misrepresentation by the media of what we do. We can take it, because, unfortunately, it comes with the territory. However, it is not acceptable for the media consistently to tell lies and misrepresent ethnic groups that are in many ways vulnerable to pressures in the community. We really have to get the media to brace up and stop fomenting hatred. In my book, fomenting hatred is the worst crime. It is easy to do; anyone can stir up hatred against another political party, or against various groups, such as Gypsies, and all sorts of people of whom they disapprove. We have to treat hate crimes seriously and racial hatred is particularly bad.

The motion does not mention sport, which is an important area, although Malcolm Chisholm referred to it in his speech. Football is much more a religion than is Christianity or any other religion in Scotland and how the footballers behave is important. We have to have role models, whether in sport or the arts. Malcolm Chisholm appeared this morning with an Asian film actor. Such people can be useful as leading role models.

I turn to a point that I think some people get wrong. There is a sort of false political correctness whereby some people argue that in order to have an inclusive society we should not emphasise Christian festivals, because that might annoy people who are not Christian. That is absolute rubbish. As a Christian, I enjoy going to Hindu festivals, Chinese festivals, Muslim events in the mosques and so on. Diversity is important and we should emphasise our various beliefs and the festivals that arise from them. We can celebrate St Andrew's day and Bannockburn, which I think the incomers like. We do not want to adopt a bland approach and say, "Let's never celebrate anything. We can't have any culture because our culture might annoy somebody else." That is all total rubbish and we must combat the idea strongly.

A strength that some of the ethnic minorities have, especially the Muslims and the Chinese, is skill in developing small businesses. They are more entrepreneurial than are a lot of ethnic Scots. We can do more to help them use the system to develop their skills in small businesses. That is important and has potential.

We should also try to persuade Westminster to be more sensible and allow asylum seekers to work while they are going through the system.

Unpleasant attitudes have been expressed at Westminster. I hope that the general election does not turn into a Dutch auction for stirring up hatred against ethnic minorities. Perhaps we could prevail upon our Scottish Westminster colleagues to ensure that in Scotland the election will be conducted in a more civilised way than it will be in England.

15:38

**Cathy Peattie (Falkirk East) (Lab):** I, too, welcome the debate. If we take a long view, there can be little doubt that in the struggle against racism we have made tremendous strides over the years. There are many examples of attitude and language that were widely accepted and rarely questioned decades ago but which are now seen as clearly unacceptable by everyone but the far right. I ask members to think back to some of the television programmes that were broadcast in the 1960s and 1970s—the prejudices expressed in them make them look so dated.

There is now consensus among the main political parties about mainstreaming equality. The majority of the population believe that everything possible should be done to tackle racism. We have heard today that we are committed to anti-racism as an integral part of Government and society. There are websites devoted to the one Scotland, many cultures, educating for race equality and Show Racism the Red Card campaigns. I commend the Scottish Trades Union Congress for the work that it has done to fight racism and to keep it high up the agenda.

In my area, the Central Scotland Racial Equality Council has been active for more than 20 years. The history of the organisation is a testament to the progress that has been made. I would also like to highlight the recently launched black and ethnic minority programme that is run by an organisation in my constituency that I chair, the Linked Work and Training Trust, in partnership with the Scottish Council for Voluntary Organisations. This exciting programme of positive action delivers a three-year degree course in community development and community learning. The project aims to employ and train community activists from the black and ethnic minority communities across Scotland to work in the statutory, voluntary and community sectors.

However, despite all the good news, it is unfortunately still a case of two steps forward, one step back. Racism continues to fester. There are still too many bigots seeking to create racial strife by appealing to people's fears and prejudices. The circumstances surrounding terrorism and the Iraq war have provided a fertile breeding ground for Islamophobia. The issues of immigration and asylum seekers are too often treated as political

footballs rather than as humanitarian issues. The far right works by making scapegoats of minorities and by making them a target for people's frustrations. It does not appear to matter whether the arguments that are used to do that reflect reality; the far right ignores the fact that we need new people to come to Scotland and to the rest of the UK. I welcome the Executive's effort through the fresh talent initiative. We should all do all that we can to support that initiative. I also believe that asylum seekers should be allowed to work and that they bring great talents to our country.

Gypsy Travellers should be recognised as an ethnic minority community. They are not currently afforded that status in law. The Equal Opportunities Committee has done some work on that issue and has made a number of recommendations to the Scottish Executive. We are now examining what difference those recommendations have made. The issues that were dealt with included provision of sites and young people's access to education. It is not good enough that a young Gypsy Traveller should opt out of education at the age of 12 or 13, as has been the case in the past.

We need tolerance in education. Girls must be allowed to wear hijabs as part of their culture. We should accept and celebrate diversity. Even when it is done with the best intentions, legislating against freedom of cultural expression is bound to cause adverse reactions. We must balance freedom of speech against the need to tackle incitement to racial hatred. Those who seek to take away people's rights cannot be allowed to do so without restriction.

Parliamentary debate is important—and we have had an interesting debate this afternoon—only if it is backed up with extra-parliamentary commitment to fighting racism. Everyone has a responsibility to fight racism, not just politicians. Everyone has a responsibility to welcome diversity and confront discrimination wherever and whenever it occurs.

I am delighted to support the motion.

15:43

**Christine Grahame (South of Scotland) (SNP):** I endorse much of what Rosie Kane said and what Donald Gorrie said towards the end of his speech. I share his concern that we are entering a Dutch auction on immigration proposals that has much to do with a phoney election and which will have implications for racial harmony throughout the UK and in Scotland. That is why we have lodged our amendment. Scotland has a distinctive voice and distinctive requirements and needs, as has been recognised by Charles Clarke with regard to the Labour Party's immigration proposals.

As has been stated, Scotland has the most rapidly declining population in Europe due to our low birth rates and net zero immigration rate. By the end of this decade, we will be down below the symbolic 5 million mark and, by 2041, there will have been a further drop of 10 per cent. We are the only component part of the United Kingdom that has a declining population. We need immigrants. Over the same period, the population of England and Wales is predicted to rise by 7 million.

The implications for Scotland's economy, both social and financial, are great. There will be a strain on services, with an increase in the number of elderly people being exacerbated by the lower number of people to support those services through work and tax. Much of the cost will be met through the Scottish budget, even if we remain devolved and not independent. That will have huge financial implications for health and housing.

In May 2004, it was calculated that only 17 per cent of our population was between 16 and 19. Our population environment is very different from that of the rest of the UK. For example, immigration into Scotland between 1992 and 2001 was 4.7 per cent, which is well below our share—it should be double that figure. We have a crisis that, as I said, puts us in a different position from that of the rest of the UK.

We in the SNP fully support the fresh talent initiative as a step in the right direction, but it is wholly inadequate. If I understand the minister's figures, the maximum number of people who can be brought in is about 8,000 per annum. Yet for Scotland's population to stand still at 5 million, we have to attract 10,000 people per annum.

I do not mean to suggest that devolution has trapped us in this position for ever. There are solutions, and devolved Governments elsewhere have taken control of immigration policy. We could have a Scottish green card and a targeted approach to immigration that is specifically tailored to meet the undeniable, specific needs of the Scottish economy and our demographics. If we had powers over asylum—if we were able to lift the ban on asylum seekers finding employment—we could do much to redress the balance.

I have some examples for the minister. Australia has state-specific migration mechanisms. That is not easy to say but I will explain what it means. It allows state Governments to issue visas to immigrants who fall marginally short of being accepted in an area of high population but who have skills that would be beneficial to that state's economy. There are conditions: an immigrant must be under 45 and live and work in the specified area, although they can go elsewhere on personal and business trips. The visa lasts for three years, but the immigrant can apply for

permanent residency after two. It has been shown that those people are likely to stay in the area that accepted them.

The Canada-Quebec accord of 1991 lays out the roles of the federal and state Governments with regard to immigration into Quebec. Quebec sets its own criteria for immigrants based on their potential to integrate into and enhance Quebec's economy and society. When the federal Government sets the annual target for the number of immigrants that it wants to attract, it must take into account the number that the Quebec Government wants to receive. That number can be anything up to 5 per cent above Quebec's proportion of the Canadian population. Such a model could fit into a devolved Scotland. The result is that Quebec has had an extra 11,500 immigrants per year since 1991 in comparison with the 10 years before the accord was signed. Why cannot Scotland have such an accord with Westminster? That would allow us to take the immigrants whom the south of England neither wants nor needs but whom Scotland sorely needs.

**Mary Scanlon:** Does the member agree with the Conservatives' proposed points system, which is based on the Australian system? If the system were endorsed, it would address the shortage of workers and as a result many of our hospitals might not face downgrading and closure.

**Christine Grahame:** I have grave concerns about the Conservative proposals, one of which is to have asylum seekers and immigrants identified by the United Nations as "genuine". I do not really know what that means. I think that the term "genuine" has a rather sinister effect.

We want younger people to come here. The issue is open for debate and I have suggested models. It is not true that we cannot look elsewhere for systems that could operate for Scotland, such as accords between Westminster and Scotland. If we had an imaginative Government in Scotland, we could look at such ideas. We could have a Scottish green card system under which people could move around the UK, although they would have to live and work in Scotland. Such a system would require people, who might have to be below a certain age, to have certain skills that would benefit the Scottish economy. We could set targets for levels of immigration and we could allow asylum seekers—many of whom are highly talented professionals who are languishing in what are really prisons—to work in Scotland. It is a disgrace that Scotland has no control over that. I hope that those ideas can be chewed over and considered seriously by this Government.

15:49

**Bill Butler (Glasgow Anniesland) (Lab):** I welcome the opportunity to take part in this afternoon's debate on the anti-racism strategy that is being pursued by the Scottish Government. I applaud initiatives such as the one Scotland, many cultures campaign, the fresh talent initiative and the many other programmes that, with Executive support, are promoting the benefits of a culturally diverse, racially tolerant and welcoming Scotland.

The eradication of racism in our country is a worthy goal, and we must use all appropriate means to achieve that end. All sectors of Scottish society must be encouraged to employ their abilities and commitment to create a nation in which every individual's worth is valued, regardless of background or ethnic origin. The one Scotland, many cultures strategy is right to highlight the negative features and the impact of racist attitudes and behaviour and to stress the positive benefits that a diverse society can bring. Tackling racism is everyone's responsibility, and we must send out the message not only that racist violence is unacceptable, but that racist language and attitudes must be challenged and combated.

