

# **MEETING OF THE PARLIAMENT**

Thursday 17 March 2005

Session 2

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# Scottish Parliament

Thursday 17 March 2005

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

## Education

**The Presiding Officer (Mr George Reid):** Good morning. The first item of business is a debate on motion S2M-2597, in the name of Lord James Douglas-Hamilton, on education.

09:30

**Lord James Douglas-Hamilton (Lothians) (Con):** I am grateful for the opportunity to open the debate on behalf of the Scottish Conservative group of members of the Scottish Parliament. We know that Scotland pioneered the enlightenment ideal of education—a national system that offers education to all. The Scottish system was meritocratic and democratic. It rested on a ladder of opportunity that ascended from parish and burgh schools to universities and allowed able children to rise to eminence simply on the basis of their talent.

The Executive is taking education in the wrong direction. Education is over-centralised. Teachers are snowed under by directions from national and local officials who are too distant from the needs of parents and pupils. Better-off families can escape by paying fees or moving to a more sought-after catchment area, but those in areas of urban deprivation remain trapped in a spiral of decline.

In some cases, education is characterised by indiscipline and falling standards. Indiscipline will continue to haunt the Executive until it accepts that indiscipline is destroying teacher morale and adversely affecting other pupils' learning. We accept that in many cases indiscipline will take the form of low-level disruption in the classroom, but in an increasing number of cases, teachers and the well-behaved majority of pupils are subject to verbal and physical abuse.

**Dr Sylvia Jackson (Stirling) (Lab):** Will Lord James Douglas-Hamilton highlight exactly what his party would do to improve discipline? I am thinking of youngsters who are very disruptive in schools.

**Lord James Douglas-Hamilton:** I am happy to do so. I will elaborate my theme and come to that point soon.

In 2003, a member of school staff was attacked every 12 minutes of the school day. Of the 1,660 exclusions for physical attacks on teachers in 2004, only 21 were permanent. Professor Pamela

Munn's research found that 59 per cent of teachers consider discipline to be a serious problem. Despite all that, the Executive has decided to discontinue its annual publication of statistics on violence and indiscipline in schools.

The Minister for Education and Young People pledged to issue guidance to local authorities to help to maintain and develop robust arrangements for monitoring incidents of violence against school staff, but the recent inspectors' report on the implementation of the recommendations of the discipline task group report, "Better Behaviour—Better Learning", noted that many local authorities had yet to implement the guidance.

We want to protect teachers' rights to pursue their profession and to teach. Equally, we want to protect the right of the majority of children to learn unhindered. We would give schools and head teachers—not local authorities—final say over whether a pupil was expelled. We understand that adequate sanctions must be available that can be implemented effectively and which will deter bad behaviour. When absolutely necessary, teachers should have the power to expel.

Sylvia Jackson asked me a relevant question about how we would go through that process. With exclusions, we support second-chance learning centres, which are most certainly not to be confused with last-chance saloons. Second-chance learning centres will have a team of experts—educational psychologists, behavioural experts, health professionals, social workers and guidance counsellors—which means that the difficulties that a child encounters, which might differ in every case, should be properly dealt with.

We have made it clear that funding should follow the pupil. A premium or additional funds will be provided for children with special educational needs, which include behavioural difficulties.

Under our proposals, every child should have the opportunity to fulfil his or her potential. For those with additional support needs, additional support will be provided. I say to Sylvia Jackson that I understand that funding for a pupil with special educational needs could be about £50,000 a year. We must face up to reality. My key point is that the vast majority of pupils in classes should be allowed to proceed with their work unhindered. The final discretion should lie with head teachers.

We have long wished for Scotland's further education colleges to have an enhanced role. For too long, pupils, parents, teachers and some employers have viewed FE colleges as the poor relations of universities. That perception must change. Our business leaders desperately need people who have the vocational training that is necessary to plug Scotland's much-publicised

skills gap. In partnership with the business sector, our FE colleges are best placed to meet that need.

We would enable all pupils aged 14 or over who so wished to access vocational courses at FE colleges as part of their school education. We would also ensure that pupils were properly informed of the alternatives that are available to them on leaving school and were not pressured to attend university. We would support and encourage greater co-operation among schools, colleges and businesses, to ensure that courses provide the skills that business demands.

A more flexible education system that genuinely met the needs of children of all aptitudes and abilities and provided respected qualifications would enable all children to achieve their highest level, whether in floristry, higher history or whatever the subject might be. The existing one-size-fits-all system does not provide achievement for all. The state monopoly of education, coupled with poor motivation and classroom indiscipline, means that some standards of attainment are poor. Despite ever-increasing levels of Government spend, half of Scottish 14-year-olds do not meet the Government standard for writing; more than 11,000 young people did not enter work, education or training when they left school last year; and 3,185 young people left school with no qualifications in 2003—that represents 5.5 per cent of school leavers.

**Robert Brown (Glasgow) (LD):** If we accept for the purpose of argument some of the points that have been made, will Lord James Douglas-Hamilton say how the measures that the Conservatives propose would have the remotest effect on such issues?

**Lord James Douglas-Hamilton:** Our proposals would have a great deal of effect. They would provide far more opportunity and flexibility.

Grade inflation exists—that is not in doubt. The standard grade pass rate has reached 98 per cent and the number who gain five or more standard grades has increased by 10 per cent in the past five years. The ever-increasing pass rates suggest dumbing down in the constant effort to meet Executive targets.

**Mr John Swinney (North Tayside) (SNP):** Will Lord James Douglas-Hamilton give way?

**Lord James Douglas-Hamilton:** I would very much like to give way to Mr Swinney, but I want to develop my theme.

We believe that we must stop concentrating on achieving centrally set targets and start concentrating on maintaining exam standards so that pupils' qualifications are held in high regard and receive appropriate recognition.

The School Boards (Scotland) Act 1988 was passed under the previous Conservative Government and has served parents and schools effectively for the past 17 years. It gave parents a statutory right over the appointment of head teachers and deputy head teachers. Parents and school boards enjoy strong rights in shaping the management and ethos of a school. The Executive threatens to strip parents of those rights with its proposed legislation—

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

**Lord James Douglas-Hamilton:** That is what the Executive threatens on the appointment of head teachers. The Executive is failing parents, who expect to be involved in their children's education. Far from reforming existing legislation, it will repeal the 1988 act and dilute parents' rights in the name of offering more flexible participation.

**Mr Swinney:** I take Lord James back to his point about dumbing down educational attainment to satisfy the targets of Government front benchers. Who is responsible for the dumbing down? I take it that he is accusing teachers or the Scottish Qualifications Authority.

**Lord James Douglas-Hamilton:** Mr John Swinney is incorrect. The Executive is responsible for the Scottish education system. If that system does not measure up to the required standards, we are entitled to hold the Executive to account. John Swinney has not shrunk from doing that in the past. We would ensure that parents retained their statutory rights regarding the appointment of head teachers and deputy head teachers.

The Standards in Scotland's Schools etc Act 2000 contained a presumption in favour of mainstreaming pupils with special educational needs. We want to do away with that presumption, because we believe that the introduction to mainstream schools of children with severe behavioural difficulties and autistic spectrum disorders is not always the best solution for the children concerned. We would like the case of each child to be weighed on its merits.

Under our proposals, state funds would follow the pupil to any school of the parents' choosing, with a premium for children with special educational needs. As I have said, we would end the presumption in favour of mainstreaming.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Will the member give way?

**Lord James Douglas-Hamilton:** I have only a few more moments and would like to finish by making a couple of key points.

Under the proposals that we have made, state funds would follow the pupil, so that any parent would be able to choose to send their son or

daughter to an independently run school. Each pupil would bring with them £5,058 per annum, to which the school or charitable body could add a bursary or scholarship.

**Peter Peacock:** Will the member give way?

**Lord James Douglas-Hamilton:** I would like to develop my theme.

Loretto School, for example, helps 106 of the 274 pupils in the senior school. Merchiston Castle School helps 199 pupils and Robert Gordon's College in Aberdeen helps 200 of its 1,000 secondary pupils. Of the large Edinburgh day schools, both George Watson's College and George Heriot's School help well over 10 per cent of their senior pupils. Instead of considering withdrawal of charitable status from independent schools, we would give greater autonomy and charitable status to all state schools.

**Peter Peacock:** Will the member give way?

**Lord James Douglas-Hamilton:** I will do so after I have finished making my point.

Our proposals would mean that state schools would be able to enjoy many of the benefits that are currently reserved to the independent sector. Specifically, all schools should have the incentive to tap into the vast network of former pupils and the wider community as a means of raising funds.

**Peter Peacock:** I would like Lord James Douglas-Hamilton to clarify two points. First, I understand that the Conservatives' policy is to allow the average cost of a child's education to follow them to the school of their choice. What happens when the cost of education at that school is above the average, which is the case in many parts of Scotland? Would the parents have to top up the funds from their own money? Secondly, will the member be precise about whether he is saying that the cash that the Conservatives would take from the state system could be used to subsidise current fees in the private sector?

**Lord James Douglas-Hamilton:** On top-up fees, it is clear that those who are currently able to afford private education already have choice. Our scheme is intended to give choice to those who do not currently have it. Under our proposals, parents would be free to send their children to private schools, provided that the fees were not more than the per capita funding element. As I mentioned earlier, private schools can and do offer full bursaries to many students. It would be possible for them to redistribute those funds to allow more pupils access to the school. Although parents would not be allowed to top up school fees from their funds, there is no reason why a philanthropic individual or charity could not establish a benevolent fund to which children could apply to facilitate access to a private school.

We want to widen opportunity. The minister constantly addresses me as if I were a member of the Government, so I say to him that before we as an Administration would introduce a bill to Parliament, we would want to consult the people fully on the details. The funds would follow the pupil and we would take into account the kind of point that the minister has just made.

We believe that reform is needed to restore Scotland's education system and that there is a need for more diverse schooling provision. By ending the monopoly of provision, devolving financial and budgetary control to schools and allowing parents, community groups and companies to start up new state-funded schools, we can drive up standards and ensure that all children are allowed to fulfil their potential.

I move,

That the Parliament acknowledges that, as a result of the current government's centralising agenda and top-down approach, education in Scotland is characterised by low levels of attainment, alarming levels of indiscipline in too many of our schools, inadequate vocational provision and over-regulation; believes that developing a system of independently-managed but publicly-funded schools will reduce inequality by giving all parents a choice of school for their children; believes that, as well as supporting alternatives to exclusion, headteachers should have the right in statute to exclude violent and disruptive pupils permanently; opposes the repeal of the School Boards Act 1988 and believes that parents should retain their statutory rights regarding the appointment of headteachers and deputy headteachers; supports the retention of charitable status for independent schools and the extension of this status to all schools that wish it; believes that schools for children with special educational needs are vital to ensure that all are catered for and should be maintained where there is a demand, and notes that the direct funding of schools by the Scottish Executive on a per capita basis will create competition, drive up standards and benefit the council tax payer.

09:44

**The Minister for Education and Young People (Peter Peacock):** I have been looking forward to this debate immensely and so far my expectations of it have been met in full. I expected to hear nonsense from the Tories, and we have heard absolute nonsense from them this morning in Lord James Douglas-Hamilton's speech.

What an extraordinary nerve the Tories have to come to the Parliament to lecture us about improving standards in Scottish education. They may chuckle, but they are the party that during the 18 dark, awful, long years in which they were in charge of Scottish education brought Scottish education to its knees. They are the party that failed to invest in Scottish education. When they left office in 1997, they left crumbling schools the length and breadth of Scotland, lower pupil attainment, larger class sizes than we have today and demoralised staff in every school in

Scotland—unlike today. There was no universal early years provision—unlike today. The Tories left a cluttered curriculum with which teachers could not cope and with which we are now contending. They left colleges collapsing and almost bankrupt the length and breadth of Scotland.

**Miss Annabel Goldie (West of Scotland) (Con):** Will the minister explain why our universities increasingly have to deploy precious resource to provide remedial instruction to supposedly qualified and educated undergraduate students?

**Peter Peacock:** The students to which the member refers went to school when the Tories were in office—that is when they started primary school. The member has made my point exactly. The students who are now entering university went to school when the Tories were in charge.

What an absolute nerve the Tories have to talk to us about standards in education, indiscipline and inadequate vocational options. When they were in office, they did nothing about any of those issues and left the situation worse than it was when they arrived. If they ever get the chance to be in Government again, they will make the situation worse again. People should never forget that. As we heard this morning, if they are elected, the Tories plan to carry out a major onslaught on everything that we value in order to disable Scottish education.

The Tories' 18-year legacy was not just one of neglect. Of course, there was neglect of education, but what they did was worse than that: it was the purposeful, wilful running down of our state education system. They plan to do that again if they are given the chance.

First, they will abolish local education authorities, which run our schools and give strength and add value to the system. Secondly, they plan massive cuts in education spending, which Lord James Douglas-Hamilton did not mention. I refer to the £600 million that David McLetchie has promised already and the £35 billion-worth of cuts that Michael Howard is planning across the public sector. They cannot take that kind of money out of the education system and public services and expect to see improving standards. Under the Tories, there would be no extra teachers, support staff or new schools. The motion that we are debating today makes no reference to investment, because the Conservatives do not plan any investment.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** Will the minister substantiate his claim that the Conservatives plan to make cuts of £600 million? Will he bring to the chamber and place in the parliamentary library the evidence to back it up, or will he withdraw it? He knows that the claim

cannot be substantiated. Every time he has been challenged to substantiate it, he has not been able to do so. He simply continues to repeat the accusation, without offering any basis for it in fact.

**Peter Peacock:** Brian Monteith needs to pay more attention to what his leader says. Just a few months ago in the chamber, I showed him the leaflet that states that there will be cuts of £600 million. I have a number of other quotes from the Conservative leader that make the same point. I fully intend to make those public over the coming weeks, as the matter becomes even more topical and we move into certain events.

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

**Peter Peacock:** I need to make some progress.

The Tories would take us back to the bad old days of cuts and demoralised staff. Members should be under no illusions—what they are about has a clear purpose and is not the result of neglect or accident. They want to undermine state education, because they are against comprehensive schools. Indeed, recently David McLetchie challenged Jack McConnell on when he would abolish the comprehensive system. The Tories want to disinvest from our schools. They want to cause dissatisfaction by lowering standards in them to force people to opt out of the state system and to create the independent network that Lord James Douglas-Hamilton has described. The Tories' clear purpose is to end state education. They want to retain the School Boards (Scotland) Act 1988 so that, when they abolish local authorities, they can force parents to take over and run schools, just as they tried to do when they were in office before. Parents rejected that option when they had the chance.

The Tories have not said much today about the voucher-type system that they plan to introduce. The international evidence on voucher systems, the choice that the Tories propose, does not sustain the arguments that they make. Members should look at New York, Washington and Dayton for evidence of what happens under such systems. Overall standards do not rise. The majority of parents do not participate in such systems because they want a decent local school that the state has invested in where their kids can be educated. The Tories want to mimic what has been going on in Sweden by creating small, elite schools for the few—let us be clear about that. They want to run down state schools to force people to move into their market system, which only the more socially mobile will be able to take advantage of. There would be choice for the few and chaos for the many.

It is interesting that the Tories promote the Swedish system, which lags behind Scotland on



performance. Why do they not promote the system in neighbouring Finland, which is undoubtedly the most successful education system in the world? I will tell members why: it is for the ideological reason that the Finnish system is a comprehensive system, unlike the system that the Tories are trying to promote in Scotland. The comprehensive system breeds success throughout the world.

The Tory recipe for the future is clear: massive cuts in spending; run-down state schools; undermining of the state system; choice for the few; and chaos for the many.

**Tommy Sheridan (Glasgow) (SSP):** Will the minister give way on that point?

**Peter Peacock:** I tell Tommy Sheridan with great respect that I would rather not because I want to keep pasting the Tories for a while longer if I can.

The Tories also have the gall to mention levels of attainment—they have an absolute nerve to do so—as if standards were lower today than they were when they were in office. The opposite is the case. Part of the Tories' plan is to talk down state schools, to try to undermine the system and morale and to paint a wholly false picture of what happened. Scotland is one of the top-performing nations in the world in education and all the objective evidence shows that. In the recent programme for international student assessment—PISA—study, only three countries outperformed Scotland in any significant way, and Sweden does not happen to be one of them.

We have seen steady improvement in our higher and standard grade passes. Under the Tories, just under 70 per cent of 5 to 14 pupils reached required levels in test results. Now almost 80 per cent reach required levels and, since the Tories left office, the average increase across the board has been 9 per cent. In English writing in secondary 2, the level is up by 14 percentage points; in English reading in S2, it is up by 20 per cent; and in maths in S2, it is up by 17 percentage points since the Tories left office. We all have a duty to ensure that attainment never goes backwards, and the only way in which that would happen would be if the Tories returned to office.

I admit that Lord James seemed to make an honest attempt to get more balance into what he said today, but the Tories misrepresent schools on indiscipline. Serious problems of indiscipline exist, but our schools are not riot zones as the Tories like to paint them. The system is not in chaos and total meltdown. As John Swinney mentioned, head teachers have not lost control of their schools and teachers have not lost control of their classrooms.

The Tories' record on indiscipline was truly abysmal. It was the Tories who gave rights to

rowdy pupils in their Education Act 1980. It was the Tories who spent not a brass farthing on supporting teachers—nothing on staged intervention, nothing on restorative practices, nothing on the pupil support bases that they now argue for and nothing on in-service training or continuing professional development. What is worse, the Tories tried to sweep the evidence of indiscipline under the carpet. It was the Tories who refused to fund the study of teacher opinion on indiscipline in the mid-1990s and left it to the teachers unions instead. We have rectified that by picking up the task. The Tories made a blatant attempt to hide the facts from themselves.

We will not do what they did. We will deal with the indiscipline problems in our schools and we are already doing so. We regularly develop policy, survey teacher opinion and experience and employ extra support staff, who the Tories would cut if they got the chance.

Where the Tories failed Scottish education over so many years, the Executive is investing in and strengthening Scottish education. There are better pupil-to-teacher ratios, smaller class sizes, more teachers in training than ever before, the biggest school building programme in Europe, choice in what pupils study—

**Lord James Douglas-Hamilton:** Does the minister accept that the Tories are not going to cut a single penny from education, are not going to cut £600 million and have made it absolutely clear that we support direct funding of schools? That has been made clear to the minister repeatedly. Does he accept that, however often he repeats a blatant falsehood, the truth will out?

**Peter Peacock:** I would love to be able to believe Lord James. I genuinely believe that he tries to be an honourable man at all times. However, I tell him that his party leader has made it clear that he would take £600 million out of our planned spending, which we will commit to extra teachers and extra support staff, and out of the spending that we have already committed to new schools. Those are the kinds of cuts that the Tories would make and their record is clear to see. When they had the chance, they did not invest in Scottish education; they cut, cut and cut again and demoralised the whole system.

That is not what we will do. As I said, we will keep investing in the biggest building programme in Europe and we will provide more choice for our pupils about what to study, when to study it and when to sit exams. We will provide the new vocational options to which Lord James is a latter-day convert—we are doing that now; we do not need the Tories to do it. Those are the measures that people are getting from this Executive through the investments that we are making, and they are in stark contrast to what the Tories offer, which is

massive cuts, choice for the few and chaos for the many.