The reality of Scotland in 2005 is that we have a considerable way to go before we can say that racism has been eradicated. Racism remains a serious problem in Scottish society. The study that was recently carried out by the National Centre for Social Research, in tandem with several equalities organisations, discovered that, although the majority of people—68 per cent—think that Scotland should do all that it can to rid our nation of all forms of prejudice, 26 per cent believe that there is, on occasion, good reason to be prejudiced. The survey also revealed that 11 per cent of our fellow citizens would prefer a white MSP and would not favour a candidate purely on the basis that they came from an ethnic minority background. I hope that the time is not long in coming when the membership of this legislature will reflect the diversity of people in Scotland and we will have non-white faces in the Parliament. I hope that that day comes soon.

The findings of the survey are disturbing. I know that they must be balanced against the more positive responses that were received in the same survey; nevertheless, such a mixed set of responses shows the extent of the challenge that we all face and counsels against complacency. It is my sincere belief that only a comprehensive and sustained programme of anti-racist initiatives can hope to combat racism and promote an inclusive Scotland. On that basis, I and many colleagues from all parties have, in previous debates, welcomed the positive influence that has been exerted by the Show Racism the Red Card campaign in pushing a positive message with the

support of clubs at all levels of our national game. The promotion of that positive message in such an important area of our national life is to be commended, and the Executive's funding of the Scottish Football Association, which has allowed a full-time worker to be employed by the project, is a good initiative that I hope will be continued and built on.

In the time that remains to me, I will focus on another aspect of the campaign to tackle racism in another area that is central our national life: the workplace. The Scottish Trades Union Congress's one workplace equal rights campaign, which supports and complements the Executive's one Scotland, many cultures initiative, is supported by the Scottish Government to the tune of almost £110,000. The campaign reflects the STUC's long-held and laudable commitment to advancing equality issues and tackling racism in workplaces throughout the country.

At the workplace level, the campaign works with individual trade unions on building appropriate and effective programmes to tackle racism. It offers vital support and advice to trade union lay representatives and officials on the best method by which to implement equal opportunities best practice—for instance, through workplace bargaining and specific awareness raising or through learning programmes and initiatives in partnership with employers.

The essential work that is carried out by the campaign ranges from developing and disseminating one workplace equal rights campaigning and information material to raise awareness in the workplace, to assisting individual unions that want to create their own learning programmes in equality law and the spreading of best practice. Detailed programmes such as the STUC's provide components that are necessary to the formulation of an effective, coherent national strategy that can deliver a Scotland where racism and discrimination may be eradicated.

Racism is difficult to tackle. It can be conscious or unconscious; subtle or overt; intentional or unwitting. The STUC's campaign is to be commended, as it provides a multifaceted strategy that recognises the complexity of tackling racism in the workplace and, in doing so, seeks to address it effectively.

In the week when the University of St Andrews made the right decision not to give a platform to the racist and fascist BNP, continuing the proud tradition of the National Union of Students and the STUC of offering no platform to racists or fascists, all of us should remember that we still have an obligation to do all that we can to rid our country of the disease of racism. All of us—sportspeople, trade unionists, community activists, educationists and those in business—have a duty to work with

the Scottish Government for a multicultural Scotland.

Progress is being made, but much remains to be done. Let us go to it and finish the job.

15:55

**Mr Jamie McGrigor (Highlands and Islands) (Con):** As an MSP for the Highlands and Islands, I am fortunate not to encounter many examples of racism, although taunts are sometimes heard about white settlers in the Highlands. Those taunts are often directed at people who have sold up in the south of England and moved into an area where their ideas may not initially fit in with those of the native population. That sometimes causes friction and jealousies, but Highland people are normally extraordinarily welcoming. They extend generous hospitality and accept new cultures into their midst with open arms. The attitude that there are no strangers here, only friends whom we have not yet met, is good.

Harris and Lewis have a large Pakistani community that has been there since the first world war and has adapted wonderfully well into local life. Italian communities all over Scotland make an enormous contribution to our society. Our ethnic minority population represents 2 per cent of Scotland's population. In the 10 years from 1991 to 2001, the total population increased by just 1.3 per cent, but the ethnic population increased by 62 per cent. That shows that people want to make their homes in Scotland.

However, the situation could be much better. If we had a better infrastructure for living and a lower-tax infrastructure, which would really encourage people to start new businesses, Scotland would be a far more popular destination for incomers and a place where more of our young people stayed. The figures that I quoted, which show that the increase in immigrants dwarfed the increase in the native population, demonstrate that many Scots are leaving Scotland because it is too difficult to make ends meet and bring up a family with hope for a future.

**Christine Grahame:** As the member's colleague at Westminster, the shadow Attorney-General, has not apologised to the people of Scotland for saying that Scotland is not a place to which people want to come—I paraphrase—will the member take the opportunity to apologise on his behalf?

**Mr McGrigor:** I will certainly not apologise for remarks that the First Minister made about my colleague in Westminster.

**Christine Grahame:** That is not what I asked about.

**Mr McGrigor:** The First Minister should apologise to my colleague.

The Scottish Conservatives want to attract more people to Scotland and we want our own talent to stay. The only way to do that is to create a climate of economic opportunity and growth, rather than waste resources on gimmicks such as the fresh talent initiative. That means reforming our public services, freeing up our economy and liberating entrepreneurs to become smart and successful again. Those are fundamental points that the Government will not address. Scotland could be the best small country in the world if it had a decent Government that allowed that to come about.

The Scottish Conservatives oppose racism in all forms. We will always try hard to eradicate any racist problem in Scotland. A well-organised and controlled immigration system is vital, rather than the chaos that we have witnessed lately south of the border.

**Stewart Stevenson:** Will the member take a small intervention?

**Mr McGrigor:** No.

Labour's policies have led people to think that as long as they can reach British soil by whatever means, they will be looked after. The lack of a properly organised policy may have inadvertently led to such terrible tragedies as the deaths of the Chinese people who were suffocated in a container and the deaths of the Chinese cockle pickers who drowned in Morecambe bay.

**Stewart Stevenson:** Will the member take a small intervention?

**Mr McGrigor:** Not at the moment.

It is a bit much for the Executive to bring its fresh talent initiative into an anti-racism debate. All that it is doing is trying to make political points. Home Office minister Des Browne has made it clear that the fresh talent initiative was not designed to remedy Scotland's population problem and is in fact a Home Office pilot scheme, which, if it succeeds in Scotland, will be extended throughout the UK. In other words, Scotland is being used as a guinea pig by Tony Blair.

**Linda Fabiani (Central Scotland) (SNP):** Will the member give way?

**Mr McGrigor:** I do not have time to take an intervention.

Conservatives believe that defence of the nation's borders is a prime responsibility of government, but the Government has failed in its duty to police our borders. We believe in immigration and that modern Britain has benefited greatly from the social diversity, economic vibrancy and cultural richness that immigration has brought. The energy and zeal of the young people from the European countries that were recently

liberated from the communist yoke are a wonder to behold. Equally, they think that our democracy and freedom are a prize worth chasing.

However, if the benefits of immigration are to continue, we need to ensure that immigration is managed effectively, in the interests of all Britons, old and new. If we are to maintain good community relations, the number of new citizens whom we can welcome must be well planned in advance and well controlled. That will help to make certain that those who arrive on our shores get the starter support that they need. Conservatives certainly believe that Britain should take her fair share of genuine refugees who are fleeing persecution, because we all have a moral obligation to help people in those circumstances.

16:01

**Marlyn Glen (North East Scotland) (Lab):** I speak as race reporter for the Equal Opportunities Committee. I welcome the Scottish Executive's continued commitment to tackling racism and promoting race equality. That is an integral part of the on-going work to provide equal opportunities for all, and I am pleased to make a small contribution to it.

I would like to concentrate on how the continued commitment to race equality relates to young people, in particular. Early intervention is recognised in educational circles as one of the most effective strategies, and that is where we need to focus attention. Racist attitudes are learned behaviour, so if we can discourage racism in schools, society in future will be much more equitable and tolerant.

I would like to mention the one Scotland, many cultures website and, in particular, the new Kiddiesville FC website that the minister launched in November. The website celebrates difference, using games and stories to get across messages of equality, diversity, inclusiveness and empowerment. All of that is done with humour and fun. I welcome the refreshingly light approach that the website takes to tackling this most serious problem. That approach is most likely to work with the younger age group.

It was heartening to read in a newspaper today of the dramatic drop in the incidence of bullying and racism in schools in Edinburgh. I trust that education departments in Scotland are not just writing their own race equality schemes and policies, but introducing best practice in their schools and monitoring the effects of those policies.

Last month in Dundee the Bharatiya Ashram organised its annual celebration of diversity, which involved many different nations—including India, Bangladesh, China and Scotland—in a fascinating

display of music and dance called fusion. I congratulate the organisers of the event on their work. In particular, I congratulate the children who fused together traditional Scottish country dancing and Indian traditional dance. This is a wonderful example of the many projects throughout Scotland in which people work together to promote harmony in our communities.

Unfortunately, as we have heard, discriminatory attitudes are still at large in Scotland. We must keep up the constant struggle to eliminate those attitudes. As has been said, the chamber does not yet reflect the full diversity of Scottish society, but ethnic minority communities have a real desire to be active in the political arena. It is the duty of each of our political parties to be open and inclusive. However, I am sure that everyone in the chamber will acknowledge that we have a long way to go. The research that Bill Butler cited shows that some people still openly express a general preference for able-bodied, heterosexual, white, male politicians.

There are still too many people who show their prejudice through their actions. Commission for Racial Equality statistics show that 40 racial incidents occur every day. Worryingly, that is not the full picture, as the CRE estimates that only one in five racial incidents is reported. However, each incident can have an extremely damaging effect on the individual involved and on their friends and family.

We now have plans to reduce equality gaps, but to achieve that efficiently we must have robust data collection on ethnic minorities, so that any progress that is made in housing, health and education can be monitored. I would welcome comments from the minister about how such robust data collection systems can be put in place.

The Bromley and Curtice research for the Scottish Executive, entitled "Attitudes to Discrimination in Scotland", suggests three possible explanations for discriminatory attitudes—psychological, economic and sociological. Professor Curtice presented the results of the research to the Equal Opportunities Committee last year. The work concludes that psychological factors are the most important in explaining why people hold discriminatory attitudes. The psychological explanation argues that the reason for such attitudes lies in people's identities and in the images that they have of those whom they perceive to be different from them. In order to influence those attitudes, people need to be encouraged to enjoy a diverse society and be persuaded to see for themselves that other people are just like them.