Since the sun started shining on Scottish education again in 1997, it has had the warmth that it required to start growing and flowering to serve our people well. We must never allow Scottish education to be plunged back into the darkness that the Tories would bring if they were ever elected to office. That is why the Parliament should support our amendment. The Scottish people will do the right thing in the weeks to come.

I move amendment S2M-2597.3, to leave out from “acknowledges” to end and insert:

“recognises the dedication of teachers and support staff in Scotland’s schools to achieving excellent outcomes for the young people of Scotland; supports the Scottish Executive’s agenda for the most comprehensive modernisation programme in Scottish schools for a generation, as described in *Ambitious, Excellent Schools*; acknowledges the Executive’s commitment to building on the investment and successes in education over recent years; welcomes plans to bring a transformation in ambition and achievement through higher expectations for schools and school leadership, and recognises greater freedom for teachers and schools, better parental involvement and choice for pupils, increased and further enhancement of school/college partnerships to extend learning opportunities for pupils and better support for learning so that the individual needs of young people can be better met through tough, intelligent accountabilities to drive improvement.”

09:56

**Fiona Hyslop (Lothians) (SNP):** Having watched the Scottish people defeat the policy of forcing schools to opt out of the system in the 1990s, the Tories now seem to want individual pupils to opt out of the school system. The Tories failed to get schools to opt out, so now they are trying to make individual children do so. If at first a Tory in Scotland cannot succeed, they should just give up.

Whom are the Scottish people most likely to believe about the figures for the proposed Tory cuts—the honourable Lord James Douglas-Hamilton or Hatchet Howard? Hatchet Howard was a minister in the Tory heyday of the 1990s, when 30,000 people protested on the streets of Edinburgh about Tory education policies. The Tories brought our teachers within touching distance of industrial action, which was only averted by the Scottish Parliament and the McCrone settlement.

The Tories left the fabric of our schools in disrepair because “back to basics” never meant the basics of school buildings. Labour and the Liberal Democrats have addressed the fabric of our buildings, but they have mortgaged our children’s futures to the hilt with the financial millstone of dangerously expensive public-private partnerships.

The Tories want market choice in education. The SNP rejects on principle a free market in education. The idea of using children with special needs as some kind of commodity to be traded at a premium in an education marketplace is absolutely disgraceful.

**Mr Monteith:** The member is criticising the Swedish model of per capita funding in schools. Will she tell me the difference between that proposal and the one that she supported just last week for per capita funding of children in early-years education?

**Fiona Hyslop:** I believe in a comprehensive system of places for three-year-olds based on the system used in the Scandinavian countries but not on the free-market operations that the Tories propose. I believe in a comprehensive, universal system that provides free education and, where possible, child care for all. That is a genuine option and opportunity that the Tories would deny young families in Scotland.

The new Tories down south—by that, I mean the Labour Party—have adopted the choice agenda. We have to address the competition agenda, but Scotland is not England. It is not a country of large conurbations and small villages. By and large, Scotland is a country of large county towns with one, or perhaps two, local schools in the area.

Even in Perth, which I visited yesterday with the Education Committee, there are only four secondary schools. Even if we were sold on the free market of the Tories’ so-called choice agenda, which we certainly are not, that system could not apply to Scotland in practice. Parents want their children to get the best education possible and to reach their full potential at school. The Tories want parents to be detached from schools; they see them as consumers with purchasing power rather than as part of the wider school community. The Tories would have parents shopping for schools when most hard-pressed families want to have confidence in their local school and do not want to worry about whether they have made the right choice.

The wider school community needs to be addressed. The sense of ownership and belonging among parents is not as strong as it might be. I acknowledge the Government’s efforts in relation to its proposed legislation on school boards reform, but I appeal to the Government not to throw the baby out with the bath water. Statutory parental powers must remain, in whatever format the Government ultimately proposes in its bill.

If pupils and parents are to have a sense of the school community, there must be a shared understanding of what the school and the education that it provides are for. I fear that the idea of the purpose of education has been lost in

the current education generation. National priorities in education exist in statute and the minister talks about them, but does the nation know about them? What happened to the great education debate? It turned into a monologue in Victoria Quay. If we want to achieve a stimulating, motivated education system in Scotland, we need a shared understanding of that vision, which requires leadership from Government. That is critical. We want dialogue, not drift; we want focus, not a frenzy of initiatives. I do not know how some teachers have the time to think, let alone teach, after they have filled in the forms for the man in the ministry.

Above all, education policy must be shaped and driven in Scotland for Scotland. It must not be dictated by an English agenda and a Government whose priorities must always be determined for the bulk of the population that lives in England and whose votes decide the future Government of the British state. The greater good of the greater English interest does not serve Scottish education and the greater good of the greater English electorate does not serve Scottish education. We need a Scottish vision, not a hand-me-down from a Labour Chancellor of the Exchequer whose contribution to the education debate in Scotland is to throw down the bawbees. Blair and Brown represent two sides of the same Westminster-hewn coin. The Westminster Government holds the purse strings.

The SNP amendment mentions pupils' need for "sufficient time and attention". Smaller class sizes have been SNP policy for many years. The Executive finally took up the policy, but it did so haphazardly and it knew that it could not meet its own target. Class sizes in English and maths for S1 and S2 were to be reduced to 20 pupils, but the minister has already dumped that target. He was bailed out by head teachers, who knew that the target was not deliverable when it was set.

**Peter Peacock:** I am happy to correct Fiona Hyslop on that point. First, we have not dumped the target. Secondly, we will meet the target and are well on the way to doing so.

**Fiona Hyslop:** If the minister has not dumped the target and will meet it, why did he tell us that he listened to head teachers and would offer more flexibility because he would not meet the target? He should reflect on the comments that he made. We want more flexibility, but the Executive should have listened to head teachers when it reduced class sizes in primary schools from 32 to 30 pupils and introduced composite classes throughout Scotland, to the detriment of education for children in their early years. In the current context, the Executive should reflect on its commitments: either it has a target or it does not have one.

We should consider the vision of the school in the community. There are proposals for community schools in which pupils would receive social and health support, but perhaps those proposals ignore the role of the school in the wider community. We must support schools in the community and there must be a presumption against the closure of rural schools.

As our amendment says, schools should provide a peaceful environment. At First Minister's question time on 20 January, I raised the serious issue of the proposal to end the publication of annual indiscipline statistics and to replace them with a three-yearly survey. A couple of weeks later, the Conservatives woke up, smelled the coffee and realised that the matter should be taken up—I applaud them for doing so. If we regard indiscipline as a serious issue, it is important that regular statistics be produced so that there can be accountability. The production of statistics every three years is not good enough. Indiscipline is to do with poor behaviour and lack of motivation and I am glad that the Education Committee is addressing the issue.

We must reflect on the inclusion agenda. I certainly do not blame children who have social, emotional or behavioural needs, but if support is not provided we grind down teachers' spirits and strip from pupils the time and attention that they need. In 2003, I warned that that could happen and, in September of that year, in a debate on an Executive motion on better behaviour, the Parliament agreed to an SNP amendment that called for more resources. Additional support for learning requires far greater resources than are available just now and I warn the minister that the code of practice relating to the Education (Additional Support for Learning) (Scotland) Act 2004 will probably be more important than much of the primary legislation that the Parliament is currently considering. I appeal to the Presiding Officer to ensure that the statutory instrument that will introduce the code of practice is given the time and attention in Parliament that it needs. That is essential.

The Headteachers Association of Scotland has commented on funding and expenses in relation to initiatives. Similar schools in different parts of the country receive different levels of resources and I welcome the minister's investigation of that matter. Wendy Alexander and I asked for such an investigation when the Education Committee considered the budget in 2003. We must examine the role of education authorities and consider local accountability. Is the function of education authorities the duplication and regurgitation of guidance from the Executive or can they provide a furnace in which new ideas can be forged before being piloted and shared? We must examine those issues properly.

The Executive should do three things—four, if we include ignoring the Tories, although, to be fair, I should add that we live in a democracy and the Tories have the right to make their case. First, there should be a serious, deliverable class-size reduction policy. Secondly, there should be a real examination of how resources reach the chalkface and of local authorities' involvement. Thirdly, there should be an assessment of how to make social inclusion work, instead of hindering the progress of the mainstreaming policy.

We should acknowledge and celebrate the hard work, dedication, professionalism and enthusiasm of the thousands of teachers in Scotland who help to shape and inspire our children. If learning is the liberation of the mind, teachers are our freedom fighters.

I move amendment S2M-2597.1, to leave out from "acknowledges" to end and insert:

"recognises the efforts of teachers to deliver a quality education for pupils in increasingly challenging circumstances, the potential of Scotland's pupils to succeed and the need for national government resources, which directly impact on the classroom experience, to provide sufficient time and attention for pupils from teachers in a peaceful, stimulating environment with a relevant, flexible curriculum for them to achieve that potential, and calls on the Scottish Executive to, in particular, develop policies to cut class sizes, to examine the plethora of initiatives and complexity of competitively bid-for funding streams and to reassess the impact of, and support given to, its social inclusion and mainstreaming agenda to ensure that all children can get the most out of their time in school education."

**The Presiding Officer:** Before I call Mr Sheridan, I should say that a number of members have contacted me about the temperature in the chamber, which is unacceptably high for a March morning in Scotland. The matter is being urgently dealt with by facilities management and I am told that there should be some relief shortly.

10:06

**Tommy Sheridan (Glasgow) (SSP):** On a March morning that begins with a Tory debate on education, we must expect the heat to rise, given all the hot air that emanates. The debate seems to be about giving the Tory party a kicking—sometimes I like to be different, but sometimes it is good to be part of the crowd.

The question of class pervades the whole debate. It was interesting that James Douglas-Hamilton said that the Tories would not abolish charitable status for independent schools but develop the approach and make it flourish. In other words, he supports the continued public subsidy of the private school sector through charitable status. Class pervades the debate because Lord James never mentioned the Tories' refusal, during their 18 years in government, to

apply the same principle to Scotland's mines, shipyards and steel yards. When those manufacturing and essential concerns required subsidies, the Tories' class interests were clear.

**Mr Monteith:** Mr Sheridan classifies charitable status for independent schools as a "subsidy". Does he accept that Lord James Douglas-Hamilton proposed that we extend that subsidy by giving state schools charitable status? Surely he would welcome such a move and will join me in agreeing with Lord James.

**Tommy Sheridan:** The only matter on which I agree with Brian Monteith and James Douglas-Hamilton is the argument that the standard and quality of education that money can buy in this country should be available to every child in this country as of right.

The motion sets out an elitist vision of education, which means that Fettes College can have classes of 18 pupils, George Watson's College can have classes of 20 pupils and St Serf's School can have classes of 10 pupils. At Fettes, 99 per cent of pupils pass five or more standard grades at grade 4 or above. At George Watson's, the figure is 98 per cent and, at St Serf's, the figure is 100 per cent. A common feature of the educational attainment successes in the independent schools sector is small class sizes, which the state schools sector should also have. I do not want parents who cherish and love their children dearly to feel that they are letting their kids down unless they make financial sacrifices to send their kids to an educational environment where they can benefit from a wide choice in the curriculum and from class sizes of a maximum of 20 and sometimes as low as 10. In an independent Scotland, our vision would be to offer those benefits to every school pupil. We should not have an exclusive school system that is based on the size of a child's father's wallet or the size of a child's mother's purse. For that reason, the Tory vision for education should be rejected 100 per cent. It is an elitist, exclusive and expensive vision.

Class pervades the debate not only in relation to class division but in relation to class sizes. Class division is at the very heart of the problem. The other day, I spoke to a teacher of 20 years' standing who recalled a tutorial 20 years ago at which the tutor showed, on an overhead projector, a slide of Glasgow and the surrounding parts of Strathclyde. The slide showed colour-coded but unnamed secondary schools and the tutor said that the brighter the colour, the greater the educational attainment of the school. The tutor then slapped another slide on the projector. That slide was produced not by the Scottish Office, but by the local estate agents. It showed that the more expensive the homes in an area, the greater the educational attainment of the schools. In other

words, the single biggest determinant of educational attainment in this country is still income and class. That is why the overriding aim of any Government that wants to improve educational standards and to close the gap between the educational attainment of middle-class kids and working-class kids must be the redistribution of wealth to close the wealth gap.

I have to have a kick at the new Tories rather than the old Tories. Unfortunately, in 2005, the wealth gap is growing. It is now larger than it was even in the dark days of the old Tories. While the wealth gap grows, the educational attainment gap will also grow.

The Scottish Socialist Party's amendment stresses that the primary aim of our education policy is to deliver uniformly smaller class sizes, especially in the early years. All studies show that the single biggest improvement in educational attainment can result from smaller class sizes in the early years of education. However, that improvement should be made across the educational experience of all Scotland's pupils.

Anyone here who has had the benefit of a university education will, I am sure, testify that one of the beauties of that education was the tutorial system, in which, in smaller groups, we could investigate subjects and feel confident enough to ask questions. That is the type of environment that we have to create in our schools.

When I visit schools where the classes have 25, 30 and sometimes even more pupils, I do not envy the task of teachers. On the one hand they have to educate; on the other hand they have to control. It is difficult to do both at once. That is why we have to aim as high as possible. We have to invest as much of our national wealth as possible to ensure that we have smaller class sizes in primary and secondary schools.

Problems in society—whether it be misbehaviour at school, vandalism or a general lack of hope—can be tackled if we start improving things for people at school age and if we deliver smaller class sizes. The comprehensive education system should be defended, but it has to be expanded and improved. The way to do that is to deliver smaller class sizes for all.

I move amendment S2M-2597.2, to leave out from “acknowledges” to end and insert:

“fully endorses a comprehensive education system based on equality of opportunity for all from the nursery sector through to secondary education and beyond; supports a reduction in class sizes to no more than 20 or, indeed, less, along with suitably-qualified support teachers with expertise in working alongside classroom teachers to support pupils with special educational needs and social, emotional and behavioural difficulties, and recognises that early intervention in early years, learning styles and developing emotional intelligence are key areas that require

different approaches to learning and teaching, alongside flexibility to ensure that all children and young people reach their potential.”

10:15

**Robert Brown (Glasgow) (LD):** I am grateful to Lord James Douglas-Hamilton and the Conservatives for calling this debate, which gives us the opportunity to quash some myths and to take a considered view of the state of the education system in Scotland today.

As many members have suggested, education is the single largest force for good in our society. Accordingly, the many issues that it gives rise to are often the subject of intense political debate. It is right that, as the convener of the Parliament's Education Committee, I should say at the outset that our schools—our teachers, our janitors and the various other committed members of staff—get a great deal right. In consequence, they produce a lot of bright, ambitious, socially conscious and nice young people who are a credit to their teachers, their parents and themselves. Schools operate in society. They cannot always repair the damage that is done by parental neglect, by fractured communities or by antisocial attitudes.

As Fiona Hyslop said, she, Lord James and I— together with other members of the Education Committee—visited Perth yesterday, where we saw the smart young people project, which has been set up by schools in Perth and Kinross in association with the YMCA to motivate young people who are apathetic towards or turned off by school. For me, that was a truly inspiring experience. We heard about the newly established pupil-led student council at Perth Grammar School. Despite its name, the school contains a diverse social mix in the city of Perth. We heard about peer counselling, in which older students volunteer to help younger ones with problems. We met a dynamic and innovative pupil-support worker with skills in counselling, family therapy and alternative therapies.

We saw the success of the smart young people project, which claimed to have had only one failure with some challenging young people among the several hundred who had been through the programme. I can think of few better uses of the £34 million funding that the minister recently announced to help with discipline in schools than to provide more pupil-support workers and to provide steady funding for more places on schemes such as the smart young people project. I know, and Lord James knows, that that kind of picture—inspirational, optimistic, realistic and making the most of our young people—is not unique to Perth but can be found with innumerable variations across the bulk of Scottish schools.

In the motion, the Conservatives make a number of propositions. Some are more meritorious than

others, but they have one thing in common: they are all on the fringe of the issue. They are not, as Lord James would have us believe, uplifting drivers of public policy; they are whimpers off-stage from a party that had 18 years in which to do those things had it wished to. As the minister pointed out, the Conservatives presided over what was probably the historic low point of the Scottish education system. Neglect, demoralisation and lack of leadership—that was the sorry legacy of the Conservative years.

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

Will the member take this opportunity to address the proposals of Aberdeenshire Council—which is controlled by Liberal Democrats—to close prestigious special needs schools such as St Andrew's School in Inverurie and Carronhill special school in Stonehaven?

**Robert Brown:** No, I will not. This is a national debate and I do not have the details of the particular cases that the member mentions.

Many issues remain to be discussed. We could have had a useful debate on the low-level indiscipline in classes that wears teachers down. We have not had such a debate. We could have had a debate on the relative merits of using the improved and improving teacher to pupil ratios to cut class sizes generally or on a targeted basis. Oddly, some evidence has shown that cutting class sizes benefits schools in more popular areas, where the classes are full, rather than schools in more deprived areas where the classes are half full and where, arguably, need is greater.

But no—the Conservatives offer us a spurious and unachievable choice. Local authority placement figures for 2003-04 were published on Tuesday. Almost a quarter of all children were the subject of placing requests, the vast majority of which were granted. The Tories would apparently target money to ensure that everyone went to their requested school. However, because the schools in question are full—whether in the public or private sector—the Tory plan can only mean building huts or extensions to accommodate the extra children. Fiona Hyslop made a good point about the single-town situation that applies across most of Scotland. In many places, there is no room for school extensions. The result would be the necessity of spending even more money on bricks and mortar, beyond our existing programme, while creating empty classrooms elsewhere. Does that really improve education? Is there the remotest basis for saying that that is good value for money? What on earth has that to do with improving attainment?

The Tories have an irrelevant obsession with structure and arcane funding mechanisms. The Liberal Democrats believe that the education system should be grounded in good and improving

local schools, linked to and part of local communities. Of course people should have the freedom to send their children to private schools, but what counts for most children are the opportunities offered by education in the state sector.

I conclude by setting out the alternatives on offer on some key issues. On discipline in schools, the Liberal Democrat and Labour coalition provides substantial funding for more suitable staff to give the specialist attention to young people who have issues. Such pupils constitute a tenth of students in the Perth school that the Education Committee visited. The Tories exclude such pupils and fling them out—with no follow-up—on the street, where they are likely to start or to continue a career of crime and nuisance. That is the Tory solution to discipline. On attainment, we invest in leadership development, in developing inspiring teachers, in the range of participative innovations that the committee saw in Perth, in targeted reductions in class sizes and in remotivating young people. The Tories are exercised about who appoints deputy head teachers. On vocational provision, the Tories moan but offer nothing at all.

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

**Robert Brown:** I am sorry, but I do not have time to take further interventions.

The Liberal Democrats, through the Scottish Executive, give young people new options to attend college to do a wider range of vocational courses in a more adult environment within the overall school framework. The Executive has surpassed its targets for modern apprenticeships two years ahead of time.

The Liberal Democrats demand quality for all, not a spurious and unworkable choice for the few. Education is and should be about encouraging, inspiring and motivating our young citizens to fulfil their potential. It should be about opportunity, ambition, leadership and self-belief.

**Christine Grahame (South of Scotland)**

**(SNP):** On a point of order, Presiding Officer. I want clarification. Robert Brown introduced himself as the convener of the Education Committee and his speech was broad to begin with. However, he is now talking about Executive policy. In what capacity is he speaking?