This debate is part of ensuring that the work towards achieving social cohesion and good race relations continues as an important and visible

part of the work of the Scottish Executive. The one Scotland, many cultures campaign follows that research advice and I look forward to its continuing success.

16:06

**Stewart Stevenson (Banff and Buchan) (SNP):** I start by addressing a few remarks to Jamie McGrigor. He suggests—and I do not wholly disagree with him—that economic growth in Scotland is the key attractor that will ensure that we retain our existing talent and bring more here. However, that sits ill with the policies of his party, and indeed with those of the Executive and its colleagues. We have talent that is currently locked up. We have people who are fleeing as refugees from oppression around the world. They have tremendous qualifications to contribute to our economy. Would the politicians I referred to see those people economically active, or would they keep them locked up? We know the answer.

The Executive has done a great deal in this area on which I commend it. We welcomed the launch of the one Scotland, many cultures campaign in September 2002. The annual report on race equality that was published in February 2004 showed progress and the many useful steps that are being taken. I assume that we will shortly see the annual update.

On the launch of the fresh talent website, Jack McConnell said:

“The biggest single challenge facing Scotland is our falling population, and if we are to succeed in the global economy, we need a constant flow of fresh talent to flourish alongside our home-grown talent.”

We agree with many of the principles and policies. If we criticise the Government, it is on its commitment to delivering on the steps that it is taking. The First Minister and the rest of his team have the opportunity to prove that our pessimism about the Government's current progress is misplaced—and I hope that I am being pessimistic beyond what is reasonable.

I turn to history now because we must draw from the past some very dark and important lessons and apply them to the present. I first confronted racial intolerance during the 1950s and 1960s when we went camping at Achmelvich in west Sutherland every summer holiday. One of the people who went there was a doctor—a very talented surgeon who lived in Glasgow. He had spent much of the war in a concentration camp because he was a Jew. He could not sleep at night without a slice of bread on the table beside his bed. He would wake up in the night tormented by his experience, but if he could feel that piece of bread beside his bed, he knew that he was free at last from the scourge of fascism. However, that

fear and that experience were with him for the rest of his life. We must never return to the conditions that were generated in the 1930s.

My father spent a period of time in Brussels, where he helped Jews escape from the Nazis before the war, but let me quote what some Conservative politicians said in the 1930s. In the *Daily Mirror* of 22 January 1934, Lord Rothermere wrote:

“Timid alarmists all this week have been whimpering that the rapid growth in numbers of the British Blackshirts is preparing the way for a system of rulership by means of steel whips and concentration camps ... Young men may join the British Union of Fascists by writing to the Headquarters, King's Road, Chelsea, London”.

Further, in the *Daily Mail* in 1933, he wrote:

“The German nation, moreover, was rapidly falling under the control of its alien elements. In the last days of the pre-Hitler regime there were twenty times as many Jewish Government officials in Germany as had existed before the war.”

We saw the fascists of the British National Party win 100,000 votes in the 1999 European elections; the 1930s continue to haunt modern society. The BNP hyenas—if I may use that word, Presiding Officer—are feeding on the carcase of emotion that has been stirred up by the Tories, who are promoting racist policies because they are becalmed in the polls down south and are desperate to trade principle for votes. No members of this Parliament—apart from the Tories—will let the BNP and its fellow travellers succeed on that matter.

On 24 September 2002, Jim Wallace said:

“The diverse ethnic make-up of Scotland's population is something of which we should rightly feel proud. However the only way in which this diversity can be safeguarded and encouraged to flourish is if we all take a stand against racism and discrimination in any form.”

I agree with Jim Wallace. The way in which the Tory amendment links immigration and race relations does democracy no service of any kind.

In closing, I quote unusually the first law of epigenetics, which states that the more highly optimised an organism is for one environment, the more adversely it is affected by a change in that environment. Diversity is strength; monoculture is a risk to our very futures.

16:12

**Elaine Smith (Coatbridge and Chryston) (Lab):** I welcome the Scottish Executive's commitment to eradicate racism in Scotland. That commitment is based on the belief that a just society is one that is free from prejudice and discrimination.

People are not born racists; such attitudes grow as children's views and beliefs develop. They are

influenced by those around them, including friends, society and the media. Like Marlyn Glen, I believe that educating children about racism is vital. The websites for young people that the Scottish Executive has developed are excellent resources for assisting that education. The website for 12 to 26-year-olds gives background to and understanding of what racism is and why it is wrong. It encourages young people to speak out against racist behaviour and language, as we all should. Educating children to ensure that they do not develop racially prejudiced mindsets must be a major part of the strategy to tackle racism.

However, we also need to examine whether there are any anomalies in the language that we use in society and the messages that that gives that might adversely affect the Executive's work. On asylum seekers, I believe that we have seen mixed messages and unacceptable use of language that can pander to and foster racist attitudes within our country. As we have heard, the leader of the BNP was due to participate in a debate at the University of St Andrews yesterday, but the invitation was withdrawn after a concerted effort by the Labour and trade union movement, by Positive Action in Housing and others.

According to one point of view, preventing the BNP from speaking publicly threatens free speech. However, like Bill Butler, I believe that giving racist, fascist thugs a platform can serve only to legitimise their vile messages. In any case, human rights law places the rights of personal safety, liberty and security above the right to free speech when such free expression is used to incite racial hatred.

Unfortunately, the BNP has won council seats in England. I believe that some of the language that is used about asylum seekers has served to aid that. Insidious terms such as "bogus asylum seeker", which by the way was this week attributed to a spokesperson for the First Minister, and "illegal immigrant" are repeated so often and dominate public discussion of asylum issues to such an extent that the adjectives have almost become ingrained in the psyche as automatic prefixes. As a Parliament we have a responsibility to question the widespread acceptance of such language, which has emanated from right-wing rhetoric.

Outrageous, unsubstantiated and untrue newspaper stories such as "Swan Bake", with the strapline "Asylum seekers steal the Queen's Birds for BBQ" and the more subtle and sinister "Halt the Asylum Tide now" headline, which called asylum "Britain's biggest crisis", are commonplace. If the public are fed a daily diet of anti-asylum-seeker rhetoric it is little wonder that many people mistakenly believe that asylum seekers are milking the system, taking houses, spreading disease,

causing antisocial behaviour and generally creating a drain on our resources.

I have to say, anecdotally, that I noticed that some constituents used such rhetoric at the time of the European election campaign when the BNP was given increased media coverage and a leaflet drop.

Draconian asylum legislation, aside from being ethically wrong, panders to right-wing racism: talking tough about asylum only serves to foster a racist attitude. Ultimately, the only party that can win from an obscene competition to see who can get toughest on asylum seekers is the BNP.

The point is made on the Executive's website that the prevalence of racism tends to be related to particular economic and social circumstances; it tends to have been most prevalent when migrants have been perceived by the resident population to represent an economic or social threat. The irony is that in Scotland, which has a declining population, we need immigrants. That is evidenced by the fresh talent initiative, which the Scottish Executive has introduced. For that reason, and for reasons of humanity and compassion, we should welcome asylum seekers and allow them to work rather than lock them up in Dungavel or evict them from their homes. That approach to those who are fleeing poverty, oppression, violence and war sends out entirely the wrong message to society and acts as a barrier to achieving one Scotland, many cultures.

On a positive note, research commissioned by Oxfam found that more than 83 per cent of people who were surveyed agreed that individuals seeking asylum in Scotland should be given the opportunity to work, 64 per cent maintained that Scotland should be a safe haven for those fleeing persecution and 60 per cent believed that children should not be held in detention centres. Those findings serve to illustrate some of the good will that exists towards refugees and asylum seekers in Scotland. I believe that the Scottish Executive has a responsibility to recognise, promote and encourage such attitudes as part of the anti-racism strategy. I ask the minister to comment on whether asylum seekers in Scotland will be allowed to use their skills and abilities to work while they await immigration decisions.

The Parliament should speak out for humane immigration rules, fair and just decisions, careful use of language and effective responses that recognise Scotland's distinctive needs. I commend the Scottish Executive's strategy and its commitment to tackling racism. I also recognise the work that it has already done. However, I believe that more attention must be paid to promoting respect for asylum seekers and to challenging right-wing rhetoric. Then we may see the combating of the far right, better community

cohesion and further tangible steps being taken towards eradicating racism in Scotland.

16:18

**Patrick Harvie (Glasgow) (Green):** I add the support of the Green party to the words of condemnation that many members have spoken about the invitation to Nick Griffin of the British National Party to speak in Scotland. Given that the students involved had the wisdom to admit that they were wrong and change their decision, I think that we should acknowledge our support for their making that reversal and cancelling the invitation.

Elaine Smith was right to dismiss the free speech argument. It is important to acknowledge that Nick Griffin's free speech has not been impaired or restricted in any way because we say that we will not speak with him. It would be wrong for any of us, in a misguided attempt to debate with fascist or racist parties, to give them the respectable platforms that democrats are entitled to occupy.

I will address the points that members have made regretting that the amendments mean that we will not unite behind a single motion. When events beyond the Parliament's remit impact on our work—including that of the Executive on anti-racism, which we all support—it is important that we acknowledge and debate the problems. If we disagree about something, we should have nothing to hide and we should disagree openly. If we agree about something, we should do that openly, too. I assume that the arithmetic of the chamber has not changed since yesterday's decision time, so the amendments are unlikely to be agreed to and members will unite behind the Executive motion.

The conflict between United Kingdom and Scottish policy and practice has an impact on work in Scotland. Information campaigns are all very well and have an important part to play, but when politicians court tabloid headlines that give the opposite message, they give legitimacy to the racist motives of the extreme right, as members argued. Both major parties at Westminster court tabloid headlines about who we want to keep out of the country, rather than about who we want to welcome and how we should support such people. That impacts on our ability to work for a racism-free Scotland.

We should acknowledge other events at Westminster, one of which was mentioned at question time by Cathy Peattie. She asked about work on the proposal to set up a single equality body—the proposed commission for equality and human rights—which is likely to be established by a UK equality bill. The Commission for Racial Equality expressed severe concerns about the

proposal. I do not share all those concerns, but they should be heard. The CRE said:

"Though we are open to discussion of the best way to achieve ... progress, we unequivocally reject the proposals".

It went on to say that the proposals

"would weaken the cause of equality overall, and racial equality specifically, and offer so little to the so-called 'new strands' that the relevant groups would receive second-class protection."

I do not support everything that the CRE says about the proposals, but it is important that we consider the CRE's position.

Many members welcomed the poster and media information campaigns, which have an important role. However, as the minister acknowledged, such campaigns represent only one piece in the puzzle. It is important to remember that equality is not soap powder or car insurance. Although we can use some of the tools that sell such products, that approach on its own is not enough. Campaigns can vary in their impact and effectiveness. I regretfully cite the limitations of the recent campaign by Glasgow City Council. Many people felt that the campaign used images that represented racial stereotypes and stereotypes to do with sexuality and sexual identity. That was regrettable, because people's concerns had been discussed with the council in advance of the campaign. Campaigns play an important but limited role; they are just one part of the picture.

Education from the earliest age is the most important thing to get right. There are sometimes conflicts between a young person's right to education and a parent's right to have their child educated in a manner that is consistent with the parent's beliefs. I am glad—and I think that all members will be proud to say—that we live in a society that places the emphasis on the former right, for the most part. None of us would find it acceptable for children to be taught in schools, for example, that mixed-race relationships are wrong, or that a minority ethnic group is morally inferior. I hope that we can all work towards the day on which we can make a similar statement in relation not just to racial equality, but to all strands of equality.

I welcome the minister's comments. Green MSPs will support the motion, although we also hope to support the amendments that were lodged by Sandra White and Rosie Kane.

**The Deputy Presiding Officer (Trish Godman):** We move to winding-up speeches.

16:24

**Ms Rosemary Byrne (South of Scotland) (SSP):** Although I welcome the Executive's

continued commitment to tackling racism and promoting race equality and policies to stamp out racism, prejudice and discrimination, we as Scots need to examine and resolve a number of issues, because we are sending out mixed messages.

How can we regard ourselves as a country that shows racism the red card if we lock up asylum seekers in detention centres? A few weeks ago, I spoke at a rally at Dungavel, an annual event that takes place around Burns day. Note that I said "annual"—it is sad that the event is annual and I and friends of the refugees in Ayrshire wish that that was not the case. In the years since Dungavel opened, the fences have grown higher and deeper; it is nothing less than a prison into which we place children and we do not even give them the human right of attending school. I agree with every word that Elaine Smith said about Dungavel, which is Scotland's shame.

As previous speakers have said, Scotland has thrived on its cultural diversity. Historically, we have welcomed people from all over the world to settle in Scotland. Many members will be descendants of economic refugees who came to Scotland to make a better life for their families. The Executive's fresh talent policy is to be welcomed, given Scotland's shrinking population. By 2009, Scotland's population will fall below 5 million and, by 2027, there could be 0.25 million fewer people of working age in Scotland. However, Charles Clarke's announced new approach to immigration will not allow the Executive to encourage migrants to settle in Scotland and flies in the face of the Executive's fresh talent policy. The Scottish Parliament needs the power to deal with asylum and immigration issues so that we can make Scotland a truly welcoming place for those who wish to make their lives here.

Donald Gorrie, Cathy Peattie and others talked about allowing asylum seekers to work. Elaine Smith asked for answers from the deputy minister on that, which I hope we get. However, under existing Westminster policies, I wonder whether that is possible. I would like to hear what the deputy minister has to say on that. I have two friends in Irvine who are Roma Gypsies and who were given leave to stay after a long battle. They had been deported back to their country of origin, but we finally got them back to Scotland last year, with a lot of help from Campbell Martin. He is not in the chamber, but I thank him for that help. They are now working and contributing to the economy, as well as attending the language classes to which the minister referred. That is a positive example of how Scotland can welcome people, but, given Charles Clarke's announcements, I fear that we will not be able to move on and build on that example.

It is our responsibility to ensure that racism, prejudice and discrimination are wiped out in Scotland. Therefore, we welcome the Executive motion and will support it, along with the SNP amendment. I ask members to support the Scottish Socialist Party amendment, in the name of Rosie Kane, which would send a clear message from the Parliament that Scotland wants no truck with the Westminster policy.

I hope that we will not open up a can of worms during the Westminster election campaign. I fear that we will send out a negative message to those to whom we have talked about giving positive messages on anti-racist behaviour. I hope and pray that we will not end up with a debacle of media coverage that encourages racism to flourish in this country. It was extremely worrying that in the recent reality TV programme to choose a candidate for Westminster, the public voted for the racist. That tells us something about our country. We must consider whether the problem arises because we are giving the wrong messages.

**Patrick Harvie:** I agree with the member's comments. Does she share my delight at how "Newsnight" exposed brilliantly the direct comparison between the policies of that person and any system of immigration that is based on quotas for asylum?

**Ms Byrne:** Yes. We need to keep exposing that and keep the education going, as a number of members have mentioned.

I hope that we send a clear message from Scotland that the Parliament does not want any truck with a Westminster policy that undermines the Executive's attempts to eradicate racism in Scotland. I hope that members will support the SNP and SSP amendments and send that clear message.

16:30

**Robert Brown (Glasgow) (LD):** I add my voice to those of members who have spoken in support of there being one Scotland with no place for racism. I also support what Cathy Peattie and other members said about it being everyone's job to fight racism. Success in that regard will come at community level, around which the structures and support of the Executive are important.

How language changes and moulds social attitudes over time is strange—I think that Cathy Peattie touched on that. At one time, the word that was in vogue was "racialist" rather than "racist" and people who held unpleasant views and attitudes were called "racialists" rather than "racists", which they are called now. I am not clear about why there was a change, but the change in cultural attitudes and attitudes in general is important. Perhaps there was something minor to

be said for George Orwell's *Newspeak*, whereby it was impossible to think unsuitable thoughts. That might have something to contribute to the debate.

A more important issue is that we live in a much more diverse society in respect of people's colour, ethnic or racial origins, religious beliefs and social attitudes than people did in days gone by. Most people—particularly younger people—are more inclusive in their language and attitudes than people were a generation or two ago, although I accept the point that a lot of work has still to be done.

Bill Butler said that tackling racism is not easy. Indeed, diversity is not an easy concept, particularly when it is set against a backdrop of international terror, atrocities by extremists, immoral acts by major states and increasingly repressive laws, such as house arrest and detention without trial, which were once associated with South Africa's apartheid regime or the most brutal communist dictatorships, but which are now mooted as being reasonable and needing to be introduced in our country. In the current climate, such things bear hardest on certain ethnic groups and, in turn, colour—if that is not the wrong word to use—their attitudes to our society.

At various times, acts of barbarism in various countries throughout the world have been committed by Christians, Sikhs, Muslims, Hindus, Jews and people from Europe, Africa, Asia and elsewhere. Barbarism and fanatical extremism know no boundaries—they are not the monopoly of any one group of humanity. However, such happenings in far-off countries—which Neville Chamberlain once talked about in a different context—affect and infect attitudes in this country. Therefore, resolving and reducing enmities in other countries, such as in Iraq or between Israel and Palestine, is for that reason among others, very much in our national interest. That is the backdrop to the work that is being done in Scotland by the Scottish Executive and many voluntary and statutory groups.

I am delighted to endorse the upbeat tone of the motion and am in no doubt that a much greater understanding of diverse cultural perspectives now exists, and that we have a more diverse community than ever. Last night, I had the pleasure of being a guest at the Chinese new year festivities in Glasgow; members may be interested to know that the festivities welcomed the year of the rooster. The Chinese community in Scotland is relatively small and self-effacing but it is tolerant, optimistic and outward looking. It has a lot to contribute directly to Scotland and in acting as a bridge for Scotland to Chinese communities throughout the world and in the far east in particular, in cities such as Shanghai, Glasgow's twin city of Dalian, Hong Kong, Singapore and

Taipei. During question time, the Deputy First Minister spoke about being in China, where he sought to establish links at Scottish Executive level.

Our aim of having a diverse and inclusive national community faces a number of challenges that are worth touching on, as my colleague Donald Gorrie did. The first and possibly most significant challenge concerns the relationship between religion and public policy. Most of us believe that religion is primarily a private matter that is not the state's business. However, private attitudes influence public policy most notably on issues relating to family law, attitudes to women, education, health and crime, which—according to opinion pollsters—happen to be the central issues in election campaigns. Some of those attitudes and beliefs clash with more dominant views in modern society. The meeting point raises various complex issues to do with human rights and social policy; we must ensure that all points of view are included in policy development and practice and that there is genuine participation and engagement. I am talking about a robust process that should produce better outcomes all round.

The second challenge is in education. People are not born racist, as Elaine Smith rightly said. The education system has proved to be adaptable and able to accommodate a range of traditions. It must do so not through fudge but, as Donald Gorrie said, through recognition of and support for different cultural and religious perspectives in all their varieties. I am not a supporter of the establishment of faith schools, but the corollary is that people of all backgrounds must have a sense of belonging in schools. There must be adequate provision in schools for religious and dietary needs and other issues to do with minority communities.

The third challenge is on equalities, not least with reference to the Race Relations (Amendment) Act 2000, which the minister mentioned. We need to have role models in Chinese and Muslim MSPs, in African and Asian civil servants, and in police officers, chief executives and senior people from ethnic minorities in proportion—or more than that—to their numbers. Donald Gorrie also touched on the need for role models in sport and the arts.

We in Parliament look forward to a diverse, prosperous and interesting Scotland that has family and business links to many countries throughout the world, and to a Scotland where citizens from many backgrounds contribute in full measure to our society. I have great pleasure in supporting the motion this afternoon.

16:36

**Bill Aitken (Glasgow) (Con):** This has been one of those debates in which, although there

might be some disagreement, we recognise the sincerity of one another's viewpoints. To that extent, it has been constructive.

What is the basis for any race relations strategy? First, there has to be, in total and absolute terms, condemnation of racism in all its manifestations. I think that we would all agree with that. Secondly, it must be fair to everyone. It must be fair to people of ethnic origin, fair to the indigenous population, fair to newcomers and fair to those whose families have been established here for generations. That is not always an easy balance to strike.

**Patrick Harvie:** I regret rising to make what some might regard as a trivial point of semantics, but can the member name anyone who has no ethnic origins?

**Bill Aitken:** As Mr Harvie acknowledged, that is a fairly trivial point, so I will carry on. I make the point that a balance has to be achieved and it is very necessary for us to do that.

I would like to accentuate the positive. I think that the vast majority of people in Scotland rejoice in diversity. Donald Gorrie was correct to point out that he and many other members have enjoyed festivals at which people of different religions and races open up their doors to let us see exactly what goes on. We learn a lot and we enjoy them a lot.