**The Deputy Presiding Officer (Trish Godman):** Mr Brown is speaking in his capacity as the convener of the Education Committee, if that is what he said. I was not here at the beginning of his speech.

**Robert Brown:** Mr Brown is speaking as an elected MSP for the Liberal Democrats in Glasgow, who happens also to be the convener of

the Education Committee. It is reasonably clear that, in today's debate, I have been speaking primarily as Liberal Democrat spokesman on education.

If I may, I will finish my peroration. I had thought that I was giving the chamber reasonable stuff. I was talking about opportunity, ambition, leadership and self-belief. I was also talking about the pride of parents and the achievements of young people and about liberty in the widest possible sense. Instead of all that, the Conservatives have today offered us a dish of cold kale: uninspiring, fearful, obsessed with structure and out of touch—a sort of Alf Garnett view of education. I urge the chamber to have nothing to do with it.

10:23

**Dr Elaine Murray (Dumfries) (Lab):** The motion is long and rambling, so I intend to focus on the Tories' proposals on parental choice and publicly funded independent schools. My apologies to the Scottish National Party and the Scottish Socialist Party if I do not address their amendments, but, as this is a Tory debate, I particularly want to consider the Tories' suggestions.

I have looked at the Tory party policy document "Action on Education", which is available on the website of the United Kingdom Tories—the UK Tory leader has made it clear that the only way is Howard's way. The document promises parents of all school-age children the right to choose.

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

**Dr Murray:** No, I will not take an intervention at the moment.

"Action on Education" says that parents will be able to apply to any state-funded school. It says that parents will be able to send their child to any independent school that offers a "good" education for the cost of a place at a state-funded school and that those independent schools will not be allowed to charge fees. It also says that funding will follow the pupil.

I have a few questions on those proposals, which I hope Tory members will answer in their contributions. First, how much money will follow each pupil? The Scottish average is £3,500 a year to educate a primary school pupil and £5,000 to educate a secondary school pupil, but figures released in January show that that varies significantly between local authorities. In Shetland, for example, it costs £5,800 to educate a primary pupil and £9,500 to educate a secondary pupil. In Glasgow, the figures are, respectively, £4,200 and £5,800. In Dumfries and Galloway, which is either worryingly cheap or particularly efficient, the figures are £3,000 and £4,500. However, within

those local authorities there are significant variations between individual schools. In small rural schools, which usually cost much more per pupil, the figures can be two or three times the local authority average.

If those schools were to be independently managed but publicly funded, how would the funds be allocated? Would they be based on the Scottish average? Would they be based on the local authority average? Alternatively, would the funds be the actual cost of sending a pupil to that school? If the answer is either of the last two, what funding will follow the pupil: the cost of the education that they were receiving or the cost of the education that they will receive? I ask the self-styled champions of rural Scotland what the effects of their education policy will be on small, rural primary schools.

**Mr Monteith:** Would the member like an answer to that?

**Dr Murray:** Mr Monteith can answer in his contribution. I want to make progress.

How feasible is the Tories' choice in rural communities? I was in Annan Academy on Monday morning, seeing the sci-fun programme. Annan Academy is a good school, but let us assume that a parent wanted to send their child to another school. Where could the child go? The nearest choices would be Lockerbie, which is 13 miles away; Dumfries, which is 16 miles away; Carlisle, which is 18 miles away; Langholm, which is 23 miles away; or Moffat, which is 29 miles away. Who will be responsible for school transport to exercise that choice? That question applies in urban areas, too. I suspect that the third of Edinburgh parents who ship their children to schools outside their local area are contributing fairly significantly to congestion in the city.

Let us consider the parents who want to send their children to independent schools—

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

**Dr Murray:** No, I want to make progress. I still have quite a bit to say.

Let us consider the independent sector in Edinburgh. St Serf's School, which Tommy Sheridan mentioned, costs £4,000 for a primary child and £4,600 for a secondary child—not terribly expensive. Erskine Stewart's Melville schools—when I went to Mary Erskine School, it was still a direct grant school—are now much more expensive: at primary 7 level they cost £6,200 and at secondary level they cost £7,600. At Fettes, which has a well-known former pupil, primary costs £9,300 and secondary costs £14,000. I do not think that any of those schools will offer to take pupils for the cost of a state-funded place or that they will offer many bursaries.

**Christine Grahame:** Will the member take an intervention?

**Dr Murray:** Sorry, Christine, but I am still trying to make progress with my points.

Let us consider uptake and whether attainment is improved in the international comparisons where state funding follows pupils into the independent sector. Do children from low-income families benefit? What about Milwaukee and Cleveland in the United States, which have had voucher-based programmes for 15 years? Helen Ladd's testimony in the House of Representatives is that the programmes have resulted in no difference in achievement among students from the same socioeconomic background. Thirty per cent of students return to public education after initial experience of the independent sector and fewer than 7 per cent of those who are eligible bother to apply. Let us consider Chile, where the voucher system was introduced in 1980, under Thatcher's great friend, General Pinochet. There has been no improvement in achievement among students from lower-income backgrounds in private schools and 72 per cent of students from the lower half of income distribution remain within the public sector. The only people who benefit are the privileged.

Let us consider the Netherlands, where 70 per cent of pupils are in subsidised private schools but where there are extensive waiting lists for "better" schools, which have started to charge fees. The 30 per cent of pupils remaining in the public sector are from low-income families. Even in Sweden, where 800 independent schools have been created, the independent sector educates only 6 per cent of pupils.

Are colleagues thinking what I am thinking? When it comes to education policy, the Tories do not seem to have done their homework. Tory policies will not work for rural schools, which are more expensive to run. They will not offer parents in rural communities any real choice. They will not work for children from low-income families. They will not raise attainment. They will not offer parents the choice of the current independent sector. Zero out of five. In my book, that is a fail.

10:29

**Richard Lochhead (North East Scotland) (SNP):** I want to talk about some local issues in primary and secondary schools in North East Scotland. There are two main high-profile issues in the area at the moment: education and dentistry. I am delighted that we will be talking about dentistry later today. It is disappointing that the North East Scotland Lib Dems have not turned up for this debate, given that education is one of the biggest issues dominating MSPs' mailbags in the region.

The education issue in the north-east relates primarily to Aberdeenshire Council's recently published 21<sup>st</sup> century school improvement programme, which is a mixed bag of proposals, one of which is to invest about £200 million in school infrastructure in Aberdeenshire in the next 10 or 15 years. Of course, that depends on when the Minister for Education and Young People notifies the council of the funding stream. I would be grateful if the minister could tell us before the end of the debate when the funding stream will be coming along. The education officials in Aberdeenshire Council say that everything is up in the air until the Government gives them an indication of the timescales.

**Alex Johnstone:** Is it not the case that if Richard Lochhead and I were Liberal Democrats representing North East Scotland, we would choose to be as far away from the chamber as possible during an education debate?

**Richard Lochhead:** Yes. If I were a Lib Dem MSP for North East Scotland, I would be highly embarrassed to take part in any debate on education, given the unpopularity of many of the proposals that are being made in the north-east. No one is suggesting that education provision should stand still, but we have to be careful about such provision in rural areas and about special needs provision.

One of the biggest issues, to which Alex Johnstone has alluded, relates to St Andrew's School in Inverurie, which has excellent special needs provision. It has an excellent reputation and is one of only seven schools in Scotland that are accredited by the National Autistic Society. A huge public campaign is being run because of the level of concern about its future. When Aberdeenshire Council announced its original proposals, the options were closure, closure or closure. Thankfully, the options now seem to have shifted to closing the school, upgrading it or having a new build. A recent survey of local parents found that 98 per cent wanted to rebuild the school or have it upgraded.

A number of MSPs visited the school a few weeks ago. We were totally taken aback by the staff's professionalism and dedication. No one is arguing that the status quo is an option; the school has to be upgraded or rebuilt. However, there is clearly concern among the parents about the proposal to establish two new stand-alone units—one co-located with a local primary school and the other co-located with Inverurie Academy. Parents think that there is a danger that the education provision for the children will be harmed if they are not kept together in one school in order to maintain the current ethos. We heard from the head teacher that the teachers come in over the holidays to create false walls for new classrooms



because the building is so antiquated and that they have turned broom cupboards into new rooms for the kids. That illustrates the challenge for our education provision in Scotland, particularly in relation to infrastructure.

There is a lot of public interest in the future of special needs schools in the north-east—not just St Andrew's School in Inverurie but Carronhill School in Stonehaven. A huge petition is circulating in the north-east and I urge the Minister for Education and Young People, Peter Peacock, to come to the area to visit those two schools and some of the other local primary schools. He should visit St Andrew's School in particular, which is a beacon of excellence in special needs education whose future we need to protect. I ask Peter Peacock to take that on board and to consider visiting the area soon.

Local managers in some of the secondary schools in Aberdeenshire, particularly the smaller rural schools, have expressed concern to me about the proposal to restructure management in the schools. The Government's objective is to have more flat management, more responsibility payments and faculties within secondaries. The changes will create differences not only between local authority areas but, in some cases, between secondary schools in the same local authority area. That is causing a lot of concern.

One of the issues with rural secondaries, which in most cases are smaller than urban secondaries, is the fact that the principal faculty teachers in urban schools will be paid more than the depute heads in rural schools. That creates an issue to do with the recruitment and retention of senior managers in rural schools. Why would a principal teacher want to apply for a depute head post in a rural school when they would get paid more for staying where they were? Likewise, why would someone in a rural school want to keep their post when they could apply for a higher-paid post in an urban school? We have to address those issues and I would be interested to hear the minister's comments on them.

On funding, I was interested to read the report by the Headteachers Association of Scotland, "Fair Funding to Schools", which was published a few days ago. It states:

"at neither school nor subject level is any consideration given to the level of resourcing allocated by the education authority to the school or by the school to the subject."

That relates to the comparisons between schools that the Government keeps using. It is important that when it compares secondary schools it takes into account the different levels of funding from each education authority; otherwise it will make unfair comparisons. I ask the minister to respond to that point before the end of the debate.

I turn finally to workforce issues. I support all the sentiments that Fiona Hyslop expressed in her speech. Stress continues to be a huge issue in our primary and secondary schools. I would like to know what the minister is doing to measure and treat it. Schools in the north-east are trying to recruit new teachers from Malta, because of the shortages in the area. That is not a long-term solution. We have to attract teachers in this country back into the classroom. That involves tackling discipline, but it also involves tackling stress, treating teachers and giving them a sense of self-worth and self-respect. I support the SNP amendment.

10:35

**Mr Ted Brocklebank (Mid Scotland and Fife)**

**(Con):** Last month, a former maths teacher made a remarkable speech about Scottish education. In it he slammed left-wing education policies pursued by Labour councils, which he claimed had ruined two generations of schoolchildren. They had suffered as a result of a non-competitive culture and the move away from rewarding academic achievement. He said:

"Things like school award ceremonies became unfashionable ... School uniforms became unfashionable, criticising people for underachievement became unfashionable, not celebrating achievement became fashionable. ... We need to turn that culture round."

The speech was particularly remarkable because it came not from some Tory dominie put out to grass and mourning better days, but from the First Minister of Scotland, Jack McConnell. It is bizarre that Jack's Minister for Education and Young People, who is not here at the moment, still appears to support the system that his First Minister criticised. Peter Peacock continues to deplore the publication of school league tables, which give at least some indication of achievement in schools.

How are our schools ever again to reflect the qualities that, I presume, Jack McConnell remembers from his halcyon days at Arran High School and which I certainly remember from mine at Madras College in St Andrews under a Conservative Administration? Those were ordinary state schools to be proud of, as were Dunoon Grammar School, which produced politicians such as John Smith, Brian Wilson and George Robertson; Arbroath High School, which produced Michael Forsyth; and Kirkcaldy High School, where Gordon Brown went to school. I say to Peter Peacock, who I am afraid is still not here, that that includes Hawick High School, his alma mater, where my cousin spent many years heading up the music department and witnessed the disintegration of the system.

Conservatives have always believed that to empower and enrich the individual there must be

choice. That applies as much to choices in education as it does to choices in consumer goods and in the hospitals in which people are treated. We have heard a lot about the Executive's much-vaunted initiatives, targets, goals and aims, but beneath all the rhetoric is a chronically failed school system demanding change.

Everyone agrees that improving standards and raising levels of attainment in schools should be the priority for our education system. By allowing good schools to expand, with parents rather than local authorities controlling funding, Conservatives will ensure that poorer schools are given a clear incentive to raise the standards. The introduction of a degree of competition—that word that the First Minister was talking about—among schools means that the more successful will flourish, while the weaker will be encouraged to do better. By stopping the unjust postcode lottery for catchment areas, we will ensure that the most vulnerable people in our society are not relegated to less popular schools.

**Robert Brown:** I am curious to know how reducing funding for the so-called less successful schools will help them to improve standards.

**Mr Brocklebank:** Robert Brown has totally misunderstood what we are saying. The funding will follow the pupil and the parents, who can decide where they want it to go.

We also need to address the growing number of pupils whose persistent bad behaviour has a serious detrimental effect on others, one of the most worrying aspects of which is the increasing number of assaults on teachers and other pupils. I am proud that my alma mater, Madras College in St Andrews, still tops the league tables for Fife, despite having one of the largest school rolls in Scotland. However, according to newspaper reports and correspondence that I have received from concerned parents, there have been a growing number of cases of bullying as well as allegations of assault on at least one female member of staff. Although I welcome the additional funding to Fife Council to improve discipline in schools in Fife, extra investment is not the only answer. We have to give our teachers the backing that they need.

**Scott Barrie (Dunfermline West) (Lab):** To return to Mr Brocklebank's point about large schools, I distinctly remember that his first members' business debate in the Parliament was about the Madras College campus and the fact that Fife schools are in general rather large. How does that issue fit with the concept that more parents should be able to send their children to successful schools? Surely his point about the size of schools runs against the policy that he advocates.

**Mr Brocklebank:** Absolutely not. The main problem with the size of schools in Fife is directly attributable to the chaotic approach that Fife Council has taken for many years in not providing more secondary school buildings. The issue is still being addressed, because even though the council has had about 20 years to address it, it has failed to do so.

Teachers and pupils should not be the victims of violence as a result of the thoughtless actions of a few, which is why teachers must have the right to refuse to teach violent pupils. As Lord James Douglas-Hamilton outlined, we propose introducing special units—second-chance learning centres—to educate such pupils until they return to mainstream education as reformed young people. We want teachers to do what they do best—teaching—so we must stop smothering them with bureaucracy. James Gillespie's High School in Edinburgh has received no fewer than 71 glossy publications on the curriculum, which run to approximately 3,500 pages. How are teachers to wade through those volumes and at the same time teach, which is what they are supposed to do?

Outside the classroom, the Executive's failure is even more palpable. According to a report of the Organisation for Economic Co-operation and Development, the amount of time that is devoted to physical education in Scottish schools is among the lowest in the world, which is not what Peter Peacock claimed in his league tables. Of the 29 nations that were surveyed, Scotland was 27<sup>th</sup>—no wonder our rugby and soccer teams languish near the bottom of their attainment leagues.

The Executive has failed to get to grips with the education system in Scotland. It does not put teachers and pupils first and its initiatives, targets and goals and the raft of Orwellian speak that accompanies them do not deliver higher standards, better discipline, lower levels of truancy or less bureaucracy. On any report card, the judgment on Mr Peacock and the Executive would have to be, "Must do an awful lot better."

10:42

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I will comment briefly on what Conservative members have said. I want to examine the word "choice". The word is sometimes related to the value of freedom, but we need to think about what it means. Does choice in education mean that people can choose to walk away from a school, with the funding following them, while leaving the poorer or less able pupils in what might become a sink school because the money has moved away with parents and children to schools that they perceive to be better? Do we have the right to choose to walk away from people

who are less able and less well off than we are? That is a profound question that we should continue to ask when we think about choice.

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

**Mr Stone:** I will take an intervention if Mr Brian Monteith will answer that question.

**Mr Monteith:** I welcome the fact that Mr Stone has given way—I would try to answer members' questions, if they would let me intervene.

If pupils chose to go to a different school, the school that they left would have two opportunities to improve. First, the emigration might begin a move for new management in the school. Secondly, the smaller class sizes and improved teacher to pupil ratio would give teachers the chance to improve discipline.

**Mr Stone:** That is twisted logic. It is a fundamental point and a cardinal truth that the more able pupils bring on the less able pupils when they work together in a comprehensive system. A linked point is that a benefit of mainstreaming is that it prepares pupils for life after school. If pupils are kept entirely segregated, they can get a shock when they come out of school. There are of course cases in which pupils cannot be mainstreamed, but I am with Lord James Douglas-Hamilton when he says that there should be a strong presumption for mainstreaming.

In my remaining time, I will turn to the far north, setting aside general election big-time politics. Anyone who, like me, has put children through school or has served on an education committee, knows that education has improved hugely. In the past few years, my three children went to Tain Royal Academy, a state school in the Highlands, and I have no complaints—they were better taught than I was all those years ago. For example, there have been huge improvements in the teaching of modern studies, modern history and mathematics. However, that is not to say that everything is perfect. We have problems in the Highlands. If I was fly, I would stick those problems on the chairman of Highland Council's education, culture and sport committee, who is the SNP councillor Andy Anderson. However, that would be deeply unfair and wrong and a cheap point that would not wash.

**Alex Johnstone:** Why did the member say it, then?

**Mr Stone:** I said it because Richard Lochhead's attack on Lib Dem MSPs who are not here was out of order. That is an easy argument to make, but it is not true. I will not attack Andy Anderson, who is a quality chairman of education in Highland Council.

On the issue of teacher morale, in the Clasper building in Thurso High School in my constituency, the heat cannot be adjusted—it can be either switched off or switched on. If the heating is switched off, the pupils and staff freeze, but when it is on, they are too hot. All Highland list MSPs are aware of the problem. I do not know why it cannot be solved, but it is a challenge for Highland Council and the Executive.

Through discussions on the issue, the Minister for Education and Young People knows about the problem of recruiting teachers to some of the more remote schools in the Scottish Highlands, such as Thurso High School, Wick High School and Kinlochbervie High School. The minister and the Executive are attempting to address that issue. We have the same problem with supply teachers, who are hard to get in the area. Inducements are offered, but there is work still to be done. I do not say that everything is perfect—there has been improvement, but more needs to be done.

Finally, I turn to another Jamie—Jamie Oliver. I am sure that all members watched with great interest the television programmes about his experiments with school food. Last night, the programme linked improved attention in class to improved diet and food, which was profoundly interesting. I am sure that members from all parties acknowledge that link. I am pleased to applaud Andy Anderson and others in Highland Council for the initiatives that they have taken on school food. However, we can do much more on the issue. We need to buy quality local products, provide quality cooking and give more money and time to dinner ladies and other people who cook and serve food. I hate using this expression, but we need to make school food sexier for youngsters. As a result, the health of the nation and educational attainment would improve.

10:47

**Dr Sylvia Jackson (Stirling) (Lab):** I declare an interest: I am a member of the Educational Institute of Scotland.

The Conservative motion mentions

"the current government's centralising agenda",

which is a bit hypocritical. The Conservatives seem to forget the years of Michael Forsyth.