When we consider people who have come to Scotland over the past couple of generations, is there anyone here who would not say that we have been fortunate? Those who have come have almost invariably been hard working and law abiding. If there is anything to be learned from the absolutely awful murder that took place in Glasgow a few months ago—a murder that was carried out by youths of Pakistani origin—it is the fact that there was no reaction from the local population, largely because those people recognise that the Pakistani population in Glasgow would not normally behave in such a manner and was totally outspoken about those who committed that awful crime. That was the case despite the corrosive and malign attempts at intervention by the BNP. We should look at the positive side of that issue—it is, I suggest, very positive.

A number of other issues have arisen on which there is, perhaps, a difference in viewpoint. Bill Butler said that racism is a serious problem. It is always a problem, but I do not accept that it is as serious as he made out, or as serious as reports make out. Marlyn Glen, in a similar speech, pointed out that we have no ethnic MSPs. That is perhaps a matter for genuine regret.

**Patrick Harvie:** We are all ethnic MSPs.

**Bill Aitken:** I am not taking that again, Patrick.

We must consider other issues, such as the fresh talent initiative. I am a little concerned that that initiative is mentioned in the Administration's motion, because I think that it should stand on its own. In speeches on it by the First Minister and Deputy First Minister, no mention whatever was made of ethnicity.

The Executive is addressing the problem under the wrong heading. There is a problem of depopulation—as a number of members, including Sandra White, said—which must be addressed. However, as I have told the First Minister, the main problem is the appalling haemorrhaging of useful young people, many of whom are graduates, who are no longer prepared to stay in Scotland. I happen to agree with Christine Grahame that Scotland is an attractive place to live despite the best efforts of the Executive, with its high taxation and low public-service performance, which are an incitement to people to leave.

There have been many useful contributions to the debate, although we do not agree with all of them. I have to say that I was very disappointed with Stewart Stevenson's speech, which is unusual; I normally like what he has to say, and although I frequently disagree with him I can always see some sense in it. This afternoon, he was totally over the top and the embarrassed silence with which his peroration was received was eloquent testimony to that.

**Stewart Stevenson:** I shall withdraw the remark that I made when I compared the British National Party to hyenas—but I do so only to apologise to hyenas.

**Bill Aitken:** I think that we should simply move on.

No debate on the question of racism and race relations can be totally detached from the problem that could be caused by wholesale immigration to this country, under whatever heading. That is something that the Westminster Government itself has been forced to recognise. As I have said in the chamber previously, we cannot really blame someone who seeks to come to another country to improve their lifestyle and that of their family; that is human nature. However, we cannot simply cope with immigration of uncontrolled numbers, which is why we must look at the issue.

**Cathy Peattie:** Will Bill Aitken give way?

**Bill Aitken:** I would, but I do not have time. I am in the last minute of my speech.

We have to look at immigration. We cannot accept everyone, and I think that the proposals that were outlined by Michael Howard last week highlight what needs to be done.

16:42

**Linda Fabiani (Central Scotland) (SNP):** I welcome the minister's remarks about the negative portrayal of asylum seekers and the associated fanning of anti-Islamic sentiment, but I suggest that the rhetoric around the UK Government's national security plans encourages the phenomena that Marlyn Glen talked about—fear of those who are not like us and fear of the unknown. As others have said, I am absolutely certain that locking up asylum seekers, throwing them on to the streets of our cities and referring to them as bogus or illegal immigrants or as economic migrants contribute to that negativity.

Rosie Kane, Elaine Smith, Patrick Harvie, Christine Grahame, Cathy Peattie and other members have all spoken of the fresh talent that we already have here in Scotland. There are a great many skilled professionals awaiting Home Office decisions on their asylum applications. Why are we not allowing those people the dignity of working and taking advantage of the contribution that they can make to our services? I hope that, under the fresh talent initiative, the First Minister is lobbying hard at Westminster—perhaps on the quiet, without our knowing—to allow the Government here in Scotland to make such decisions, to the benefit of us all.

The Executive has done well with its racism strategy, over which it has power. The Scottish refugee integration action plan is an example of that. Another example is the push to combat institutional racism. We still have a long way to go, but even the Parliament's recognition of the fact that institutional racism exists in our society is a big step forward compared with where we were a few years ago.

However, I have concerns about the results of a report that the Commission for Racial Equality published in 2003, but which I looked at only lately. The report monitors the Race Relations (Amendment) Act 2000. In March 2002, the Scottish Parliament approved new duties that were designed to help authorities better to meet their general duty under the act. Public authorities were asked to publish a race equality scheme by 30 November 2002. Education authorities were asked to publish a race equality policy by the same date.

The report covered 77 Scottish public authorities: the 32 local authorities; 32 education authorities; five central Government and related agencies; and eight police forces. Albeit that it was published a year ago, I found some of its findings worrying, including the finding that 89 per cent of public authorities said that they had difficulty in meeting the duty. They reported substantial difficulties in allocating resources and prioritising the work.

Only one education authority sent in an REP that largely met the requirements of the duty. The majority of local authority schemes only partly met the duty—all of them required more work. Only one public authority had a fully developed plan of action to improve access to information and services. Will the minister give the chamber a further update—if not today, fairly soon after the debate—on the current status of public bodies in meeting their statutory general duty under the act?

I will address the amendments to the motion. I defend the right of Opposition parties to lodge amendments to any subject for debate. We have far too many subject debates—the sort of debate that does not allow us to get into the meat of the thing. Members' views do not really get heard in those debates; we are unable to put forward our party or group point of view.

As Sandra White said earlier, the SNP will accept—I say “accept”; I wish that we were in a position to accept amendments. The SNP will support the amendment in Rosie Kane's name. The SSP amendment says many of the things that the SNP group in the Parliament has been saying for some time. Right at the beginning of my speech, I said that current immigration and asylum policy undermines the Government in Scotland. I am happy to support the SSP amendment.

I turn to the Tory amendment. If I picked up correctly what the Conservatives were saying, they lodged the amendment because the fresh talent document does not mention racism or immigration policy. The Conservatives might have a point, but we cannot support them, because the last lines of their amendment say:

“a fair system of immigration control is necessary in order to promote good race relations.”

There is something very strange about that wording. It echoes some of the comments that the Tories' UK leader has made about control, quotas and tearing up United Nations conventions. Members on the Tory benches might think that it is acceptable to tear up United Nations conventions, but SNP members cannot go along with that.

It is a bit rich for Jamie McGrigor to moan about a political party using Scotland as a pilot project. Talk about rewriting history.

**The Deputy Presiding Officer:** One minute.

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

**Linda Fabiani:** No, thank you. Mr McGrigor did not allow any interventions during his speech.

**Christine Grahame:** He did.

**Linda Fabiani:** Oh, did he? Go on then.

**The Deputy Presiding Officer:** You are in your last minute, Ms Fabiani. I am sorry, Mr McGrigor,

but the member is in her last minute. Will you please sit down?

**Linda Fabiani:** I am terribly sorry, Mr McGrigor. If I am in my last minute, I will quickly move on.

I welcome the fact that we are to have more one Scotland, many cultures television adverts next week. Back in 2002, the then Minister for Social Justice had John Swinney, our party leader at the time, and me along to discuss the adverts and to show us the content. The view at the time was that everyone should move forward on the issue with the same agenda. This issue, above all others, crosses all party divides. A similar initiative would be welcome today.

I started talking about language and its effect. I will indulge myself—

**The Deputy Presiding Officer:** You will need to indulge yourself extremely quickly.

**Linda Fabiani:** A word that I have issues with—which was not used much today—is “tolerance”. This should not be about tolerating people; it should be about total acceptance of other people. I would not like anybody to be tolerating me—

**The Deputy Presiding Officer:** I have been very tolerant, thank you very much.

16:50

**The Deputy Minister for Communities (Johann Lamont):** I will do my best to be as well behaved as possible, Presiding Officer, because from this angle you are even scarier than when you are close up.

I welcome the opportunity to sum up in this debate. Although there are divergences and differences in what we say, I have been struck by the extent to which we agree.

We are currently recognising the 60<sup>th</sup> anniversary of the liberation of Auschwitz. Earlier in the week, I happened upon a programme on the BBC in which those who lived through the experience of Auschwitz gave moving testimony of their experience of calculated barbarity and of the hostility of Nazism rationally delivered. I was struck by how fresh it was in their minds even now and by the fact that that Nazism was underpinned and driven by racial hatred and racial superiority. I recognise that in this chamber, whatever our differences, we all understand the danger of racism and its power to destroy the lives of individuals and communities.

In this country, we are a mix of cultures. We come from different places and we go to different places. Sometimes when we have travelled, we have not travelled well. Often, we took prejudice with us. Donald Gorrie talked about the need to challenge prejudice. I do not often say this about

the SNP, but we are fortunate in Scotland that the mainstream nationalist party does not draw racist conclusions from its particular commitment to Scotland. However, there are those who do, and we must challenge that prejudice in whatever form it is expressed.

Understandably, some of the debate has related to immigration. We must take our immigration policy seriously. Perhaps we need to have a debate about whether there should be an immigration policy at all. It is my view—I will spend a moment on this, because I want to spend the greater part of my speech on what can be done inside the Parliament—that the essential element of any immigration policy should be that the experience of all those who come into contact with it is the same, regardless of their race, creed or beliefs. However, that is only part of the debate, and only part of understanding racism and how it operates and is experienced.

As I have said before in this chamber, as a child of Gaelic-speaking Hebrideans brought up in the centre of Glasgow, I was brought up alongside people who had moved from Pakistan to live in Glasgow. As they arrived in Glasgow, our parents believed in the same things, but I know that my contemporaries then have had a lifetime of experiencing being Scottish in a very different way from me, because it will have been a lifetime with experience of racism.

Racism expresses itself in many ways, such as in racist bullying and intimidation in our local communities. I know as a constituency MSP that the same young people who express their antisocial behaviour in one way towards a white family often target it in an expressly racist way against a black family. We know that in this debate we should reflect the reality of Scotland.

There are grounds for concern. Bobo Balde and Jean-Alain Boumsong are at the height of their powers and the peak of their profession. They are young, talented, wealthy and powerful men, but they are still victims of racist abuse from football supporters simply because of the colour of their skin. However, there are grounds for optimism in that area. We remember the young Dundee football supporter—a young boy—who spoke up courageously about the racists who were standing roundabout him and shouting racist abuse. That was a small, still voice, but it gives us hope for a real change in attitudes, particularly among our young people.

Of course, we know that there are too many fearful families and isolated individuals within our communities. Too many people from all sorts of backgrounds experience a lack of respect and the abuse of their basic rights, which is totally unacceptable. That is what our commitment to our campaign today is about.

Marlyn Glen raised the issue of data collection and Linda Fabiani talked about the capacity of public bodies. The points that they made were made frequently during the review of local race equality work and we will consider how to address both issues.

We have discussed many aspects of anti-racism today, but it is worth remembering why we are having the debate. We know that in Scotland employment rates among people from minority ethnic communities are lower than those in white communities, yet we know that the level of entrepreneurship among some minority ethnic communities is high. We know, too, that people from minority ethnic communities are under-represented in most occupations—certainly in the occupation of being a politician—and continue to experience racism in work. The issues of institutional racism and racial harassment are still far too prevalent in Scottish working life and act as a barrier to individuals and organisations fulfilling their potential. We also know that there are real issues about equal access to secure and good quality housing for minority ethnic communities.

We know, as members have said, that although the number of racist incidents might be increasing, because people have more confidence to report them, they are still a reproach to our idea of Scotland as one nation in which everyone can be safe. Mary Scanlon asked whether the figures could be broken down and I will certainly explore that to see whether it is possible.

We know from research that people in Scotland say that they want to live in a country that is welcoming and friendly and where all have equal opportunities to prosper and succeed. Their aspirations for Scotland—both for its nature and for its place on the global stage—are incredibly high. However, at the same time, they reveal entrenched prejudice and attitudes that cut across that—attitudes that result in the exclusion and the relative and, in some cases, absolute deprivation to which I have referred.

The research has also shown us that people acknowledge that racism is a problem in contemporary Scotland, but see it as something for which others are responsible. I agree that we must confront it in ourselves and take responsibility for ourselves. The reality is that racism is a problem at all levels of society and across all geographical areas.

Scotland has a history of welcoming strangers and that tradition has never been more important than it is now. I was struck by the fact that, in my community and others throughout Glasgow, people had anxieties about the experience of asylum seekers. It was often in the poorest communities and among the most vulnerable and deprived people that the hand of friendship,

support and compassion was stretched out. I hear what Patrick Harvie said about Glasgow. The fact is that Glasgow City Council had the courage to welcome asylum seekers and to support them in their experiences.

The debate has focused on the challenges that Scotland faces in the 21<sup>st</sup> century because of its falling population. Sandra White asked about the fresh talent initiative. I should say that the report from Westminster acknowledges the fact that Scotland faces a demographic challenge and is different from the rest of the UK and emphasises the importance of regional solutions such as the fresh talent initiative. It is clear that much work remains to be done to refine the detail of the five-year plan and its implementation, but it presents Scotland with the opportunity to ensure that our unique needs are reflected. We will engage actively with the Home Office on that.

Mary Scanlon asked, “What is the connection? Why are we having a debate about anti-racism that mentions fresh talent?” The reality is that we must create the climate for people to be welcomed here. If people come here and are racially abused or find Scotland to be a place where it is legitimate to abuse other people from minority ethnic communities, others will not want to come. That is why we focused so much on promoting race equality and why the one Scotland, many cultures campaign is so important. It sets out aspirations for the sort of Scotland in which we want to live.

We do that not only because we want to attract and retain people from abroad, but because we need to do so for the kind of Scotland that we want and for the people who are already here. All of us, from whatever background, are lessened and diminished by racism and racial inequality that goes unchallenged or is tolerated, as Linda Fabiani said.

Scotland has produced great thinkers and its people have demonstrated enterprise and innovation and have contributed to the world in many significant ways. Scotland has also benefited from the contribution of the many people who have visited and settled here over the centuries. We continue to do so today and we must not be complacent about a comfortable Scotland, because we know that the statistics challenge that idea. The Scotland of the 21<sup>st</sup> century needs innovation, interchange, energy and dynamism to continue. There is no place for small-minded prejudice and narrowness of vision if we are to be successful. Racism detracts from that vision; if we do not tackle it, we let ourselves and Scotland down.

Everyone can help to create a climate in which racism is unacceptable. Those are not trite remarks and I recognise the genuine commitment across the chamber to understanding the issues.

We understand the seriousness and complexity of the challenges that confront us. We believe passionately in seeking resolution and we are determined—as I am sure the Parliament is—to secure the change that we all want and that our communities deserve.

I urge members to support the motion.

## Business Motion

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-2393, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for legislation.

*Motion moved,*

That the Parliament agrees—

(a) that consideration of the Gaelic Language (Scotland) Bill at Stage 2 be completed by 18 March 2005;

(b) that the Justice 2 Committee report to the Justice 1 Committee by 25 February 2005 on Part 1 Land Reform (Scotland) Act 2003: Draft Guidance for Local Authorities and National Park Authorities (SE/2005/14);

(c) that the Justice 2 Committee report to the Justice 1 Committee by 4 March 2005 on the European Communities (Matrimonial and Parental Responsibility Jurisdiction and Judgments) (Scotland) Regulations 2005 (SSI 2005/42); and

(d) that the Justice 1 Committee report to the Justice 2 Committee by 26 February 2005 on the Community Reparation Orders (Requirements for Consultation and Prescribed Activities) (Scotland) Regulations 2005 (SSI 2005/18).—[*Ms Margaret Curran.*]

*Motion agreed to.*

## Decision Time

17:01

**The Presiding Officer (Mr George Reid):**

There are four questions to be put as a result of today's business. The first question is, that amendment S2M-2402.3, in the name of Sandra White, which seeks to amend motion S2M-2402, in the name of Malcolm Chisholm, on an anti-racism strategy, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Adam, Brian (Aberdeen North) (SNP)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (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)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (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)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**AGAINST**

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 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)  
 Douglas-Hamilton, Lord James (Lothians) (Con)

Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Glen, Marlyn (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, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (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)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahan, Michael (Hamilton North and Bellshill) (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)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (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)  
 Stephen, Nicol (Aberdeen South) (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 35, Against 75, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The second question is, that amendment S2M-2402.2, in the name of Mary Scanlon, which seeks to amend motion S2M-2402, in the name of Malcolm Chisholm, on an

anti-racism strategy, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Aitken, Bill (Glasgow) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (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)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 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)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kane, Rosie (Glasgow) (SSP)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North East Scotland) (SNP)

Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (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)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 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)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 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)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Presiding Officer:** The result of the division is: For 15, Against 96, Abstentions 0.

*Amendment disagreed to*

**The Presiding Officer:** The third question is, that amendment S2M-2402.1, in the name of Rosie Kane, which seeks to amend motion S2M-2402, in the name of Malcolm Chisholm, on an anti-racism strategy, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen North) (SNP)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)

Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (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)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (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)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 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)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Glen, Marlyn (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, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)

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)  
 McLetchie, David (Edinburgh Pentlands) (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)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (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)  
 Stephen, Nicol (Aberdeen South) (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 35, Against 77, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The fourth question is, that motion S2M-2402, in the name of Malcolm Chisholm, on an anti-racism strategy, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 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)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)

Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kane, Rosie (Glasgow) (SSP)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (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)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 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)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)

Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 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)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (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 97, Against 15, Abstentions 0.

#### *Motion agreed to.*

That the Parliament fully welcomes the Scottish Executive's continued commitment to tackling racism and promoting race equality; welcomes the high profile One Scotland Many Cultures campaign and flagship Fresh Talent initiative; supports the continuing need to raise awareness of, and tackle, racism in Scotland and to celebrate our diversity; supports the range of Executive activities and actions to promote race equality including work in health, the police and education, and is committed to eradicating racism in Scotland in whatever form it takes to ensure that we create an inclusive and prosperous Scotland.

## Cancer Patients (Benefit Entitlements)

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

The final item of business is a members' business debate on motion S2M-2294, in the name of Elaine Smith, on a better deal for people dealing with cancer. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament congratulates Macmillan Cancer Relief on the success of its "A Better Deal for People Dealing with Cancer" campaign which has so far directly helped 8,000 people across the UK access advice on the benefit entitlements of cancer patients; reasserts its support for the campaign and the recent round of radio promotions targeted at areas in the United Kingdom with high cancer and mortality rates and low uptake of disability benefits, including five areas of Scotland; expresses concern that Scotland has the highest non-claimant rate (64%) amongst patients with a terminal diagnosis; acknowledges that the key aim of the campaign is to secure specialist advice for every cancer patient at diagnosis; recognises that such an objective could be best realised through partnership-working between stakeholders, such as the Benefits Agency, the NHS, local authorities and cancer charities, and considers that co-operation between the Scottish Executive and the UK Government is necessary to facilitate such change.

17:07

**Elaine Smith (Coatbridge and Chryston) (Lab):** I am delighted that this motion has been chosen for this evening's debate as it serves to highlight further Macmillan Cancer Relief's excellent campaign. It also provides an opportunity for us to discuss the role that we can play in supporting the campaign's objectives and the action that is needed to tackle the related problems. I therefore thank those members who signed the motion and those who have stayed for the debate.

My focus on the subject stems from a meeting that I attended last year with my colleague Tom Clarke MP, Maria Eagle, who is the Minister for Disabled People, and members of the Lanarkshire speakeasy club. The speakeasy club is a voluntary peer support group that works with people who have developed cancer of the larynx and undergone a laryngectomy, or removal of the voice-box, as a result. The secretary of the group, Anne Muir, is in the gallery this evening. I am delighted that she has joined us and I welcome her to the Parliament.

During that meeting, we heard first-hand accounts of the harrowing situations in which speakeasy members found themselves after they had surgery. Effectively, patients have to relearn techniques to enable breathing and communication and they can be faced with the

possibility of further surgery in order to improve vocal ability. In addition to the physical and emotional upheaval, group members found that their illness introduced new and varied constraints on their finances and that accessing benefit services was far from straightforward. Obviously, the debilitating effects of a laryngectomy pose specific challenges for patients who need to access the Benefits Agency; for example, services such as telephone advice lines are no longer practical. That makes engagement more difficult.

The difficulties encountered by speakeasy members are not limited to that area. They range from problems with interpreting forms to struggling to have their condition adequately understood. Macmillan Cancer Relief has found that financial concerns are second only to physical pain as a cause of stress for people with cancer and their families. The financial implications of a cancer diagnosis can be immediate and severe. At a time when income, energy and resources start to decrease, expenses usually increase. General living costs such as housing, debt and mortgage repayments conspire with increased bills for essentials such as travel and parking, child care, heating, laundry, food and prescriptions to push many patients and their families to their financial limit at a time when they should be concentrating on their immediate health concern.