**Mr Monteith:** Never.

**Dr Jackson:** I know that some members do not.

Michael Forsyth tried to introduce a rigid five-to-14 programme and a national testing programme. However, with support from the teaching profession, the education establishment and parents, the worst excesses of the measures were stopped from moving north of the border. The

Conservatives should not waste their time lecturing members about a centralised agenda, given that they had such an agenda.

**Mr Monteith:** Does Sylvia Jackson concede that the five-to-14 initiative was, in part, a response to the problems that the First Minister has talked about and an attempt to bring Scottish education back to what parents wanted and away from the trendy reforms that bedevilled it in the 1970s and 1980s?

**Dr Jackson:** Mr Monteith shows his ignorance on education. There is no doubt that the education system in Scotland wanted a curricular review, but it did not want the rigidity that went with the five-to-14 proposals. Luckily, the proposals were adapted somewhat for Scotland. Also, the education system in Scotland did not want a national testing system. Mr Monteith should know that the system did not come into being here in the same form as it did down south and that, since then, it has improved. Again, that shows Mr Monteith's ignorance.

The EIS regards discipline as the biggest single problem that confronts schools today. It is a serious issue. No one doubts that and it has been one of the big issues in the chamber today. However, research shows that the big problem is not with the extremely serious incidents, which are quite rare, but with the persistent minor offences. Through its surveys, the EIS has shown that the main problem that teachers have is with the pupil who constantly makes a noise in the classroom, who disrupts the work of the class, who turns up late for class, who breaks class rules and who is eating or chewing in class. Those minor offences are what cause the problem.

**Tommy Sheridan:** Does Sylvia Jackson agree that the EIS has homed in on the class-size issue as being a solution not only to classroom discipline problems but to the question of how to improve educational attainment?

**Dr Jackson:** Mr Sheridan is correct to say that the EIS has said that class size is one of the issues that should be addressed, but it has also pointed to other issues, such as social inclusion. Tommy Sheridan will know that certain moves have already been made towards reducing class sizes but that, nevertheless, there are constraints in the system, such as the number of available classrooms and teachers and the implications of the McCrone settlement. The issue is much more complex than the Scottish Socialist Party and the Scottish National Party seem to think.

In relation to discipline, the central issue is the disruption of other children's learning. One of the many ways in which we could be doing more in that regard—not that we are not starting to do a lot—is in relation to continuous professional

development. I would like the minister to say what is being done or what it is projected will be done on discipline with regard not only to teachers' initial training but to their continuous professional development. If teaching and learning are the essence of the McCrone settlement and so on, discipline must be viewed as being a big aspect of that as it is through tackling discipline problems that the education environment will improve.

As we know, Professor Pamela Munn has done a lot of work on ethos indicators in the school. Her work has shown that everyone in the school—not only the teacher but the senior management and the head teacher—must be involved in discipline. Many of the initiatives that the Scottish Executive has brought in, particularly those for head teachers, are helpful in that regard, as are the extra support staff that the minister mentioned. The EIS is complimentary about the Executive's idea of spreading good practice to other schools.

Lord James Douglas-Hamilton talked about second-chance learning centres. I would like the Conservatives' summing-up speech to be a little clearer about exactly who they envisage would go to those learning centres. Am I correct in understanding that special educational needs children would be in those centres along with extremely disruptive children? We should be told the answer to that question, as parents will be concerned—

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

**The Deputy Presiding Officer:** I am sorry, Lord James, but Dr Jackson is in her last minute and cannot take an intervention. You must finish now, Dr Jackson.

**Dr Jackson:** Lord James Douglas-Hamilton can answer my question later.

On the social inclusion agenda, I know that there is concern, as the EIS has pointed out, not only about continuous professional development in the area but about resources.

**The Deputy Presiding Officer:** You must finish now, Dr Jackson.

**Dr Jackson:** Finally, just to say—

**The Deputy Presiding Officer:** I am sorry, you must finish now.

**Dr Jackson:** I urge members not to support the Conservative motion.

10:54

**Mr John Swinney (North Tayside) (SNP):** Any debate on Scottish education should start from points of principle and I believe that the parties should set out their attitudes to how Scottish

education should be structured and the curriculum directed. For me, the principle is that, in all our decisions, we must do two things: first, we must maximise the opportunities for every pupil in the education system; and, secondly, we must take every step that we can to realise the potential of every child in the education system.

Lord James Douglas-Hamilton accused ministers of misdirecting the education service. I have many criticisms of what the Executive does in a range of policies but I do not believe that it is fundamentally misdirecting the education service. However, I believe that the Conservative motion is about misdirecting the education service. The motion is about fostering a culture of inequality that will create advantage for some at the expense of others. It is about trying to create a system that gives some people a leg up at the expense of other people. I quite understand that there are many inequalities in our society and that people need support to help them to advance, but that should not happen at the expense of others. However, that is what lies at the core of the Conservative proposition.

That consideration also lies at the heart of the debate about choice, on which Jamie Stone made a particularly helpful point. The choice agenda that the Conservatives put forward is irrelevant in many areas of the country. In my constituency—a large, rural area, with small communities surrounding major towns, none of which has more than one secondary school—there is no way that individuals have the choice of taking their voucher for however many thousands of pounds to some other educational establishment. The Conservatives' policy is a disgraceful attempt to lure parents in areas in which there is poor educational achievement, or a concern that the education system cannot deliver the quality that we all want for all of our children, into taking their vouchers to another sector, particularly the private sector. That will simply cause even more inequality to fester in our society.

**Alex Johnstone:** Does the member accept that the potential exists for the funds that are transferred with the pupil to become the lifeblood of many rural schools, such as those that are threatened by councils such as the SNP council in Angus?

**Mr Swinney:** No, I do not believe that. I think that the voucher system would be the death knell for rural schools in Scotland. It would be the final testament to the Conservatives' vicious attitude towards the delivery of public education in our communities. It is a malicious measure that would undermine rural schools.

I understand the difficulties that all councils face about educational provision at a local level. My colleagues on Angus Council know that I do not

support them in one respect of their education proposals in my constituency. I have made that clear to them. However, I accept that councils are responding to the Government's direction to improve the quality of the school estate and that, at times, that requires that firm decisions be made. That said, I say to the council and the Executive that a one-size-fits-all approach should not be taken to the delivery of services in rural schools because, in many cases, the quality of the rural schools is of a high order, even if the quality of the estate might not be. The Government has to be sensitive to the particular needs of rural areas in that respect. There must not be an absolutely uniform approach.

For Alex Johnstone to take me to task about the attitudes of an SNP council when his colleagues in the Borders have shut schools left, right and centre is a disgrace.

**Lord James Douglas-Hamilton:** Does Mr Swinney accept that the widespread closure of rural schools throughout Scotland—it happens much more often in Scotland than it does south of the border—demonstrates that there is a vital need for a national presumption against the closure of rural schools?

**Mr Swinney:** I am in favour of a national presumption against the closure of rural schools. It would have been particularly helpful to have had that national presumption when the Conservatives were closing rural schools in my constituency in a previous era.

I want to draw together two points relating to educational achievement. There is a compelling argument for reducing class sizes and I would have hoped that, in our new politics in the Scottish Parliament, the Government would have given a bit more credit to the SNP for leading and advancing the debate about reducing class sizes. It is the most reliable way to ensure that educational attainment improves, because smaller class sizes improve the opportunities that children have to participate actively in their learning. I hope that the Government will intensify its efforts to reduce class sizes and will accept the well-prepared and well-marshalled arguments of the SNP that there should be a widespread reduction in class sizes throughout Scotland.

My final point is on support for children with special educational needs. I voted for the Education (Additional Support for Learning) (Scotland) Bill with a heavy heart and only because of the assurance that the Minister for Education and Young People gave the Parliament that resources would be made available to local authorities to provide support to children with special educational needs. I hope that the minister will remain true to that assurance, because the fragile individuals in our society who need support

depend on his ability to deliver on it and I do not think that that has happened to date.

11:01

**Kate Maclean (Dundee West) (Lab):** Like the Minister for Education and Young People, I welcome the opportunity to be involved in this debate and—again, like the minister—I would say that the Tories' motion and their contributions have entirely lived down to my expectations.

Lord James's contribution on behalf of the Tory party showed a distinct lack of any grasp on reality. He stated that education should allow able children to rise to excellence, based on their talents. That demonstrates a simplistic attitude to the complicated situation in education. The motion sets education in the context of a Ready Brek advert, where, following a warming breakfast, a well-dressed, warmly wrapped-up child is waved off to school by a loving parent, surrounded by a rosy glow.

The stark reality for many children is very different from the la-la land that the Tories inhabit. Many children have to get themselves, and often younger siblings, up and out to school with no breakfast, no parental interest and certainly no rosy glow. Some children in Scotland start school barely able to speak, to use cutlery or to dress themselves properly because of the chaotic lifestyles that they have at home. I say to Lord James that education should be not just for the majority of children, as he stated, but for all Scotland's children.

Under the Tories' proposals, the children who need the most investment in their lives would become a failed by-product of the system. We could argue all day about whether the Tories would cut £600 million from Scottish education—fortunately, the proof of that pudding will never be in the eating—but it is clear that their intention would be to redistribute education spending away from the very children who need it most. The Tories would create a two-tier system, in which per capita funding would inevitably lead to schools in more affluent areas and private schools being able to meet the needs of their pupils and schools in areas of deprivation being unable to do that.

It is no coincidence that there are lower levels of attainment, more exclusions and worse behaviour at schools in deprived areas than at schools in areas that do not suffer from deprivation. In the education league tables that Mr Brocklebank mentioned, attainment in Dundee is shown as poor and truancy and exclusions are shown as high. However, if he looks at the league tables that measure poverty by every indicator, he will see that there are significant areas of deprivation in Dundee.

**Fiona Hyslop:** Does the member share my concern that, for some reason, there is difficulty with schools in Dundee achieving the level of attainment of schools in similar areas, or even that of schools in areas that are even poorer? That is a major challenge. I welcome what is happening in Dundee to address the problem—

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

**Fiona Hyslop:** —but it should have happened far sooner. Does the member recognise—

**The Deputy Presiding Officer:** Oh, come on.

**Fiona Hyslop:** —the work of Joe Fitzpatrick, in particular, in raising this—

**The Deputy Presiding Officer:** No, really. That is long enough.

**Kate Maclean:** No, I do not recognise the work of Joe Fitzpatrick or that of any of Fiona Hyslop's SNP colleagues in Dundee, who demoralise teachers, parents and pupils by using the situation as a political football. I accept that the league tables show below-average performance in some of Dundee's schools, but Dundee has specific problems. Deprivation is widespread in Dundee and is not limited to pockets, as it is in some other areas. Throughout Dundee's schools, teachers are working hard to try to overcome the difficulties that they face. Other league tables show that in some cases the level of improvement in attainment is higher than the Scottish average—that shows that the teachers' efforts are working.

Dundee City Council's education department welcomes the Scottish Executive's support for the learning together in Dundee initiative, of which I am sure the minister is aware. The council would like to pilot ways to free up more time in the curriculum to extend that initiative and I hope that a proposal on that matter will come from the curriculum review. Teachers need more support under Labour, not less support under the Tories, and they do not need the carping and headline-grabbing that they get from the SNP group in Dundee.

It is our responsibility as a Parliament to try to create learning situations that overcome the difficulties that many of our children face. That is why, at decision time, I will vote for Peter Peacock's amendment. I do not support the Tories' crackpot plans; I will vote to support all Scotland's children, not just a privileged few.

11:06

**Mr Jamie McGrigor (Highlands and Islands) (Con):** My colleague James Douglas-Hamilton eloquently described the deficiencies in our education system, and I agree with him.

I wish to draw attention to the state of some school buildings, especially those in the Argyll and Bute Council area. If we want to encourage teachers and pupils to attain higher goals, it is imperative that school buildings are properly maintained and continually updated and, at the very least, that they do not fall below civilised standards.

Last Friday, I visited Hermitage Primary School in Helensburgh, which is Argyll's largest primary school. Although I was impressed by the atmosphere that prevailed among teachers and pupils, I was appalled by the state of the building. There were damp patches on the walls and leaky ceilings in some of the classrooms. Children had been moved out of those rooms, creating overcrowding elsewhere. In the corner of one classroom that was being used, foliage was growing through the floor—I do not think that it was an environmental sciences project. The state of the toilet facilities left a great deal to be desired, and the dining room was in the gymnasium. I have yet to visit Arrochar Primary School but I am told that its building is in an even worse condition. Dunoon Primary School's building is also in a bad way.

Those three schools were all in the original non-profit distributing organisation scheme for rebuilding, which initially included 28 schools in Argyll and Bute. I welcomed that scheme, but in July 2004 the council reduced the figure to 17 schools and in January 2005 it further downgraded the list, which now includes only 11 schools. In addition to the three schools that I have mentioned, many other schools are in a bad structural state and require urgent maintenance. The catch-up figure for repairs alone runs into eight figures, and Argyll and Bute Council, which has a school estate that comprises 95 schools, is in the unenviable position of having to find that money.

I hope that there will not be talk of tests of proportionate advantage and a threat of schools closing. Good local schools are pillars of communities and wherever possible they should be maintained, but they must be maintained in good condition. Argyll and Bute is only part of the story in the Highlands and Islands and many other councils face similar problems. There is obviously a crisis that urgently requires a solution.

In rural areas, people often have little choice about where they send their children to school. Some parents are therefore forced to send their children to schools that have substandard buildings. The situation is intolerable and must be remedied as soon as possible. A society in which some children are educated in comfortable surroundings while others are forced to experience deprivation of the kind that I mentioned is hardly an inclusive society.

### **Maureen Macmillan (Highlands and Islands)**

**(Lab):** Is the member aware that before devolution BBC Scotland came to the school that I worked in to film it as an example of the poor state of school buildings that had developed under the Tories? Will he tell me how many new schools were built in Highland or in Argyll under the Tories?

**Mr McGrigor:** An enormous number of schools—all with flat roofs—were built in the 1960s under the Macmillan Government and the Wilson Government. They are all falling to pieces now; they have not been properly maintained by Labour.

The Conservatives are committed to introducing choice into education for all Scotland's children. The current situation allows choice only if parents can afford to pay for it either by moving to an area in which their preferred choice of school is situated or by sending their children to a private school. We think that things should change.

No matter how much Mr Peacock denigrates the Swedish education system, it is still interesting to observe the results of education policy in Sweden, which has a socialist Government. New organisations can apply for funding to the national agency for education, and if they meet the required conditions, they can set up new schools that are independently run but Government-funded. That policy has been successful, especially in rural areas.

**Robert Brown:** Will the member take an intervention?

**Mr McGrigor:** No—I am sorry.

Initially, the largest number of applications was for schools in urban areas, but three of Sweden's northernmost municipalities—which are at or above the Arctic circle, in the rural and sparsely populated county of Norrbotten—are now among the municipalities with the largest share of students in Government-funded independent schools. The Conservative policy of allowing the setting up of new Government-funded independent schools has often been criticised as a policy that would benefit only urban children. However the Swedish experience clearly shows that a policy of allowing new schools to be created, with Government funding, where they are desired allows exactly that—the creation of good schools where they are wanted and needed. In answer to Elaine Murray's explosive outburst, I inform her that new schools have been so popular in socialist Sweden that, since 1993, their number has increased by 480 per cent.

Such a policy would be good for schools in both urban and rural areas and would safeguard schools that are threatened with closure. In turn, our rural communities would be helped to remain vibrant and active and young people and families

would want to live in them. As I said, the local school is a strong pillar of the community and schools with good reputations draw people to the surrounding area. Therefore, they are a focal point that can encourage the repopulation of much of Scotland. Our policy will mean that such things happen.

11:12

**Christine Grahame (South of Scotland) (SNP):** First, I want to make some general comments on discipline and class sizes. We all know that one unruly child can contaminate an entire class. Support for teachers in the school environment must therefore be real and financed and the personnel must be in place. I am pleased that the power to exclude as the ultimate sanction has now been returned to head teachers. That power must be used.

In passing, I mention Jamie Oliver—in fact, I have lodged a motion on the 2005 Sodexo school meals and lifestyle survey. Jamie Stone made important points about the impact of additives in food on the behaviour of our schoolchildren.

I turn to class sizes. From my historic experience—and it is quite historic—as a primary and secondary teacher, I have no doubt that when I had a smaller class, the exchange between the teacher and pupils was far more rewarding. On a practical level, with five classes from first year to fifth year, hundreds of children passed through my classroom doors every day, and each child generated work that required my attention. Quite simply, if jotters were not taken home every week—if not every night—they could not have been marked.

Primary teachers—of which there are two in my family—are now buried in assessments and forms and spend unpaid hours preparing. Although they have a vocation, they sometimes get weary. Add to that the impertinence and unruly behaviour that trickles down even to primary 1. My sister recently narrated an incident in which she tried to separate two very young primary children who were at each other's throats. However, she could not intervene for fear of being accused of assault by the two little children who were at each other's throats.

Lord James Douglas-Hamilton's motion mentions independent schools, with which I have no issue. If parents want to spend £10,000 or £15,000 a year to send their children to independent schools, that is a matter for them and is their financial choice. There are big distinctions within the range of independent schools. I think that schools such as Donaldson's school for the deaf and Rudolph Steiner schools will still have charitable status—that is not a matter for me or for

the Conservatives, but for the Office of the Scottish Charity Regulator. However, I cannot see how schools such as Fettes College, with their unduly restrictive entrance fees, can possibly pass the test in the Charities and Trustee Investment (Scotland) Bill. I have continued to make that point on behalf of my party.

School closures are as much about the coalition's intransigence as anything. In its document entitled "Building our Future: Scotland's School Estate", the coalition focuses on buildings. Buildings are important, but that document states:

"The school is a core part of the physical community and should play a role in building strong, confident communities and a safer environment, and contribute to an improved quality of life for the community."

So everything is about the community. However, councils are taking up PPPs and private finance initiative contracts, which are pretty much all that they can use. They are building schools that will cost a fortune at the end of the day. As with buying a car on hire purchase, things look good at the top of the balance sheet. However, then we see that we have actually paid a vast amount of money, and when we eventually get the asset, it will be 25 or 35 years old.

Of course, risk for a building in such contracts does not simply pass from a local authority to a company, as we have seen with recent bankruptcies and with the dispute about who would pay for moving prisoners following fire damage under PPP and PFI contracts in prisons in England. Such deals are bad deals.

Those contracts are also a bad deal for the structure of buildings. Recent reports have made it plain that, under such contracts, classrooms that are too small and which are inappropriate for children from an environmental point of view have been built. Even gymnasiums have been made small to comply with contracts, just when we need our children to take more exercise. There are huge problems.

I turn to closures and the Conservatives. Bearing in mind what my colleague John Swinney said, I quote what David Mundell said in a speech in a members' business debate on a motion in my name on the closure of Borders schools. He said:

"It would be helpful to make clear the position—which is also my position—of my Conservative colleagues on Scottish Borders Council. They clearly believe that no school should close unless closure has the support of parents and the community."—[*Official Report*, 25 March 2004; c 7180.]

Well, goodbye Burnmouth Primary School, Hutton Primary School, Cranshaws Primary School and others, which the Conservatives all voted for. Obviously, people were not listening to David Mundell's speech.