In June last year, Macmillan reported that 77 per cent of people who responded to its CancerVOICES survey had incurred extra expense as a result of their cancer. Given the fact that more than £126 million in disability benefits went unclaimed by people with a terminal cancer diagnosis in the United Kingdom last year and considering the fact that Scotland has the highest non-claimant rate—64 per cent of relevant Scottish patients did not claim the benefits to which they were entitled last year—it is apparent that we have a significant problem to address.

Much of the work on assessing the scale of the problem, identifying barriers and developing solutions has already been done. During its 2001 strategy review, Macmillan found that current trends suggest that more people will be diagnosed with cancer, more people will survive cancer for longer and more people will live at home with cancer for longer. From previous surveys, Macmillan knew that financial concerns were prevalent among cancer patients. However, its analysis of the plans of statutory and voluntary services showed that none of them had plans to address the need for practical support that the trends and surveys identified.

In recent years, Macmillan has carried out several research projects and has initiated high-profile campaigns such as the campaign for a better deal for people dealing with cancer. Central

to much of its recent work are the findings of a report that was published last year on benefits access for cancer patients in Northern Ireland. The report aims to identify the relevant barriers to benefits access and makes recommendations on how improvements can be made. Its findings are comprehensive and wide reaching. Crucially, they encompass both reserved and devolved issues. Many of the recommendations in the report relate to the operations of the Benefits Agency and are, therefore, reserved. However, much of the report recommends closer working between health and social care professionals and social security agency staff to enable a greater understanding of their roles and to develop clear pathways of referral for advice for patients.

Perhaps the most significant recommendation—the one that has been echoed in the better deal campaign—is that every cancer patient should be made aware of the fact that they may be entitled to benefits at diagnosis and that specialist help and support is available. In Lanarkshire, there is a service that aims to do just that. In 2001, Macmillan Cancer Relief joined forces with the Lanarkshire citizens advice bureaux to provide a point of contact for referrals and advice for cancer patients. Project workers liaise with a range of nursing and other staff in Lanarkshire's three main hospitals to raise awareness of the service and to encourage the early referral of patients, who are then offered a range of options for guidance and support, including advice sessions and home and ward visits.

The project is now in its third year of funding from Macmillan and has achieved considerable success. In 2003, the project was successful in securing more than £500,000 in benefits for cancer patients in Lanarkshire. That figure more than doubled last year, with more than £1 million secured for the project's clients, 99 per cent of whom were new or upgraded claimants. The project exemplifies what can be achieved through partnership working and engagement between relevant stakeholders. I encourage the minister to liaise directly with Macmillan, with a view to learning from the project and, possibly, rolling variations of it out across the country.

The statistics show clearly not only that the problem exists throughout the United Kingdom but that we face a particular challenge in Scotland, making the need for decisive action on the part of all the stakeholders all the more urgent. I congratulate Macmillan Cancer Relief on the commitment and initiative that it has shown on the issue, and I encourage the Scottish Executive to engage with the charity to tackle the problems effectively. In closing, I refer to the words of a cancer patient from Luton, who summed up the situation concisely when she said:

"I really think that you should be able to talk to somebody straight away after you or your partner has been diagnosed with cancer. This way so much unnecessary worry could be avoided."

17:13

**Christine Grahame (South of Scotland) (SNP):** I commend Elaine Smith for lodging this very worthy motion. My colleague Stewart Maxwell, who cannot be here today, launched the Macmillan Cancer Relief campaign on benefits in the Parliament. In November, I took part in a seminar on the subject, which included a workshop on the benefits system and how many cancer patients fail to access it, as Elaine Smith has said.

Many cancer patients and carers may be entitled to claim benefits such as disability living allowance, attendance allowance, income support, carers allowance and other benefits. However, a lack of knowledge, embarrassment or the sheer difficulty of claiming may prevent them from accessing those benefits. The statistics show that 64 per cent of those with a terminal cancer diagnosis—nearly 10,000 people in Scotland—did not claim disability benefits last year. That amounts to £15 million that was unclaimed but desperately needed. There is a variety of reasons for that. Elaine Smith referred to the excellent report entitled "Benefits Access for People Affected by Cancer in Northern Ireland", which was the result of the nine-month secondment of a member of staff from Northern Ireland's Social Security Agency—social security is devolved there, which is handy—

"to investigate the barriers faced by people affected by cancer in Northern Ireland in accessing benefits."

That was the springboard for the excellent leaflets that Macmillan has issued, which are entitled "Affected by cancer? We can stop it spreading to your finances" and "Help with the cost of cancer".

The summary of the Northern Ireland report says that the diagnosis of cancer sometimes makes it difficult to claim benefits, because the impact of some cancers is variable and unpredictable—it is cyclical. On one day, people might not feel that they require to claim benefits, but on another day, they might require to claim them.

The summary also says:

"There are problems associated with people being identified as 'terminally ill'. Being identified as 'terminally ill', as defined in Social Security legislation, entitles an applicant to quick and easy access to certain ... benefits. However, there are different understandings amongst health and social care professionals and the Social Security Agency about the definition".

A simple matter such as that can determine whether someone accesses benefits.

All the comments from individuals and the data show that fear of the debt that is incurred from all that lands on people who have cancer is next only to the illness itself as a concern and must exacerbate dealing with the illness.

The summary says that many people with cancer do not have a good understanding of how the benefits system works or how to access it. Most health and social care professionals who were interviewed for the survey had limited knowledge about the benefits system. Many knew that they needed to help their patients, but they did not know how to do that.

The report also says that

"Many key staff working for the Social Security Agency have"

little

"understanding about the impact of living with cancer"

and need specific training in how to deal with such people. It must be extremely difficult to fill in a form with the words "terminally ill" on it when it is about oneself.

The report's conclusions and recommendations say that what is needed is improved communication about an advanced disease or poor prognosis, an increase in knowledge and awareness, improved access to benefits and support in the decision-making process.

I am taken with the comments of individuals with cancer who have tried to claim benefits. A man from Huntly in Aberdeenshire says:

"I found it very hard and stressful to access benefits. My Macmillan social worker told me I was eligible and helped me fill out the forms. Even so I was rejected the first time and so I went to Appeal and won. You have to fight for everything."

Such people need support when they deal with the illness.

Macmillan Cancer Relief's chief executive, Peter Cardy, says:

"It is unacceptable that cancer patients should suffer the huge problem of debt, poverty or financial hardship at a time when they are most vulnerable—especially when help is available if only they knew about it. This is why Macmillan wants a better financial deal for people dealing with cancer and to see changes in the law so that claiming benefit is made much easier."

I assume that all of us in the chamber support that.

I very much welcome the debate. I do not know how far we have moved on. We have difficulties in Scotland because the Benefits Agency is not devolved, but that does not prevent us from making the most of devolution by ensuring liaison with the Benefits Agency and adopting the Northern Ireland model to ensure that all types of cancer patients are not disadvantaged when they need financial support.

17:19

**Donald Gorrie (Central Scotland) (LD):** The issue is important and Elaine Smith deserves credit for identifying it. Parts of the issue concern Westminster, so although we should agitate for changes to how the benefits system works, we cannot make those changes ourselves. However, we can try to make people understand the system better and we can advise them. That is a general point. Elaine Smith has put her finger on a fault in our society.

Life is increasingly complicated; people face more and more complex issues, whether it be putting together a flat pack from IKEA for which they need expert advice, putting together a tax return, understanding the benefits system or even understanding an Edinburgh referendum voting paper. Life is full of complexities and many people need advice at the right time. Advice at another time is either no use or much less use. We must consider how we can give advice better at key points.

There are some good projects. Elaine Smith mentioned one, and I know that in some areas citizens advice bureaux liaise well with hospitals so that they can give people advice when they are in hospital. There are also advice centres in law courts. However, none of us puts advice giving high enough in our order of priorities for it to attract support from public funds. I am as guilty of that as anyone. We think that it is better to get something tangible in return for our support, and advice giving sounds a bit vague, woolly and liberal with a small L. However, we must pay far more attention to it.

By and large, our systems, including the benefits system, were invented by well-meaning and reasonably intelligent politicians of whatever party and civil servants, but they do not take account of the people who must understand and work their way through the systems. I plead with the minister to give serious thought, and to encourage her colleagues to give serious thought, to improving provision of advice at critical times through voluntary organisations such as CABx, the health service, local authorities and others. We should devote more of our resources to that.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Does Donald Gorrie agree that the Maggie's centres are an excellent source of advice to many people who suffer from cancer, especially breast cancer, and that the creation of Maggie's centres in places such as Dundee, Glasgow and, soon, Inverness is greatly to be welcomed?

**Donald Gorrie:** Yes. When I represented Edinburgh West, I had considerable dealings with the Maggie's centre at the Western general

hospital in Edinburgh. I can testify to the very good work that it does.

We can build on the good work that many good people do. However, the Macmillan Cancer Relief briefing shows clearly that overall we are failing to deliver advice at the right moment to people who really need it. This debate is important in enabling us to focus our efforts to do that better in the future.

17:22

**Eleanor Scott (Highlands and Islands) (Green):** I thank Elaine Smith for securing this debate on a very important topic and I thank Macmillan Cancer Relief for its on-going campaign.

It is a real indictment of our society if people become poor or in debt because they have a serious and life-threatening illness. Cancer is a collection of conditions, rather than one condition. It is not a simple condition of the sort our benefits system is geared up to deal with. The effects of the illness are variable during its progression. People may be well one day, but after they have received a diagnosis they may have treatment that makes them feel worse temporarily and leaves them incapacitated and unable to work. They may get better, relapse and recover again, or they may deteriorate gradually. Deterioration can also be quite rapid.

The juggernaut that is our benefits system is not well designed to cope with cancer, which seems especially to be the case in Scotland. As has been mentioned, we have the worst claim rate in the UK for disability or attendance allowance for people who are dying of cancer. Approximately only one third of the people who should receive those benefits are receiving them. It has been estimated that about 10,000 people are not claiming disability or attendance allowance that is worth a total of £15 million. If pension credit, incapacity benefit and housing benefit for all the people who are affected by cancer are taken into account, the figure is likely to double to approximately £30 million. It will increase as the age profile of our population increases and cancer rates inevitably increase along with it. The problem that we are discussing is UK wide, but there is a particular Scottish problem of under-claiming of benefits, which we need to examine. I may say more about that later, if I have time.