Such things need not happen. In that members' business debate, we argued for a presumption against school closures against the background of a commitment that schools should be at the heart of the community. We should take a lesson from the Highland Council, which does not close schools. It has a presumption against school closures and makes great attempts to keep them open, even when there are no children at a school in a community. Such schools are mothballed for two or three years while the council finds out whether it can draw people into the community and therefore bring in children. The council does so because the death of the local village school means the death of that community. We must stop such things happening.

11:17

**Mr Kenneth Macintosh (Eastwood) (Lab):** All sorts of motions—from the laudably ambitious to the absurdly parochial—are brought before the Parliament, but rarely has a party that still likes to regard itself as politically mainstream asked us to debate such a hotch-potch of inaccuracy, prejudice and dogma, or expected the Parliament to take such things seriously. Whether in its offensive description of Scotland's schools or in its even more alarming vision of what the Tories would do to our education system if they were given half a chance, the motion is blinkered and reactionary nonsense. In a world in which the Labour-Liberal Administration is promoting achievement, devolving school budgets and encouraging greater parental involvement, the motion uses words such as "centralising", "top-down" and "over-regulation". Those words might ring the bell of the Tory faithful, but they bear no relation to what is happening in our schools. It is redolent of what our colleagues in the Scottish Socialist Party at their class warfare worst—or best—say. Why let the truth get in the way when one can argue from a position of simplistic ignorance? But for the fact that many people will find the motion insulting, I would say that the Tories should be the object of our pity rather than our scorn.

The description of our schools might be laughable, but the proposed solution is positively dangerous. I use the word "solution", but the Tories seem to have listed a ragbag collection of policies in the hope that some of them—or one of them—might appeal to some small section of the population. It appears that bringing back the tawse is the only policy that is missing, but I suspect that it is missing because the motion's author forgot to include it, rather than because there was a lack of support on the Tory benches for it. The suggestion that the answer to whatever difficulties face us in our schools lies in using public money to create an ersatz private school system should be the object

of mockery and ridicule. The Tory party is so out of touch that it would genuinely throw away centuries of Scottish tradition in the interests of a market-driven ideology that denies the idea of the public good.

Perhaps most galling of all, the Tories claim that treating education like a consumer product—treating schools and teachers like a packet of washing powder—would reduce inequality. Who do they think they are fooling? Do they seriously think that they can pander to the few—or, as John Swinney said, "lure" or prey on the fears of some parents who are let down by the system—and encourage the already privileged to opt out, but pretend that that is for the good of all? I would have more admiration for them if they simply admitted the truth behind their proposals.

I take particular exception to the Tories' misappropriation of the word "choice". They know full well that the choice that they describe can only ever be choice for the few, not for all. Choice is important to our school system. Parents and pupils no longer accept having no say in education. Families want schools that are geared to their children's individual needs, not schools that have rigid and inflexible systems. We can and are introducing choice: we are moving towards more individualised, child-centred learning, relaxing age-and-stage regulations in areas of the curriculum, developing vocational as well as academic options, encouraging specialist schools to increase diversity and, where appropriate, allowing young people to learn in alternative environments, such as colleges. Those measures represent choice and a recognition of the individual. The Tories hold out the pretence that we can have the consumer choice of the private school system paid for by the taxpayer, which is fundamentally misleading.

Let us look at what is actually happening in our schools and contrast that with the Tory alternative. Since Labour came to power, nearly every school in East Renfrewshire has benefited from substantial rebuilding or refurbishment. Pupil attainment has increased across the board. More than 70 per cent of young people go on to further or higher education. Teachers are better paid and more motivated, and inclusion is practised in every school.

The mention of inclusion brings me to discipline. The Tory criticism of school discipline is ill-founded and positively damaging. Two primary schools in East Renfrewshire were recently the target of some very ill-judged headlines in the national papers that described the schools as violent. Neilston Primary School and Auchenback Primary School are excellent and are among the most supportive schools in our area. I quote our director of education:

"The fact is that the statistics reflect our policy of recording every physical contact with teachers whether violent or otherwise for pupils with additional support needs. Such recorded contacts make up the vast majority of the so-called assaults recorded. Neither school can be classed as violent by any stretch of the imagination."

That quote is from the same director of education who was recently described as outstanding by Her Majesty's Inspectorate of Education. His comments stand in stark contrast to the scaremongering inaccuracies peddled by the Tories.

I believe that the Tory motion is laughable—"crackpot", to use Kate Maclean's description. However, the scary fact is that an election is looming and today's lunacy could easily become tomorrow's reality. I believe in choice, and we are faced with a choice between those who believe in Scotland's schools and those who would abandon our traditions and achievements; a choice between those who want excellence for all and those who want it just for a few; and a choice between Tory and Labour. People should choose Labour.

**The Deputy Presiding Officer:** We move to closing speeches. I call Tommy Sheridan to close for the SNP—I am sorry; I mean the SSP.

11:22

**Tommy Sheridan:** I hope that that was a Freudian slip, Presiding Officer.

**The Deputy Presiding Officer:** It was entirely unintentional.

**Tommy Sheridan:** I begin by suggesting that, when the Tories decide to develop their pick'n'mix approach to education policy, rather than pick the example of socialist Sweden, where a tiny minority of children are still educated in the private sector and the majority are educated by the state, it would be better if they picked the real McCoy. If they had used the example of the socialist republic of Cuba, they would have given us a more appropriate example of the success of state education in a small, developing country that apparently has lower wealth than the majority of the world but which is still able to deliver classes with a maximum of 10 pupils and one of the best educational attainment records in the world. I look forward to future debates in which the Tories laud the success of the socialist republic of Cuba.

Reducing class sizes is not a panacea for all the problems that confront education in Scotland. There are other deep-rooted problems. Addressing poverty, low income, inequality, and the lack of parental support is vital when it comes to tackling Scotland's educational problems. However, class size is central to delivering the answer to those difficulties. If we reduce class

sizes to a maximum of 20—not an average, because an average of 20 means that some classes will have 25 pupils—we will provide every child with the educational opportunities that a rich nation such as ours should be able to offer.

It is quite proper that due recognition has been given to our teachers and other school staff. Teachers and early-years education workers are a source of great pride for Scotland. They deserve praise and their numbers should be increased. In particular, nursery nurses deserve a radically improved salary and conditions package. Given that early-years education has been mentioned, I hope that the minister will take the opportunity to inform us about the progress of the national review of early-years education and the delivery of an improved salary for nursery nurses across Scotland.

In addition to giving due recognition to our teachers and the absolutely essential role that they play in schools up and down our country, it would remiss of us if we did not take note of the fact that the priority campaign of the main teaching union—the EIS that Sylvia Jackson mentioned—is to improve educational attainment and tackle class indiscipline by addressing the issue of smaller class sizes. If it is good enough for Scotland's main teaching union to prioritise that as its main education policy, it is good enough for the SSP, and I invite the Parliament to agree that we should take a lead from those at the chalkface when we try to deliver improved education.

Last night, at the Òran Mór bar in Glasgow, I was privileged to attend the launch of a new organisation called Scotland's for peace. I mention it because the launch brought together people from all walks of life who shared one commitment: an improved and peaceful Scotland. The point was highlighted that Scotland is home to every single one of Britain's nuclear weapons and to the largest pockets of poverty in Britain—there is a correlation. The commitment that we all gave at last night's launch of Scotland's for peace was that we do not need more independent schools; we need an independent Scotland that dedicates its resources to education, peace and learning and not to weapons of mass destruction. If we had the will to dedicate a larger proportion of our national wealth to our schools and classrooms, we would not have the restrictions that Sylvia Jackson mentioned when she talked about schools not having the capacity for more classes because commitments have been made to build PPP buildings, with the result that there is less room for education.

It is time that the Parliament grasped the nettle as far as education is concerned and drove with passion towards a policy of small class sizes for all our pupils so that we can improve their educational attainment and opportunities.

11:29

**Mr Frank McAveety (Glasgow Shettleston (Lab)):** Like many members, I welcome the opportunity to speak in a debate on Scottish education. I declare that I am still a member of the EIS.

I bring a bit of the experience of the 1980s and 1990s to the debate. Many of us who were at the chalkface of Scottish education in the 1980s and 1990s felt that the dialogue was with the deaf when it came to the Tories and trying to deal with the experience of pupils and teachers in our schools. However, I also recognise that we in Parliament have an opportunity to make the real difference that many of us who argued for a Scottish Parliament wanted.

The reality of education policy in the 1980s and 1990s was—I do not mean to discourage today's ministers about the documents that they publish—that the normal assumption of most teachers was to welcome any new publication when it arrived on their desks but to file it either close to, or in, the bin. The day-to-day reality was that teachers had to deal with their students and the curriculum of their schools.

In the 1980s, the 1990s and—sadly—today, the Tory narrative on education in Scotland has consistently displayed an obsession with education in the private sector rather than in the state or public sector, where the vast majority of our youngsters are educated. The Tories have also been obsessed with discipline. Although indiscipline needs to be addressed, discipline is not the central issue in education. The tired and predictable Tory response has been to try to address those issues by privatising education. It has been dressed up as choice, but the individuals involved would face not so much Howard's choice as Hobson's choice.

Since 1999, we have provided leadership in Scottish education through education legislation that creates a framework that reflects both the Scots tradition and our experience of the autonomy that Scottish education has had over the past few centuries. Although there are still many myths about the lad o pairts tradition to which Lord James Douglas-Hamilton referred, that was not the reality before formal state education was provided by local authorities. In the school board debates prior to and during the first world war and between the wars, the genuine issue was about how to ensure that maximum opportunity was provided to ordinary children from ordinary backgrounds.

The second big debate since 1999, in particular since the 2003 election, has been about how we use the investment that we are making to improve schools and to tackle indiscipline, which is a

prevalent issue for many members of teacher unions. Those are the real debates, which I believe the Executive is trying to tackle head on.

Allusion has been made to poor levels of literacy among current university students. If we were to play a numbers game, we could assume that we are talking about 20-year-olds who are at university just now. Given that the evidence from all the research is that the building blocks for literacy are laid between the ages of three and a half or four and eight, it is obvious—I do not mean to make a party political point—that Labour was not in Government when those students were at that stage. That reference may come back to haunt me in four years, but that will depend on the progress that we make. However, for the acquisition of literacy, the building blocks are important.

**Fiona Hyslop:** Without wishing to be the ghost of Government future, may I suggest that cutting class sizes for children between the ages of three and eight would make a big difference to literacy and numeracy levels in Scotland?

**Mr McAveety:** I recognise that a reduction in class sizes is a welcome development for all age groups and that much research evidence favours differential approaches. In principle, I approve of reducing class sizes. I believe that the Executive has made progress on that, but I recognise that a reasonable amount of flexibility is required in developing that policy effectively. In principle, I certainly agree that smaller class sizes can assist the educational process.

However, the changes that have been made are exemplified by what has happened in my home city, where evidence suggests that people face challenges in education, given that—as Tommy Sheridan rightly mentioned—poverty, income and class are key, although not the sole, determinants of educational performance. Since 1997 and in particular since 1999, through the happy and fortuitous coincidence of there being Labour-led policies in the Scottish Executive and the local authority, education has for the first time been prioritised in any real sense. Glasgow has made real progress both in improving the fabric of its schools, especially in its secondary schools estate, and in seeing schools as a continuous process, thanks to policies such as the learning community initiative, which Glasgow City Council pioneered. That initiative has improved people's attitudes to their local schools, as we have reversed some of the many difficult trends of the 1980s and 1990s, such as the rise in numbers of placing requests.

There are still issues that we need to address in the future. Like Tommy Sheridan, I accept that poverty is a key determinant of educational performance. I believe that recent research

evidence suggests that the United Kingdom is making substantial progress in tackling poverty and, although I accept that that might not be happening at the pace that Mr Sheridan would argue for, progress is certainly being made.

I will end by making a point about some phrases that it was regrettable to hear. Instead of saying "Well done" to school students who have performed well, the Tories made an accusation about the "dumbing down" of educational performance, as if Peter Peacock sitting in Victoria Quay has some great power to influence what happens in the classroom—what an absurd notion. The reality is that pupils and teachers have worked incredibly hard to achieve those results. Rather than denigrate that progress, we should celebrate and welcome that development.

In conclusion, we can make real differences. There are many challenges, especially in a constituency such as the one that I represent, but progress can be made if we provide investment, and if we support teachers in the classroom and ensure that indiscipline is tackled. I believe that we are making substantial progress in those areas.

11:35

**Mr Adam Ingram (South of Scotland) (SNP):** From the terms of the Tory motion, it is clear that Lord James Douglas-Hamilton and Brian Monteith are trying hard to keep the sacred flame of free-market provision in education flickering. Fortunately, the originators of that policy approach—Margaret Thatcher and Michael Forsyth—have long since faded from the political scene. I suspect that hell will freeze over before the Tories are given another opportunity to preside over Scottish education.

The Tories advocate an education marketplace, with parents and pupils as consumers and schools as producers.

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

**Mr Ingram:** Not at the moment. If Brian Monteith will let me develop my point, I am sure that he will agree with my interpretation.

If the consumers are not satisfied with the goods on offer, they will supposedly be able to take their custom elsewhere. Competition between schools for consumers will thus drive up standards and require school staff to become more accountable to parents. That is the Tory view.

If we set aside for a moment other arguments against that ideological approach, which John Swinney and Ken Macintosh exposed, we might ask whether there is any evidence that the Tory approach works. For example, let us consider the advent of placement requests back in the 1980s. All the research shows that the parents who were

most likely to exercise their right of choice were from higher socioeconomic groups and were dissatisfied with their designated schools. Surprise, surprise. Parents also disproportionately chose schools that had higher concentrations of pupils with the same status. Birds of a feather flock together. Little consideration was given by such parents to the fact that some schools with relatively low social-class intakes provide above-average teaching and educational practices or that some schools that serve pupils from advantaged backgrounds achieve results mainly because of their pupil intake. An individual pupil might indeed benefit from moving from one school to another in that way, but it damaged the whole system.

**Alex Johnstone** *rose*—

**Mr Ingram:** Under such a system, the schools that are already advantaged benefit from choice, but the disparity between the advantaged and the disadvantaged grows. Instead of having schools with balanced communities, we end up with a system that is segregated by social class. That market model is just not appropriate for Scotland.

**Alex Johnstone:** I am concerned at the member's suggestion that the parents of a child do not have the right to seek the best for that child. The only alternative that he proposes appears, as ever, to be the politics of the lowest common denominator.

**Mr Ingram:** That is just nonsense. I am saying that, historically, parents have not looked at all the information. They have not had—to use a term that Brian Monteith might use—perfect market information. Parents have used very crude indicators of school performance, which do not pan out in practice. I must move on.

Members will also have noticed that the Tories' policy is nothing if not inconsistent. Why should the free market be the answer for the public sector when they advocate feather bedding for the private sector? I do not challenge people's right to purchase private education, but why should the rest of us, through the provision of tax relief, in effect subsidise them for doing so?

Of the other issues that have been raised in this morning's debate, tackling indiscipline is perhaps the most important for our front-line teachers. However, they are being let down by the Executive, as was evident in the EIS perspective that Sylvia Jackson gave. Having visited a number of primary and secondary schools in the past few months, I urge action in three key areas: early intervention, class sizes and in-school back-up for teachers.

Although the SNP supports the principles of mainstreaming, there is no doubt that the demands on teachers from pupils who have social, emotional and behavioural difficulties are

extremely stressful. Most of those problems are evident pre-school and could and should be addressed at that stage. We need a comprehensive early years, child care and education system. The nurture group initiative in Glasgow has proved that children's behaviour can be turned round permanently. Many primary teachers have also told me that they are able to cope with the demands of children who have additional support needs only because class sizes are falling as our population declines. Others, particularly secondary teachers, claim that they lack back-up from senior staff, and there is a great need for behavioural support units to which disruptive pupils can be sent. It is time the rhetoric on zero tolerance was replaced with systematic action.

There are a number of other points that I would like to make, but I shall finish on parental involvement. We are certainly sympathetic to the Executive's proposed reforms. Anything that can be done to encourage parents to support their children's learning at school should be considered, and we look forward to the debate on the proposed bill. Unlike the Tories, we do not regard school boards as having added significant value to our schools; we believe that there are more gains to be made from involving more parents informally within schools.

As I said at the outset, we reject the Tory desire to impose a market model on Scottish education. We will not be sorry to see the last vestiges of the Forsyth years swept away, never to return.

11:42

**The Deputy Minister for Education and Young People (Euan Robson):** I am pleased to have the opportunity to sum up for the Scottish Executive in this debate. I take some pride in our achievements since May 2003, when Peter Peacock and I took over the Education Department and were given the opportunity to build on the work of our predecessors, to turn the ideas and conclusions of the national debate into reality, and to ensure the implementation of the Standards in Scotland's Schools etc Act 2000.

As Robert Brown and Ken Macintosh said, the great majority of our young people are being well taught in good schools by inspirational teachers. Parliament should acknowledge that. Half of our young people go on to higher and further education, and the vast majority turn out to be excellent citizens. I agree entirely with Frank McAveety's condemnation of people who suggest that increased achievement comes from dumbing down of standards. That is absolutely not the case.

Today the Conservatives have set out their stall in their motion and we have heard from Lord

James Douglas-Hamilton and his colleagues about their pre-election goods for Scotland's education system. The goods are those of a car-boot sale of worn out and fringe ideas, irrelevancies and the downright ridiculous. The motion claims that the Scottish Executive has a "centralising agenda" when the reverse is the case. The Tories would nationalise education spending and cut millions from local government, apparently to fund schools from the centre and—I presume—to pay for the army of bursars and accountants that would be needed to make the system work locally.

We should contrast that with the Executive's record investment in the schools estate, which enables local authorities to meet local needs via the prudential capital financing regime, our record investment in the school fund and, of course, our £12 billion public-private partnership programme, which will ensure that 300 schools are refurbished and rebuilt by 2009. Jamie McGrigor referred to Argyll and Bute and said that the catch-up amount runs into eight figures. I have to ask; "Catch-up from whose legacy?"

We should also contrast the Executive's record and policies of strengthening and improving all Scotland's schools with the Conservatives' prescription for chaos. Far from reducing inequality by giving choice, Tory choice, as has been said by a number of members, would be a free-for-all as catchment areas were abandoned in favour of a free market for school places. As John Swinney rightly said, that policy is largely irrelevant and impossible to implement in rural areas. My prediction is that if, unfortunately, the Tories were ever to have their way, we would be back before long to controls from the centre and we would see that, in effect, the few had exercised their choice at the expense of the many.

**Alex Johnstone:** How does the minister explain the fact that when the decisions of local authorities up and down Scotland are challenged locally, the councils' reply is that the decisions are being forced on them by the Executive?

**Euan Robson:** Local decisions must be taken locally; Alex Johnstone should know that.

As to the motion's contentions about attainment, I have to say that it is factually incorrect to claim that attainment is poor or falling in Scotland. The attainment of pupils between the ages of five and 14 in the key areas of reading, writing and maths has been steadily improving over the past six years from where the Tories left those levels. As Peter Peacock said, pupils in primary schools in particular show good levels of attainment overall. The international data for 15-year-olds show that Scotland does very well in reading, writing and mathematics in relation to our international competitors, being in the top third of reported attainment.

**Mr Monteith:** Will the minister confirm that the actual number, and the actual percentage, of pupils who leave Scottish schools without any qualifications has, in fact, risen since his Executive has been in power?

**Euan Robson:** Let us look at the results. The five-to-14 data show continuous improvements in the level of attainment in primary schools in reading and mathematics. In secondary 2, the five-to-14 data show big improvements in attainment over a six-year period. For S2, there have been gains of 20 per cent in reading, 14 per cent in writing and 18 per cent in maths. About 60 per cent of pupils are achieving nationally expected levels in reading and maths, and more than half are achieving those levels in writing. The trend is one of steady improvement year on year.

However, the Executive is far from complacent, which is why we set out our action programme in our response to "A Curriculum for Excellence: The Curriculum Review Group". A programme of work is under way to create for the first time a single coherent Scottish curriculum for between the ages of three and 18. Among other things, we shall declutter the curriculum in primary schools by revising and streamlining guidelines to free up space for children to achieve and for teachers to teach, for implementation by 2007. We shall bring the three-to-five and five-to-14 curriculum guidelines together to ensure smoother transition. That will mean extending the approaches in pre-school and the early years of primary in emphasising the importance of the opportunity for children to learn through purposeful and well-planned play.

There will be a reformed approach to education in S1 to S3, which will increase opportunities for challenge, choice and motivation, and we shall deliver a new way of recognising the achievements and attainment of all young people from S1 to S3 from 2007. We shall deliver a new course and qualification in learning for skills for 14-year-olds to 16-year-olds by 2007. A cycle of continuous updating and reform of the curriculum across all areas of learning will begin immediately, starting with the science curriculum, and we shall ensure that reform of assessment supports learning and that there are valid and reliable measures of national levels of attainment in key areas of children's learning. The age and stage regulations, which say when young people can sit exams, will be abolished and replaced with clear guidance to safeguard young people's interests.

I turn briefly to Ted Brocklebank's points about physical education, to highlight one example of an area where the Tories mislead. The Executive is recruiting 400 extra PE teachers by 2008, but not a word was said by Ted Brocklebank about our expectation of there being at least two hours of PE in schools.

The choice is between parties such as the Greens—who did not even turn up for the debate—and others who might have good ideas, and the Tories, who play a worn-out gramophone record of old ideas, none of which will work in the future. The Executive offers an improved and refreshed curriculum, better buildings and facilities, 53,000 teachers by 2007 in order to reduce class sizes, the teachers agreement, continuing professional development for teachers, information and communications technology investment for broadband connections for schools and investment in better behaviour and better learning. It also offers investment in looked-after children and young people, raised educational attainment, child protection policies, review of the hearings system, investment in fostering and a review and modernisation of adoption law. The choice is clear: investment by the Executive parties or no investment by the Tories. With those comments, I draw my remarks to a conclusion.

11:49

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** I have to say that this has been one of Parliament's better debates. We have not found a great deal of common ground and there has not been much agreement, but the fact that we have had only one debate in our allocated time has given members far more time to speak and has enabled them to take more interventions. That is a lesson that we should all remember when we have such debates in the future. Labour members will probably not agree with anything else that I say.

It will come as no surprise that I intend to refute a number of accusations that the minister made. He accused the Tories in the past—we always know that there is an election coming when we are referred to not as "the Conservatives" but as "the Tories"—of bringing education to its knees. He said that under the Tories there was a period of neglect and that there was no universal early years provision. Those are only some of the falsehoods that were perpetrated by the minister.

The truth could not be more stark. Spending on education rose in real terms over the time the Conservatives were in Government, pupil to teacher ratios fell dramatically and falling attainment levels were identified and reversed. I say that they were identified, because the difficulty in the 1980s was that no information was available to enable people to find out what was happening in schools. Many members who were in councils at the time or who represented the Educational Institute of Scotland fought tooth and nail against revelation of what was happening in schools.

Universal nursery provision was introduced by the Conservatives: it did not exist before then. However, nationalisation of that provision by Brian

Wilson and then the Scottish Executive brought about what the Executive claims is its universal provision.

I went to a state school—Portobello High School—in the 1970s. My sister went to Portobello High School in the 80s and my sons went to, and are still at, Portobello High School in the 90s and the noughties. I am well versed in what happened in that school, which is typical of so many schools. There was the end of school uniform, the end of the house system that meant so much to the pupils and the end of celebration of achievement. That was not brought about by Tory ministers: it was brought about by Labour councillors in Lothian Regional Council, who imposed those things on the school against the wishes of teachers and parents. There were no school boards to prevent that from happening and only the school boards, which were introduced by Michael Forsyth, Ian Lang and James Douglas-Hamilton, reversed that trend and ensured that schools began to respond to what parents wanted.

The minister went on to say that we would cut £600 million from education spending. That is a falsehood, as James Douglas-Hamilton pointed out, and there is no evidence to support the claim. I await that evidence and look forward to its being published in the Scottish Parliament information centre.

The minister also said that the Conservatives would mimic Sweden but ignore Finland because Finland is ideologically uncomfortable for us, and that we should really look to Finland because international studies show that Finland is better. Let us consider those studies. The progress in international reading and literacy study of 2001 showed that Sweden was top of the league table—13 places ahead of Scotland. The children from Sweden came through the study after the Swedish reforms, so that clearly shows that the reforms did not damage the position in Sweden: if anything, they helped it.

Let us consider the Scottish programme for international student assessment study for 2003. Between PISA's report of 2000 and the one for 2003, the mean reading literacy score in Scotland dropped by 11 points. That certainly did not happen under the Tories' watch. Only 9 per cent of Scottish students reached the top level in reading literacy, compared to 11.4 per cent of Swedish students. Sweden is doing better than Scotland again. Not only do the international tables show that Sweden's attainment is better than Scotland's, but they show that Finland has more pupils enrolled at independently managed state schools than Sweden and that it has double the number of pupils at independently run state schools than is the case in Scotland. It is clear that Finland is doing something right: it is doing something similar

to what Sweden is doing. That is also what the Netherlands and Denmark are doing. The evidence shows that where there is a good performance in international tables there is a large proportion of independently managed schools.

**Christine Grahame:** What Finland and Sweden have in common, which we do not share, is that they are small independent nations.

**Mr Monteith:** We do not need to change our passports to achieve what they have achieved. As any patriotic Scot—such as myself—knows, we have a different educational institution in Scotland from that which exists in England. We do not have to break up the United Kingdom to achieve that. Does Christine Grahame not agree?

If the minister wishes Finland to be his example, let us see independent schools such as those that exist in Finland flourishing here in Scotland.

Fiona Hyslop also set her face against state-funded independent schools. However, when she was challenged, she was not able to tell me why she is in favour of the state-funded independent nurseries and child-care provision that exists in Scandinavia. Has there been a shift? Do we detect the Scottish nationalist party moving to the right? I welcome that if it is the case and I look forward to the day when the SNP shares our policies and we might be able to kick the current Executive out. However, I have to say that the SNP has a long journey to make—as many of the SNP members behind Fiona Hyslop clearly showed.

Fiona Hyslop also said that choice should not and does not apply to Scotland: Scotland cannot handle choice. That view was echoed by Robert Brown of the Liberal Democrats. The contention was that we cannot have choice because too many parts of Scotland would not have access to choice. That is like living in East Germany and people being told that they can have any colour of car but that it must be a Trabant and that, by the way, there is a queue for the red ones.

What happened in East Germany was that the restrictions and the socialist centralism that Mr Sheridan seems to think works in Cuba were got rid of. Very few people now drive Trabants in what was East Germany. They have choice; they drive Opels, Audis and BMWs. East Germany became part of Germany and choice entered the market. Capacity expanded and choice for all was made possible. The lesson in Sweden, Denmark and the Netherlands is that new schools have been created that deliver choice, create competition and drive up the standards of municipal schools.

The accusation was also made that rural schools would close, but in Scandinavia there are more rural schools north of the Arctic circle than there are in Scotland north of the Highland line. Why is that? How is it that countries such as

Sweden can maintain rural schools in such inhospitable and bleak landscapes where people are few and far between? It is partly because there is a presumption against closing rural schools, but it is also because by giving parents a voucher or a passport—whatever members would like to call it—and empowering parents with that spending power, they are able to defend rural schools. If we had had that system in Scotland in the past five years, would Abercorn Primary School in West Lothian have closed? It would not, because the parents would have kept it open. Would St Vigean's Primary School in Arbroath have closed? It would not, because the parents would have kept it open, as they would be able to keep open Eassie Primary School in John Swinney's constituency.

**Mr Swinney:** Can Mr Monteith say whether more people live north of the Arctic circle in Sweden because the Government there supports economic development and thereby the livelihoods of people within those areas? Is the reason why not so many people live above the Highland line in Scotland that the Conservative party and this Government are responsible for reducing economic opportunity and for depopulation in those areas?

**The Presiding Officer (Mr George Reid):** Mr Monteith has one minute left.

**Mr Monteith:** That was a spurious point. Mr Swinney was just trying to eat into the time that I have left on the clock.

Let me make it clear that children with special educational needs would not be put into schools where children had been given a second chance because of their bad behaviour or indiscipline.

I agree with Tommy Sheridan—I agree that the standards of schools such as Fettes College should be available to all. I agree that charitable status should not be the privilege of the few: it should be extended to all state schools. I agree that a father's wallet or a mother's purse should not determine the educational opportunities of a child. We must remove the two-tier system. Our proposals will do that. I support the motion.

## First Minister's Question Time

11:59

**The Presiding Officer (Mr George Reid):** Members will wish to welcome a number of Commonwealth guests: two distinguished New Zealanders, the Rt Hon Don McKinnon, secretary-general of the Commonwealth, and the Hon Russell Marshall, high commissioner of New Zealand; and a delegation from the Canadian Senate. *[Applause.]*

### 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-1524)

**The First Minister (Mr Jack McConnell):** I am sure that the next meeting of the Scottish Cabinet will consider the timetable for decision making on the allocation of the additional resources that were allocated to Scotland in yesterday's budget.

At the same time, we might just note the fact that people who live in England are about to benefit from many of the types of services that this Government is delivering in Scotland. They will benefit in years to come from free local bus travel, although in Scotland that will go national. They will benefit in years to come from enterprise education in every school, although in Scotland that is already a great success. They will benefit in years to come from youth volunteering, although in Scotland our scheme will be up and running by May. They will benefit from a school building programme that, although it will be substantial, will still be smaller than the one in Scotland, which is the biggest in Europe. However, they will not have to suffer the cuts that are being proposed by the Scottish National Party and the Tories, therefore in England and Scotland everybody will be grateful.

**Nicola Sturgeon:** Why do we not return to a subject where Scotland is definitely still playing catch-up? Last week, the First Minister said that there has been

"a dramatic reduction in out-patient waiting times in Scotland"—*[Official Report, 10 March 2005; c 15234.]*

Now that he has had time to study the figures that I drew to his attention last week, will he correct that statement?

**The First Minister:** I do not think that I have ever been more pleased that Ms Sturgeon has asked me a question, because it allows me to put on the record something that she did not put on the record last week in this Parliament. The figures that she quoted were not for people who were waiting more than 12 months for out-patient



treatment or an appointment, but for people who had been treated who had previously waited more than 12 months for an out-patient appointment.

Ms Sturgeon failed to mention that the number of people who had been on the out-patient waiting list more than 12 months had been reduced in the quarter. She also failed to mention that the number of people who had been waiting longer than six months on the out-patient waiting list had reduced by 15.9 per cent in the previous quarter. In all those areas—at long last, yes, but thank goodness—we are now bringing down out-patient waiting times. People who wait the longest are now being treated. There is a difference in Scotland in out-patient figures, which we intend to improve on in the rest of the year.

**Nicola Sturgeon:** Why does the First Minister still refuse to accept the reality of the situation? The figures that I revealed last week are not a snapshot, like the ones that he uses. They detail the actual number of people who waited more than a year to see a consultant—in other words, they detail the real experience of real patients. Is the First Minister aware that in yesterday's *Daily Record*—a journal that I know he reads—the Minister for Health and Community Care described the experience of just one Lothian patient waiting more than a year as “totally unacceptable”? Given that figures that I have obtained this week show that 1,805 patients waited for more than a year in Lothian alone, does the First Minister agree that his entire record on out-patient waiting times is totally unacceptable?

**The First Minister:** Every single target or guarantee that has been set for the health service since I became First Minister has been achieved. Not only have we achieved on the 12-month and nine-month targets, but we are working towards the six-month target and we are managing to bring down out-patient waiting times and the number of people on the out-patient waiting list.

Ms Sturgeon brings a statistic to the chamber and deliberately distorts it by giving the impression that it reflects the number of people who are still waiting, when in fact all of them have been seen. That was an achievement by the health service in Scotland. No matter how many times she does that, she cannot hide the fact that in the health service in Scotland, not only is in-patient waiting reducing and lower than in any other part of the United Kingdom, but now out-patient waiting is reducing. The number of people who wait more than 12 months or six months and the number who are on the list all reduced in the last quarter and will reduce further this year.

**Nicola Sturgeon:** The figures detail patients who had waited more than a year to be seen. The First Minister might think that that is okay; I most certainly do not.

Last week, the First Minister said that the number of people in Scotland who wait more than six months for in-patient hospital treatment is

“lower than anywhere else in the United Kingdom”.—  
[*Official Report*, 10 March 2005; c 15244.]

Is he aware that, whereas the most recent figures show that 85.8 per cent of patients in Scotland are admitted within six months, the figures that I received from the House of Commons library last night show that the figure in the worst-performing English health authority is 88.9 per cent? That is better than the Scottish figure. Will the First Minister explain exactly what he meant last week?

**The First Minister:** Ms Sturgeon might be foxy, but she is also trying to be sly. The reality is that she cannot pick one statistic and distort it. She has been caught out on the statistics that she cited in the chamber last week, which were distorted here and elsewhere last weekend. Those out-patients were not still waiting; they had all been seen. That is to the credit of the health service and of the policies that we have adopted.

When Ms Sturgeon picks yet another statistic and distorts it, and cites incomparable figures to ensure that she has yet again some kind of strange point to score, she misses the point. The real point is about who will invest in the health service and make a difference. Those in the SNP who would cancel the contracts for those in-patients and cut the health budget would, ultimately, create longer waiting times and lists and lead to Scotland having a poorer health service than England.

**Nicola Sturgeon:** I do not have to be selective with statistics, because all the statistics show that the First Minister's record on in-patient and out-patient waiting times is woeful. That is why no one believes a word that he says any more.

I will give the First Minister a final chance to show that he means business. He says that no one will wait more than six months for an out-patient appointment by the end of this year. At the end of last year, 35,000 people waited more than six months. Will he give a personal guarantee, for which he will be held accountable, that the figures for the end of this year will show that zero patients wait more than six months? Will he put his job on the line?

**The First Minister:** To paraphrase what somebody said last year, if elected, I will not resign—would that be right? Some strange comments are made in the SNP about resignations. We should go to the facts of the situation. Fewer people are on the in-patient waiting list in Scotland than anywhere else in the United Kingdom. The number of people who wait more than six months, nine months and 12 months is lower in Scotland than anywhere else in the

United Kingdom. Scotland is the only place in the United Kingdom where no patients with a guarantee wait more than nine months for in-patient treatment. The median wait in Scotland is shorter than it is anywhere else in the United Kingdom. Treatment times for our killer diseases that we made a priority, such as heart disease, are by far the best in the United Kingdom.

That is the record that, step by step, is improving the health service. It is added to by the record in the past quarter on out-patients, which will be added to again this year as, step by step, the statistics show improvements in the list and in the times. All that would be at risk if the SNP cancelled the contracts, cut the budget, put instability into our economy and threatened the investment that we are determined to pursue.

### **Prime Minister (Meetings)**

**2. David McLetchie (Edinburgh Pentlands)**  
**(Con):** To ask the First Minister when he will next meet the Prime Minister and what issues will be discussed. (S2F-1525)

**The First Minister (Mr Jack McConnell):** The next time I meet the Prime Minister, I will ask him whether he has a copy of the secret Jimmy review that the Conservatives in Scotland refuse to publish. Just two months ago, Oliver Letwin, the shadow chancellor, said that there would be £35 billion of cuts in the British economy and public services if the Tories won the general election. He also said that there would be a Scottish James review—let us call it the Jimmy review—which would be published in advance of the election. Last week, Mr McLetchie said that that would not happen before the election. The review is now a secret. Are the cuts so severe that they must remain a secret, or will Mr McLetchie publish the review?

**David McLetchie:** I thought that this was First Minister's question time. I would be happy to switch roles with the First Minister, as I am sure that I would do a far better job.

I draw the First Minister's attention to something a little more pertinent than the fantasy figures that he has quoted today, both to me and to Ms Sturgeon. Does he agree with his new-found friend and colleague the Chancellor of the Exchequer that pensioner households in Scotland should pay less in council tax?

**The First Minister:** Of course, pensioner households in Scotland will benefit from the chancellor's announcement yesterday that later this year every one of those households that pays council tax will receive a payment of £200 towards it. That contrasts with the position of Mr McLetchie, who not only has a secret package of cuts that he will not publish before the election, but

refuses to guarantee that the one Conservative proposal on the council tax for the United Kingdom that has been published would apply in Scotland. Will Mr McLetchie guarantee that that proposal would apply in Scotland? I can guarantee that the chancellor's proposal will apply in Scotland and will be delivered to pensioner households this October.

**David McLetchie:** Again, it seems to be leader of the Opposition's question time. I point out to the First Minister that he is meant to be the architect and supporter of a devolution settlement and that responsibility for local taxation and council tax in Scotland lies with the Scottish Executive.

I am delighted that the First Minister acknowledges that pensioners in Scotland pay too much in council tax. Will he acknowledge that it is in his power and that of the Scottish Executive to introduce permanent council tax discounts for pensioners, year after year, instead of a paltry, one-off payment in election year, delivered by the chancellor through the social security system, which is what we got yesterday? The Conservatives are offering permanent council tax discounts. When the next Conservative Government announces a cut of up to £500 in pensioners' council tax bills, will the First Minister—whose responsibility it is to administer the council tax system in Scotland—use his powers to do the same for pensioners in Scotland? The question is for the First Minister to answer, not for me.

**The First Minister:** When the chancellor announces a £200 benefit for every pensioner household in Scotland that pays council tax, I will not ask him to take it back and to give it only to pensioner households in England. I will welcome it and say that pensioner households in Scotland will also welcome it. I will also say to those households that their benefits and services, including the free local bus travel that exists in Scotland and will now be introduced elsewhere in the UK on the same timescale as in Scotland—we intend to make the service national—will be at risk if the secret cuts that Mr McLetchie wants to make to the Scottish budget are imposed on our public services.

Will Mr McLetchie guarantee that the services and benefits that we have introduced in Scotland and which are at risk from the Conservatives—free personal care for the elderly, free central heating for the elderly, free local bus travel for the elderly and the lowest council taxes in the United Kingdom—will not be affected by the election of a Conservative Government? If he can do that, will he prove it by publishing the James review for Scotland?