I quote from a Macmillan briefing that I was grateful to receive prior to the debate. It states:

"Speaking at the close of the members' motion S2M-166 on the Macmillan CAB partnership on 9 October 2003, the then Minister, Malcolm Chisholm, said that the issue of welfare benefits should be taken forward by Macmillan through the Joint Futures Agenda."

That was to happen in co-operation with health boards and local authorities.

The briefing continues:

"A list of the local managers was provided to Ian Gibson of Macmillan to enable direct contact with decision-makers. Macmillan has made extensive contacts and it has not been a positive experience.

In general the vast majority of NHS personnel contacted do not regard welfare benefits as a health issue and/or a part of the Joint Futures Agenda."

We can understand that because it is not part of national health service personnel training, but welfare benefits fall between stools at the moment; it does not seem to be anybody's job to deal with them.

Macmillan talked about different groups with which they tried to engage. Honourable mention went to West Dunbartonshire Council, which is entering a partnership with Macmillan. The other honourable mention was of the Pension Service, which has offered to work in partnership with Citizens Advice Scotland and with Macmillan. That initiative is being piloted in Aberdeen. It is an indictment that none of the bodies that are responsible to the Scottish Executive shows that degree of co-operation and I know that it has been a disappointment to the people at Macmillan who had hoped to develop such work.

There needs to be directive action from the Executive. A directive needs to be given to councils and health boards on the joint futures agenda to the effect that welfare benefits must be part of the agenda and that they should seek partnership with the voluntary sector. The Executive should require reports from health boards on what action they are taking to make welfare benefit support more accessible to patients and it should make representations to Westminster about what analysis it is doing and why Scotland has the worst claim rate in the United Kingdom. We should not just roll over and say that it is a fact of life; we should ask why it is happening, not just among cancer patients, but generally. That money could tackle poverty in Scotland, but it is not coming here. The matter should be addressed with some urgency.

The way we treat our seriously ill people, and in some cases our terminally ill people, is important. It is a measure of the kind of society we have. If we let those people down and let them fall into poverty and debt for no reason other than that they have developed a serious illness—such as could strike any of us tomorrow—that is a real failing in society and it must be tackled.

I commend the motion and I agree with everything in it. I commend the Macmillan campaign and I urge the Executive to do everything that it can to engage with the campaign and develop it further.

17:27

**Mrs Nanette Milne (North East Scotland)**

**(Con):** I congratulate Elaine Smith on securing this timely debate. During Karen Whitefield's members' business debate on the Lanarkshire initiative between the CABx and Macmillan, I remember being extremely impressed by the clear and obvious benefit to ill patients of receiving welfare benefit advice and other financial information early in their illness. Such a service would benefit any sick patient, but it is particularly valuable for people who are diagnosed with cancer, who are hit with more than the physical and emotional bombshell that the big C always generates. They are also hit with loss of earnings; frequent travel costs for hospital visits; the cost of wigs and necessary clothing to cope with hair and weight loss; added food costs; extra heating costs, because they are confined to the house more than usual; and various other added costs. The stress of wondering how to cope with all those added financial pressures, when people are often totally ignorant of the benefits and help available, does recovery and prognosis no good at all. To have those worries lifted by an initiative such as the Macmillan better deal must be like a gift from heaven to those people.

When the former Minister for Health and Community Care suggested in 2003 that Macmillan should progress the issue of welfare benefits through the joint futures agenda, it looked hopeful that initiatives to help patients living with cancer would soon be rolled out throughout the country. Sadly, as Eleanor Scott mentioned, that has not happened. The management of welfare benefits is a mishmash in councils throughout the country. Sometimes it is dealt with by social work and sometimes by trading standards or the chief executive's department. In my city of Aberdeen, it is split between social work and housing. Joint futures representatives often have nothing to do with welfare benefits. How can a voluntary organisation such as Macmillan possibly operate nationally through joint futures if its representatives do not even know about the issue? It is small wonder that little progress has been made since 2003.

However, I was pleased to learn recently that Aberdeen is piloting a partnership between the Pension Service, Macmillan and Citizens Advice Scotland, with the citizens advice bureau acting as the hub and the pension service giving much of the advice and help to the over-60s in the city. It is not fair that patients and carers who shoulder the burden of cancer should depend on a postcode lottery for financial advice and help. If the proposed new service in my area gets off the ground later this year, I hope that other parts of Scotland that currently have no scheme for helping patients to deal with cancer will soon

follow suit. For that to happen, the Executive and the Westminster Government will clearly need to facilitate matters in the way that the motion suggests. Co-operation and discussion with Macmillan would be a good way forward.

I warmly congratulate Macmillan on uncovering the huge unmet need of such vulnerable patients through its better deal campaign. I also congratulate Elaine Smith on ensuring that the issue is aired in Parliament. I very much look forward to the minister's response.

17:31

**The Deputy Minister for Health and Community Care (Rhona Brankin):** I join other members in congratulating Elaine Smith on securing tonight's debate and I join her in welcoming members from the speakeasy club.

The Scottish Executive recognises the considerable additional anxieties and difficulties that are faced by people with serious illnesses such as cancer. We recognise that it is vital that people are able to access the information that they need at a time and in a format that best suit them. Whether the information is about their individual treatment or day-to-day support, such as advice on the additional state benefits to which they might be entitled, it is clear that such needs must be met alongside and integrated with their clinical care. Elaine Smith spoke very movingly about how, during what is undoubtedly a stressful and confusing time in their lives, patients welcome support such as that which is offered by Macmillan Cancer Relief.

I congratulate Macmillan Cancer Relief on the success of its better deal campaign. Backed up by radio advertising, the recent campaign was aimed at raising awareness of the advice that is available and has helped about 8,000 people across the United Kingdom.

The Scottish Executive shares the ideals of the Macmillan campaign. We, too, want people to access the benefits to which they are entitled, regardless of their background and where they live in Scotland. We are striving to reach those most in need by working across health, education and social care to address the opportunity gap in Scotland. We are also working to improve cancer outcomes. More and more people are living after cancer, with a 13.6 per cent reduction over the past eight years in the number of deaths from cancer in people under 75.

We recognise that the issues will be addressed only if people work together. An example of such collaboration, which involved Macmillan, was recognised by the Parliament in a members' business debate in 2003. As Elaine Smith has explained, Macmillan's partnership with citizens

advice bureaux in Lanarkshire has provided debt and benefits advice to cancer patients.

Citizens Advice Scotland provides advice in more than 200 locations, including general practitioner surgeries, hospitals and clinics, and on home visits. Across the country, other similar advice programmes that are under way are funded by bodies such as the Big Lottery Fund, Sargent Cancer Care for Children and Maggie's cancer care centres. The importance of the Maggie's centres was highlighted by Fergus Ewing earlier.

**Christine Grahame:** Fully accepting the constrictions of devolution, does the minister agree that the Northern Ireland model provides an excellent way forward? Can the Executive involve the Benefits Agency in the same way as happens in Northern Ireland, where uptake of benefits has been much better? We need that kind of full-frontal approach. Initiatives with citizens advice bureaux and so on are all very well, but the Benefits Agency is where the great problem lies.

**Rhona Brankin:** Our minds are not closed to any suggestion. If the Northern Ireland model has demonstrably worked effectively, we will be happy to look at it.

People in Scotland can also obtain advice from Money Advice Scotland, the national debtline, which is a telephone advice line, and the Department for Work and Pensions benefit inquiry line. DWP support and advice is delivered to people of working age, employers, pensioners, families, children and disabled people through a UK-wide modern network of services.

As part of the Executive's cancer strategy, "A Guide to securing access to information" was prepared by a group of patients, carers and voluntary sector representatives—the group was chaired by Macmillan's director for Scotland. The guide aimed to improve the co-ordination and availability of patient and carer information and exhorts all concerned to work together for the benefit of patients, their families and carers.

Cancer networks aim to integrate health and social care, which is essential if they are to meet the holistic needs of people who suffer from illness and to address the effects that illness—whether cancer or any other disease—has on their everyday lives.

Each of the three regional cancer networks continues to develop information packages in ways that are best suited to patients and to promote awareness of all the information needs across the patient pathway for people who are affected by cancer. That includes access to clinical, practical and psychological information as well as the provision of information about access points for benefits, transport, work, housing and debt advice.

In the west of Scotland cancer network area, individual information packs are provided for patients. They can select the detailed information that they want so that they have at their fingertips a reliable and constant guide that is best suited to their needs and includes information about work, benefits advice and contact details. I am keen to look at examples of good practice, such as the work of the west of Scotland cancer network. We must consider what works most effectively.

Looking to the future, the emerging community health partnerships are key building blocks for the modernisation of NHS Scotland and joint services. CHPs will have a crucial role in developing effective partnerships, in integration and in service design.

It is particularly important that we look at the work that has been done on joint futures, which will be integrated with the plans of the CHPs. I am interested to hear what has been said today—and what was said in the 2003 debate—about joint futures. I would be interested to hear more details about such work from Macmillan and to look to ways to deliver a more joined-up service in the future.

As members will know, CHPs aim to provide a focus for integration between primary care and specialist services and integration with social care. They aim to work in partnership with local authorities, the voluntary sector and others to support the improvement of the health of local communities. CHPs will be the focus for joined-up work in the future.

There is ample evidence that by working collaboratively and in partnership Government, local authorities, health and social services and the voluntary sector can secure real improvements in services for people with cancer.

I will briefly respond to some of the points that have been made in the debate. Elaine Smith asked me to liaise with Macmillan—I am happy to undertake to do that. If representatives from Macmillan would like to meet me, I would be happy to meet them to hear at first hand their views on what works and what we could do to improve services for people with cancer. I recognise the financial difficulties that many people find themselves in and we should look at ways to ensure that such difficulties do not arise.

Fergus Ewing mentioned the Maggie's centres. A network such as that is hugely important in giving people information at the time of diagnosis. This morning, I attended an event in a library in Glasgow where people with mental health problems can access books that are prescribed for them by GPs. We should continue to consider such ideas. We are using networks in the community through which people not only are

empowered to find out information for themselves but can be supported; perhaps there could be partnerships between CABx and libraries. We must consider creative ways of making progress, but it is critical that we ensure that people have access to information at the time of diagnosis. I fully support what members say about the importance of speed of access to information and support.

I pay tribute to everyone involved in developing cancer services. I congratulate Elaine Smith on securing the debate and Macmillan Cancer Relief on the launch of its better deal campaign.

*Meeting closed at 17:40.*



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