**David McLetchie:** I guarantee absolutely and categorically and repeat what the shadow

chancellor, Oliver Letwin, has said: to wit, that under the Conservatives the Scottish block grant for the current spending review period, which concludes in 2007-08, will be exactly the same, pound for pound, as the one that has been allocated to the Scottish Executive by the present Government and Chancellor of the Exchequer. The key difference will be how effectively the First Minister spends that money—he certainly does not spend it effectively on the health service, as we have heard. Will more money be frittered away by this Labour Executive or will we have an opportunity to use some of it to cut council taxes for pensioners and others in Scotland as the Conservatives have advocated? Does the First Minister acknowledge that, if our £500 pensioner council tax discount stops at the border, it will be because the First Minister stops it at the border instead of using the extra money that he will have to give Scottish pensioners exactly the same treatment?

**The First Minister:** The member cannot invent a Tory policy on the back of a fag packet and then demand that we implement it for him—that is a ridiculous proposition. The Conservatives have to give that guarantee, and they have to guarantee what they would or would not do should they—it is a remote possibility—win a general election this year. We need to know where their cuts would fall on pensioner services in Scotland. What would the cuts do to the level of the council tax in Scotland?

If Mr McLetchie believes that the architect of the poll tax—one Michael Howard—would impose £35 billion of cuts in England and that not one penny of those cuts would fall in Scotland, he is living in dreamland and I suspect that a number of English Tory MPs and candidates might have something to say about that.

**The Presiding Officer:** The first two exchanges were rather long and have cut us back to only one constituency question.

**George Lyon (Argyll and Bute) (LD):** Does the First Minister join me in sending the Parliament's condolences to the families of the Loganair pilot Guy Henderson and the paramedic John McCreanor, who tragically lost their lives earlier this week when their air ambulance crashed into the sea off Machrihanish?

I seek the First Minister's assurance that everything possible has been done by the Scottish Ambulance Service, the police and the company to support the families through this very difficult time. I also seek reassurance that everything possible is being done both to recover the bodies and the aircraft and to establish the cause of the crash.

**The First Minister:** I am very happy to give George Lyon those assurances, but also to relay

to the chamber that Cabinet discussed those tragic deaths yesterday morning and that we sent our condolences to the families involved. We will support the Scottish Ambulance Service in any action that it requires to take.

This was a painful reminder that public servants the length and breadth of Scotland put their lives on the line to look after other people. We should all remember that the hard work that they do and the hard work that is done throughout Scotland, not just by air ambulance crews but by others, provides a vital service, particularly for remote communities such as Argyll and Bute. I hope that we will continue to give them as much support as we possibly can across all the parties.

### **Secretary of State for Scotland (Meetings)**

**3. Robin Harper (Lothians) (Green):** I sympathise with the sentiments that were expressed by George Lyon and the First Minister.

To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues will be discussed. (S2F-1542)

**The First Minister (Mr Jack McConnell):** My apologies for returning to politics, Presiding Officer, after such an important and sad question from George Lyon. However, when I next meet the Secretary of State for Scotland, among the issues that we will discuss will be how we can possibly find out about what the Conservatives are planning to do in Scotland after the general election. I will also reassure the secretary of state that the statistics on the health service that are quoted by the SNP in this chamber are inaccurate and distorted and that the health service in Scotland is better than it is elsewhere in the United Kingdom.

**Robin Harper:** Perhaps the First Minister would also like to discuss with the secretary of state the convoluted Cabinet Office and European Commission regulations that appear to forbid our Minister for Environment and Rural Development from giving us details of the 32 infractions of European environmental law that are being discussed with the Commission. The First Minister will be aware that Rob Edwards wrote in an article that it was apparent that some of those infractions were to do with fish quotas, failure to enforce rules on landing, misreporting and under-recording of catches, failure to prepare proper environmental impact assessments on Crown land and lack of protection for freshwater fish and wild salmon.

First, will the First Minister confirm or deny the details that are stated by Rob Edwards? Secondly, does the First Minister agree that, irrespective of the words of the Minister for Environment and Rural Development, none of those issues could be regarded as "trivial"? Does he consider—

**The Presiding Officer:** You have asked about three questions, Mr Harper.

**Robin Harper:** Sorry.

Does the First Minister consider that the Minister for Environment and Rural Development was incautious when he said that some of the cases “may be trivial”?

**The First Minister:** Ross Finnie provided a comprehensive answer to the Parliament last week—indeed, it was one of the most detailed answers that I have heard being delivered in Parliament for some time. Mr Finnie provided a lot of information that had not been available previously and the tone and content of his answer demonstrated that he takes such matters very seriously, as do I. Not only do we take the proceedings very seriously and act on the matter by providing the right evidence and information or by challenging the proceedings if that is what we should do, but we seek to implement the law in Scotland.

Of course, the issues that Mr Harper raises presented us with some difficulties in that regard during recent years in debates around fisheries policy, because some members of the Parliament were prepared to advocate that fishermen should break the law. We absolutely condemn that and demand that people obey the law in Scotland, and we seek to ensure that when the law is properly obeyed we justify that to the European Commission and others.

**Robin Harper:** The First Minister did not answer my central question. Will the Executive provide full details of the alleged infractions and its discussions with the Commission? I believe that six of the 32 cases are being referred to the European Court of Justice. Which six cases are being referred and what they are about?

**The First Minister:** In answers to Parliament, such as the answer that Ross Finnie gave last week, and in the information that the Executive provides to the relevant parliamentary committees, the Executive provides the Parliament with the maximum possible information about such cases and related matters. We believe in complete openness and transparency on the matter, but it is important to remember that we are talking about legal cases, some details of which cannot be discussed in public while the cases are in court or in advance of potential court proceedings. We handle such matters carefully and seriously and we will ensure that at all times the Parliament has the maximum information that will allow it to hold the Executive to account.

## Hospital-acquired Infections

**4. Kate Maclean (Dundee West) (Lab):** To ask the First Minister what action is being taken to address hospital-acquired infections. (S2F-1541)

**The First Minister (Mr Jack McConnell):** Earlier this week we announced new measures, which include giving sisters and charge nurses responsibilities and powers to ensure ward cleanliness and a programme to ensure that alcohol hand-rubs are available near every front-line bed by April. However, it is important to acknowledge that cleanliness is everyone's responsibility. Visitors will be engaged to help to keep patients safe from infection that they might bring in from outside. The new campaign, which will be thorough, relentless and systematic, is one of the most comprehensive in Europe, and is backed by £15 million of investment over the next three years.

**Kate Maclean:** Tayside NHS Board has done well in that regard. The First Minister said that sisters and charge nurses would be given responsibility and powers, but given the hierarchical structure of the national health service, how will staff at all levels be empowered to play their part? I am thinking in particular about how nurses or ancillaries can ask consultants to wash their hands before attending to patients, because nurses have complained that that is a problem.

What measures will health boards and the Scottish Executive Health Department use to monitor progress in reducing hospital-acquired infections?

**The First Minister:** It is clear from the programme that was announced earlier this week that clean hospitals and the reduction of infection in hospitals are everybody's business—managers, staff, patients and visitors.

Relevant staff will of course attend training programmes and staff will be encouraged to work with sisters and charge nurses to ensure that they are the first point of contact and can raise matters if parts of a hospital do not meet the standards that we set. As Kate Maclean said, Tayside NHS Board has been leading the way in Scotland in that regard, but we want to ensure that the highest standards are in place throughout Scotland. The best way of achieving that is by creating a culture in our health service in which everyone takes responsibility for and ensures that they personally contribute to cleanliness, rather than doing the opposite.

## Moray (Royal Air Force Job Losses)

**5. Mrs Margaret Ewing (Moray) (SNP):** To ask the First Minister what action the Scottish Executive will take to ensure the regeneration of

Moray after the announcement of job losses at RAF Kinloss and RAF Lossiemouth. (S2F-1528)

**The First Minister (Mr Jack McConnell):** Moray, Badenoch and Strathspey Enterprise and Moray Council are working with local stakeholders to prepare a strategy for combined action to mitigate the effects of the reduction in Ministry of Defence activity in the area.

The Deputy First Minister and I will meet representatives of Moray Council next week to discuss how we can work with the council during this difficult time.

**Mrs Ewing:** A 154-page document has already been produced by Moray, Badenoch and Strathspey Enterprise, Moray Council and other interested individuals. Will the First Minister and officials at the Scottish Executive Enterprise, Transport and Lifelong Learning Department read the document very carefully? It contains positive ideas and highlights the impact on our schools, on our hospitals and on all aspects of what is already a low-wage economy.

When the First Minister meets Moray Council next week—I hope that I and the local MP would be invited to such a meeting—will he not only show a commitment to the fresh talent initiative, which we have welcomed, but ensure that we can redeploy the skills of the people who are already there within Moray, to ensure a genuine future and the prospect of a high-wage economy?

**The First Minister:** I take this matter very seriously indeed. We will ensure that next week's discussions are productive.

We welcome Margaret Ewing's support for the fresh talent initiative, and would welcome any suggestions that she might have to help with the attraction of new enterprise and business to the area to use the skills that, of course, are a positive indication of the commitment and worth of individuals and their families to the local community.

However, it is also important that we continue to have the level of MOD activity and MOD contracts in Scotland that will secure the bases, as well as the jobs, that will remain. I sincerely hope that, come May—if there is indeed a general election in May—the people of Moray and elsewhere will choose to exercise their vote for parties that will ensure that Scotland remains inside Britain and inside NATO, to secure those contracts and those bases for the future.

### **Borders Rail Link**

**6. Lord James Douglas-Hamilton (Lothians) (Con):** To ask the First Minister whether the Scottish Executive will recognise the importance of

the Borders rail link to Edinburgh, the Borders and the south-east and east of Scotland. (S2F-1527)

**The First Minister (Mr Jack McConnell):** On Monday, the Minister for Transport confirmed the Executive's commitment in principle to support the construction of the Borders rail link with £115 million. That figure is, I think, at 2002 prices and will of course be increased for inflation. That support is subject to the project meeting the conditions of its business case, to a positive recommendation by the committee that is considering the project proposal and to the agreement of this Parliament.

**Lord James Douglas-Hamilton:** Does the First Minister recall that, when the Scottish Parliament visited Glasgow, all parties spoke strongly in favour of the project for a Borders rail link? Will he reassure council tax payers in Edinburgh, the Borders and Midlothian that they will not face massive tax bills as a result of the project?

**The First Minister:** As requested, we put a clear figure on the project, and the Minister for Transport was clear about our commitment to it on Monday.

The Borders rail link was a commitment in the Liberal Democrat manifesto and the Labour manifesto in 2003. This coalition Government is firmly committed to it. I am pleased that the other parties have been converted to the cause and I hope that, in the years ahead, we will see progress.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Does the First Minister acknowledge the welcome from my constituents for the historic funding statement of an 85 per cent contribution from the Scottish Executive to the Borders railway, which is in addition to the 15 per cent that has been promised by the three local authorities? Will he commend the Minister for Transport for making that statement, and commend the minister's predecessor, Sarah Boyack, for the feasibility funding that got the project off the ground? Does the First Minister regret that Lord James Douglas-Hamilton—one of Sarah Boyack's predecessors as minister with responsibility for transport—paid no attention to the project and has opposed the Executive's and the Parliament's development of the project?

**The First Minister:** I am always happy to welcome those who change their views over the years. I am aware, of course, that the Conservatives were not willing to act on this project throughout their 18 long years in power. I am also aware that the SNP did not even mention the project in its manifesto at the most recent election.

I am absolutely delighted that a majority of Labour and Liberal Democrats MSPs were elected

to this Parliament and that those MSPs are prepared to give the project their backing. I am delighted that we made this week's announcement.

**Christine Grahame (South of Scotland) (SNP):** As the First Minister well knows, since I became an MSP I have fought for the line with every breath. Will the First Minister join me in congratulating the tens of thousands of borderers who signed the petition and brought it to the Parliament? I include among them the Campaign for Borders Rail, of which I am an honorary life member, and people such as Madge Elliot from Hawick, who has campaigned since the day the line was closed. It is their victory. In recognition of that, will the First Minister give an assurance that the first piece of track will be laid in the Borders, towards Edinburgh, and not the other way round?

**The First Minister:** It would be particularly stupid to put a bit of track somewhere that a train cannot go to. However, I do not think that the Scottish Borders Council—not the Scottish Executive, nor the Liberal Democrats nor the Labour Party—was being stupid when it called on Christine Grahame to stand down as convener of the cross-party group in the Scottish Parliament on Borders rail because it felt that she was damaging the case for the project. I can assure the people of the Borders that—as long as the business case stacks up—we remain committed to the project. I congratulate Euan Robson, Jeremy Purvis, Jeremy Purvis's predecessor, Rhona Brankin, Sarah Boyack, Nicol Stephen, and everyone who has made a real difference to making this happen. I remain committed to ensuring that Scotland's railways improve in the years to come.

12:32

*Meeting suspended until 14:00.*

14:00

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Education and Young People, Tourism, Culture and Sport

##### Business Tourism

**1. Scott Barrie (Dunfermline West) (Lab):** To ask the Scottish Executive how it will ensure that the business tourism market benefits the whole of Scotland. (S2O-5846)

**The Minister for Tourism, Culture and Sport (Patricia Ferguson):** VisitScotland's business tourism unit exists to promote the facilities that the whole of Scotland has to offer for hosting conferences and incentive programmes. The VisitScotland integrated tourism network will maximise the considerable benefits of business tourism across the whole country. Previously, there was no dedicated convention bureau presence in areas such as Dumfries and Galloway and the Borders. The new network will be structured into northern, central and southern regions to serve the whole of Scotland.

**Scott Barrie:** I acknowledge that our cities will always be the main sites for business tourism and major conferences, given the location of venues and hotel accommodation. However, does the minister agree that areas such as Dunfermline and west Fife can benefit from spin-offs from major events in Edinburgh? Does she also agree that the financial benefits that accrue from business tourism should be spread to other communities so that the whole of Scotland can benefit?

**Patricia Ferguson:** I agree entirely with what Scott Barrie says. He is right to identify the possibilities that exist. We reckon that some £1 billion a year of business tourism income is spread around Scotland and that business tourists spend on average twice what leisure tourists spend. The market is, therefore, very lucrative. He is also right to recognise the role that the cities play. We want to encourage those who are booking conventions and conferences to incentivise other parts of their programmes so that people come to areas such as Fife and take advantage of what those areas have to offer. Fife is ideally placed to take advantage of business tourists who come to Edinburgh and I hope that the royal Dunfermline partnership, which is looking into regeneration and the promotion of Dunfermline in particular, will have a role to play in encouraging that kind of activity.

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

**(Con):** Does the minister accept that the operators of small hotels, bed and breakfasts and other small businesses are the backbone of tourism in Scotland? Does she also accept that the local knowledge that used to be supplied by the area tourist boards may be lost as a result of the new set-up? What does she intend to do to prevent that from happening?

**Patricia Ferguson:** I do not agree with Jamie McGrigor that that will be a consequence of the reform of the network. In fact, I am hugely encouraged by the fact that VisitScotland has allocated some 97 per cent of its staff to positions outwith Edinburgh. There is absolutely nothing for the local and rural areas in which Mr McGrigor is interested to worry about in the transformation. The opportunities for them are immense. He is absolutely right to identify the fact that local knowledge is important. That is why I am encouraged by the steps that VisitScotland is taking to ensure that its staff are spread throughout the network and that there is expertise in local areas as well as at the centre.

**Tourism (Fife)**

**2. Mr Ted Brocklebank (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what action it is taking to promote tourism in Fife. (S2O-5804)

**The Minister for Tourism, Culture and Sport (Patricia Ferguson):** The additional resources that have been made available by the Scottish Executive to increase the marketing power of VisitScotland are aimed at increasing the volume and value of tourism right across Scotland. However, each area has distinctive attributes and attractions, such as golf in Fife, which VisitScotland markets as part of its product portfolio.

**Mr Brocklebank:** Does the minister agree that one of the great success stories in Scottish tourism is the Fife city of St Andrews, which, according to the latest figures, attracts in excess of £50 million of tourist revenue a year? I am grateful to the minister for discussing with me personally the possibility of Executive support for St Andrews in its bid to become Scotland's fifth world heritage site. Discussions on that are now under way with the relevant bodies. Will she be good enough to reiterate in the chamber the Executive's support in principle for that initiative?

**Patricia Ferguson:** I am aware of Mr Brocklebank's keen interest in promoting St Andrews and the surrounding area. Any decision on whether the city should be considered as a world heritage site will require the local communities to draw up character assessments of the area. We want to support the local community

in beginning that process as soon as possible, so that it can start to go through the many hoops that it will need to go through if it wants St Andrews to be considered as a world heritage site.

**Iain Smith (North East Fife) (LD):** Partly in relation to Scott Barrie's earlier question, I am sure that the minister is aware that St Andrews is already a good destination for business conferences. Indeed, the number of Government ministers who attend such events in my constituency is testament to that.

I am sure that the minister is aware of the open golf championship's importance not only as an event but as something that attracts tourism. However, this year, it will be held at St Andrews the week after the G8 conference. Will she reassure us that the Government's eye is not completely on the G8 ball and that it is examining how we can get the best out of the open at St Andrews to promote tourism in Fife?

**Patricia Ferguson:** This year, Scotland is in a unique position and Perth and Fife will act as Scotland's showcase to the world. We are encouraged by the progress that has been made in ensuring that Scotland is top of the agenda in the coming year. The activities of local VisitScotland offices in Perth and Fife will be enormously helpful in ensuring that both areas are equipped to take best advantage of the opportunities that will be offered.

**Rothsay Academy**

**3. George Lyon (Argyll and Bute) (LD):** To ask the Scottish Executive whether Rothsay Academy is under consideration as a potential participant by the panel overseeing the schools of ambition programme. (S2O-5820)

**The Minister for Education and Young People (Peter Peacock):** Local authorities have been invited to submit bids for the schools of ambition programme by tomorrow. I would not be surprised if Rothsay Academy were to be nominated for consideration, if not in this first round, then in a further round later in the year.

**George Lyon:** I take it from the minister's reply that the application has still not been submitted. That news surprises me and I am sure that the parents of pupils at Rothsay Academy will be equally disappointed to hear it. Given that, because of the poor report that Her Majesty's Inspectorate of Education gave Rothsay Academy, the school should qualify for the programme, will the minister explain whether Argyll and Bute Council will have other opportunities to apply to the scheme and will he reassure me that the door is not closed to that prospect?

**Peter Peacock:** As I have indicated, the deadline for applications for the first round is tomorrow. I cannot say whether Rothesay Academy has submitted an application. I repeat that I would not be surprised if such an application had been submitted, although an application might be made later in the year. I reassure George Lyon that we intend the scheme to be a rolling programme. Although applications are being made now, some schools—of which Rothesay Academy might be one—might think that they need more time to work on proposals before they come to us. The door will not be closed to future applications.

As Mr Lyon has pointed out, Rothesay Academy has to address particular issues as a result of the HMIE report. I know that a new head teacher has been appointed and that some progress is being made. I do not want to pre-empt any decisions that might be made, but I have to say that the academy is the kind of school that we would like to be in the programme.

### Social Work Review

**4. Patrick Harvie (Glasgow) (Green):** To ask the Scottish Executive how it will co-ordinate the review of social work with other initiatives. (S2O-5888)

**The Minister for Education and Young People (Peter Peacock):** The review has successfully co-ordinated its work with a broad range of policy and practice developments, both within the Executive and across the social care field.

**Patrick Harvie:** Now that the review is under way, it is generating attention. However, some concerns have been expressed about its focus and about the need to ensure active participation. How will the minister ensure that the review group provides clear opportunities for wider involvement? Will he explain why it was decided not to include a front-line social worker in the group and say whether it will be possible to rectify that situation?

**Peter Peacock:** On the final question, I understand that the review group includes at least one front-line social worker. I suppose that that all depends on how one defines the term “front-line social worker”, but I am happy to double-check and discuss with Mr Harvie his definition.

I make it clear that the group is very wide ranging. In fact, earlier this week, a group of ministers—two of whom are sitting beside me—and I met the chair of the review group, who told us that the fact that it is made up of people with such different perspectives on current social concerns is making a considerable addition. A number of professional social workers in the review group are actively engaged in day-to-day social work and are not just distant managers. The

intention is very much to take as participative an approach in the process as we can.

A series of events is about to be run—indeed, some events have already been run—to engage with stakeholders. Working groups have been engaging with stakeholders round and about Scotland. A publication in the next few weeks will set out the themes that are emerging from the review to allow people to participate more fully in the future. My desire for that to happen is genuine. If Mr Harvie wants to make specific points from his experience or to raise concerns about such issues, I would be more than happy for him to meet my officials so that he can make those concerns known. Indeed, I extend that invitation to any other member who might want to do the same.

**Fiona Hyslop (Lothians) (SNP):** In relation to the review of other initiatives, will the minister consider the genuine concern of staff in the City of Edinburgh Council about the integration of education and social work and the potentially excessive and undue responsibility that is being placed on junior staff, both in education and social work?

**Peter Peacock:** I am reluctant to ask the review group to get involved in a specific geographic location in Scotland in the short-term way that the member seems to suggest. It is for the City of Edinburgh Council to manage with its staff the political decisions that it has made on the direction in which it wants its services to develop.

The review group is looking at the long term and trying to anticipate changes in our society to help to design the kind of services that we will need in the future. One of the issues that ministers discussed with the chair of the review group just yesterday was responsibility, including risk management in the profession and the difference between risk management and liability management. A whole series of interesting thoughts came out of that discussion, as well as ideas about areas where we need to develop our practice further to allow for more freely operating, autonomous social workers with the professional responsibilities to take decisions into the future. We are dealing with those challenging questions, which are mixed up with other questions that the review group is looking at. That is exactly why we asked the group to undertake its work.

**Scott Barrie (Dunfermline West) (Lab):** Does the minister agree that it is essential that, in the ambit of the review, social work and social welfare services should never be seen to stand alone and that it is essential that central and local government services in the social care sector link up effectively with other services, particularly criminal justice, education and community services?



**Peter Peacock:** Scott Barrie has great experience in such matters and is absolutely right to raise those points. Indeed, the need for far more supported close working between the different professions that deal with the issues that he and others have dealt with all their working lives is ever more apparent to ministers. For that reason, we have included in the review group representatives of the police force, the education service, the voluntary sector, the health service and others. All those professions and interests require to be brought to bear on the problems of today, which are immensely complex. The member is right that social workers cannot deal with such problems by themselves.

### **Public-private Partnership Schools (Renewable Energy)**

**5. Nora Radcliffe (Gordon) (LD):** To ask the Scottish Executive what steps it is taking to ensure that PPP schools make use of renewable energy sources. (S2O-5828)

**The Deputy Minister for Education and Young People (Euan Robson):** Sustainable development, including energy use, is a key component of the school estate strategy in Scotland. Last December, we launched the publication "Sustainability", which focuses specifically on how to achieve sustainable schools, irrespective of the means of procurement. Energy use is a constant theme throughout.

**Nora Radcliffe:** I was told anecdotally of a PPP scheme in which there was resistance to the use of a wood-fired central heating system because that system was not proven technology. That is patently absurd. Will the Executive be more proactive through information, advice and education and go as far as to take and use powers of direction to ensure that that sort of excuse will not be entertained?

**Euan Robson:** I would be disappointed if innovative ways of using energy in a sustainable manner were not being considered. The Executive indeed assists with advice and information and tries to extend good practice throughout Scotland. The member might be interested to know that in most school PPP projects the energy costs associated with the running of the buildings over the 25 to 30 years of the contract will be borne by the contractors, so it is in their interests to ensure that innovative and sustainable ways of using energy are incorporated into the buildings. As to the suggestion that we should give direction, that is not something that we would seek to do, because local government must take decisions on such matters when it signs the contract. We encourage councils to use every opportunity to promote the sustainable use of energy sources.

**The Deputy Presiding Officer (Murray Tosh):** Although I understand the minister's courtesy in turning towards the questioner, I ask him to speak more directly into the microphone, as I think that people in the gallery may be having difficulty in following some of what he said. *[Interruption.]* That was strictly out of order, but the applause was perhaps understandable in the circumstances.

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** The minister will be aware of the difficulties that Perth and Kinross Council is facing in seeking to install new biomass heating systems in the schools in its area. That is primarily because the private finance initiative contractors are not eligible to apply for Executive funding. The door is starting to close on the opportunity to get renewable energy into the 300 new schools that the Executive is rolling out. When will Mr Robson's fellow ministers complete the review of the Executive's funding mechanism and change the rules so that the new PPP schools can get renewable energy systems installed?

**Euan Robson:** As I said, we commend the use of renewable sources of energy in a number of the publications that we have produced, including "Sustainability". In addition, the Executive funds the Scottish community and householder renewables initiative, which is operated by the Energy Saving Trust and Highlands and Islands Enterprise. The initiative provides grants to communities and householders to enable them to evaluate and install renewable energy systems. Local authorities and schools may apply for that funding, so I believe that opportunities exist and that local authorities and contractors should take them.

**Mr John Swinney (North Tayside) (SNP):** In his answer to Nora Radcliffe's question, the minister said that the Government was supportive of sustainability in school heating systems, regardless of how schools were funded. The Scottish National Party supports that admirable objective.

I will give an example of a problem that is affecting schools in my constituency. The installation of a wood-fuelled heating system as part of the new development proposal at Breadalbane Academy in Aberfeldy would require grant assistance. However, because the project involves a PPP contract, Executive rules prevent such grant assistance from being made available. I appeal to the minister to bang some heads together within the Executive so that we can get clearer guidance on how Executive schemes can support excellent sustainability measures for the heating of our new schools.

**Euan Robson:** I am grateful to the member for raising the issue, which he has raised on a number of occasions previously. I acknowledge

his interest in the matter and his desire to make progress on behalf of his constituents. Ministers are having meetings on that subject and we will keep him advised of the results of those meetings.

### **VisitScotland Reforms (Benefits to Perthshire)**

**6. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what the benefits of reforms to VisitScotland will be for tourism in Perthshire. (S2O-5833)

**The Minister for Tourism, Culture and Sport (Patricia Ferguson):** The integrated tourism network will build on the expertise of both VisitScotland and the area tourist boards to support the growth of tourism across Scotland. Each area has its own distinctive attributes and attractions, such as the adventure activities in Perthshire, which VisitScotland will continue to market strongly as part of its product portfolio.

**Murdo Fraser:** The minister may be aware that a number of service providers that have contracts with area tourist boards are worried about their future as VisitScotland moves towards more centralised procurement. Will she do what she can—for example, by examining the packaging of tendering—to ensure that small local firms in areas such as Perthshire do not lose out in, and are not disadvantaged by, the new system?

**Patricia Ferguson:** I am grateful to Mr Fraser for bringing to the chamber an issue that has not been raised with me directly before. On the face of it, I see no reason why local firms should lose out under the new set-up, but I will take that up with VisitScotland and will be happy to communicate to Mr Fraser the outcome of those discussions.

### **Autism (Education Funding)**

**7. Mrs Nanette Milne (North East Scotland) (Con):** To ask the Scottish Executive what representations it has received regarding education funding arrangements for local authorities reporting a higher-than-average incidence of autism. (S2O-5854)

**The Deputy Minister for Education and Young People (Euan Robson):** The Scottish Executive is not aware of any such representations.

**Mrs Milne:** The minister may be aware that the incidence of autism in Aberdeenshire is growing and is currently almost 70 per cent higher than the national average, which places a considerable financial obligation on the local authority in terms of the care and education that it has to provide. With that in mind, will he consider making special financial arrangements for local authorities such as Aberdeenshire that have a high autistic school roll? Does he agree that resources must be made available to secure the future of excellent special

needs schools such as St Andrew's School in Inverurie and Carronhill School in Stonehaven as stand-alone facilities?

**Euan Robson:** The future of those schools is a matter for the local authority to discuss with local residents, teachers and the parents of the children at the schools, as we have made clear on a number of occasions. Local authorities always have the opportunity to make representations through the Convention of Scottish Local Authorities for additional funding. As the member knows, a review of local authority funding is under way, to which local authorities may also make such points. The review will be able, if it sees fit, to include those points in its eventual report.

## **Finance and Public Services and Communities**

### **Affordable Housing (Rural Areas)**

**1. Richard Baker (North East Scotland) (Lab):** To ask the Scottish Executive how the additional funding announced for affordable housing will benefit rural areas. (S2O-5876)

**The Minister for Communities (Malcolm Chisholm):** Rural areas will benefit significantly from the increased funding of £1.2 billion for affordable housing over the next three years. In the coming financial year, we will invest £97 million in rural areas, which will fund more than 1,900 affordable homes.

**Richard Baker:** We heard yesterday how the Chancellor of the Exchequer has helped first-time buyers. Will the minister ensure that all the measures that he announced this month will provide more affordable housing in rural areas as well as in urban ones? Will he also ensure that the welcome participation of north-east housing associations in some of the new schemes will alleviate the situation in Aberdeenshire, where the waiting list for council rented property has risen by 20 per cent?

**Malcolm Chisholm:** A significant increase has been made in the amount of money that is going into rural areas. Indeed, funding for rural areas now accounts for 29 per cent of the Communities Scotland programme as compared to 19 per cent when the Parliament was established. Clearly, funding is an important issue, but, of course, the other initiatives to which Richard Baker referred are also highly relevant. The extra money will go not only to social rented accommodation, but into the new shared equity schemes. I was in Aberdeen last week and was glad to hear that the city will be involved in the scheme. I am sure that the rural areas in that part of Scotland will also become involved.

**Alasdair Morgan (South of Scotland) (SNP):** What mechanisms will the Executive put in place to co-ordinate the award of funding with Scottish Water initiatives under quality and standards III to remove sewerage constraints?

**Malcolm Chisholm:** I am sure that Alasdair Morgan heard the significant announcement that Lewis Macdonald made on that subject two or three weeks ago. The most significant thing to say about affordable housing is that the Executive is giving an extra £14 million specifically to the registered social landlord sector to enable the sector to pay its contribution towards infrastructure costs. We have made a significant increase in the investment in water and sewerage infrastructure and I know that that increase has been well received by housing providers throughout Scotland.

**Maureen Macmillan (Highlands and Islands) (Lab):** Is the minister aware that the second-home market can distort the availability of affordable houses for local people, particularly in rural areas? Will he give an undertaking to examine that area of housing need to see what can be done to ensure that rural communities have access to affordable housing?

**Malcolm Chisholm:** I am aware that Maureen Macmillan is actively pursuing that issue and has held a series of meetings with our officials on the subject—I am following the discussions closely. Like her, I am looking to see whether any new measures can be found to address the serious problem that she has flagged up. I congratulate her on all the work that she is doing on the matter.

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

#### European Union (United Kingdom Presidency)

**3. Richard Lochhead (North East Scotland) (SNP):** To ask the Scottish Executive how it plans to take advantage of the United Kingdom presidency of the European Union in 2005. (S2O-5851)

**The Minister for Finance and Public Service Reform (Mr Tom McCabe):** The Scottish Executive continues to work closely with the UK Government to ensure that Scotland contributes fully to the UK presidency of the European Union later this year. The Executive will assist the UK Government to deliver a successful and effective presidency and use the opportunity to promote Scotland as a vibrant, dynamic and welcoming country that is playing its full part in Europe.

**Richard Lochhead:** Have any bids been made to the UK Government to secure high-profile ministerial events in Scotland in relation to the UK presidency so that we can showcase some of the expertise that we have in this country? Energy

comes to mind as one example. Were any bids made to the UK Government for hosting an informal council of ministers in Scotland? Such an event would bring all 25 energy ministers to Aberdeen so that we could showcase the city's role as Europe's energy capital. If such a bid has not been made, were bids made for events in other areas?

**Mr McCabe:** About 30 presidency-related events are taking place all over Scotland. This year, not only does the UK have the presidency of the European Union, but the G8 countries are meeting here in Scotland. Therefore, Scotland could hardly be more at the forefront of international focus. Specifically in relation to the EU presidency, more than 30 events are taking place in Scotland, including the meeting of permanent representatives, the EU poverty round-table and the European social services conferences, to mention just a few. Here in Scotland, we will play a very significant part in the UK presidency and there will be a great many events. As I said, we will use the opportunity to promote our country and to underline the fact that we welcome the opportunity to be Europeans in every sense.

**Irene Oldfather (Cunninghame South) (Lab):** Will the minister join me in welcoming the commitment of the Committee of the Regions commission on a European economic and social model, of which I am a member, to hold its November meeting not just in Scotland but here in the Parliament? Does he agree that such sectoral meetings provide a unique opportunity to showcase not just Scotland but the work of the Scottish Parliament, particularly in relation to some of the innovative work that we are doing on health?

**Mr McCabe:** I can only agree that that meeting will be extremely important, especially in showing the various participants at the event how the Parliament works and how we want to be involved in Europe. I would caution the member, however: a particular job will need to be done to counter those—usually those sitting to my left in the chamber—who are consistently determined to talk down Scotland and to convince people that we live in some dark and desperate place. Of course we know that that is not the case at all; we are at the centre of Europe and we will remain at the centre of Europe. I congratulate the Committee of the Regions commission on its wise decision to come here.

**Mr John Swinney (North Tayside) (SNP):** I think that, geographically, we are at the periphery of Europe, rather than being at the centre of it. Aside from that little difficulty, in his answer to Mr Lochhead, the minister indicated that there is a particular opportunity to welcome many people to

Scotland under the UK presidency of the European Union. That is undoubtedly true. On the subject of those welcoming arrangements, can the minister tell us when the Government will publish the findings of its welcome tsar?

**Mr McCabe:** We might be on the periphery geographically but, much as it rankles with people such as Mr Swinney, we are politically, and in every other sense, at the heart of Europe, which is to the benefit of our citizens. That is what rankles with SNP members, as they try once again to look inwards, to ignore the rest of the world and to ensure that Scotland is a backward nation, not a forward-looking nation. We will publish the report to which Mr Swinney refers, along with the Executive's response, in the very near future.

### Telecommunications Masts

**4. Chris Ballance (South of Scotland) (Green):** To ask the Scottish Executive whether planning decisions should take account of the health effects of radiation from telecommunications masts. (S2O-5886)

**The Deputy Minister for Communities (Johann Lamont):** The Scottish Executive's guidance on the matter is set out in national planning policy guideline 19, which states that planning authorities need not treat radio frequency emissions as a material consideration where a development complies with the public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection.

**Chris Ballance:** The minister will be aware that the ICNIRP guidelines, which are endorsed in the United Kingdom by the National Radiological Protection Board, take account only of the quantity of radiation, not of the qualitative effects that are increasingly being linked to health concerns. Will she take all the appropriate steps necessary to ensure that all the potential health effects of radio and phone masts are taken into account when such planning matters are considered?

**Johann Lamont:** In compiling its guidelines, the ICNIRP reviewed the broad base of the scientific evidence, as we would encourage it to do. The member will be aware that the recent NRPB report "Mobile Phones and Health 2004", which was a follow-up to the Stewart report, specifically considered whether the issue of public health should be addressed by planning departments when determining whether to grant approvals for mobile phone base stations. The board supported the view that,

"whilst planning is necessarily a local issue, the assessment of evidence related to possible health concerns associated with exposures to RF fields from base stations is best dealt with nationally."

That makes sense and it also makes sense for those health considerations to be considered as broadly as possible.

**Rob Gibson (Highlands and Islands) (SNP):** Will the minister share with us the knowledge that the Executive has of objective measurements of radiation from terrestrial trunked radio pulses and what effect a booster for the TETRA system will have on members and employees of the Parliament?

**The Deputy Presiding Officer:** I am not sure that that is a matter for the minister or that it is a supplementary to a question on planning policy, so, if members will forgive me, I will move to question 5.

### Subsidised Low-cost Homes

**5. Paul Martin (Glasgow Springburn) (Lab):** To ask the Scottish Executive how it will increase the number of subsidised low-cost homes. (S2O-5868)

**The Minister for Communities (Malcolm Chisholm):** Following the spending review, we announced our plans to deliver nearly 5,000 homes for low-cost home ownership across Scotland over the next three years. That represents an 80 per cent expansion of our low-cost home ownership programme. Last week we launched homestake, a new home ownership scheme based on shared equity. Homestake will help first-time buyers and people on low incomes who are unable to afford to buy a house on the open market. The first houses under the new scheme will be available later this year.

**Paul Martin:** Are representations being made to the lending organisations? The initiative gives them an opportunity to consider how, instead of imposing bank charges, they can assist people in the early stages of taking up home ownership.

**Malcolm Chisholm:** We are in discussions with mortgage lenders about the matter, because we hope that we might even be able to improve on the announcement that we have made if we can reach an agreement with them. As those discussions are still under way and I am to meet the Council of Mortgage Lenders next week, I do not want to go into the detail, but I agree with the thrust of what Paul Martin suggests. We have already announced a good deal, as a result of which we will get almost 5,000 homes for low-cost home ownership, but I hope that we will be able to increase that number, and to move in the same direction as England will be able to do after the budget yesterday.

**Linda Fabiani (Central Scotland) (SNP):** Does the minister acknowledge that water and sewerage infrastructure issues are as relevant on brownfield urban sites as they are in rural areas?

Does he acknowledge that even when new developments are built where houses have been before, there are development on-costs in relation to infrastructure, because of previous overcapacity and historic maintenance problems? Will he take on board the point that such infrastructure has to be funded to keep down development costs and, therefore, rents?

**Malcolm Chisholm:** Nobody is denying that, but the point that has been made is that there is a significant difference between what Linda Fabiani is talking about and completely new sites where there is no water and sewerage infrastructure at all. Nevertheless, I take on board what she has said. The £14 million for registered social landlords to which I have referred will be able to deal with those issues to the benefit of housing associations.

#### **Scottish Cities (Gross Value Added)**

**6. Christine May (Central Fife) (Lab):** To ask the Scottish Executive how Scottish cities compare with English and European competitors in respect of levels of gross value added per capita. (S2O-5878)

**The Minister for Finance and Public Service Reform (Mr Tom McCabe):** The Executive published "Competitive Scottish Cities? Placing Scotland's Cities in the United Kingdom and European Context" on 2 March 2005. The report shows that Scottish cities perform well. Gross value added per capita in Edinburgh, Aberdeen and Glasgow is well above the UK average. The Scottish cities also compare favourably with many other leading European cities on gross domestic product per capita, with Edinburgh and Glasgow outperforming all the English core cities. We are working together with our partners throughout the public and private sectors to ensure that Scottish cities continue to compete effectively on the international stage.

**Christine May:** The technical note to that report identifies regional population as a key determinant in cities' success. The population of my constituency in Glenrothes and Levenmouth is an essential part of the wider Edinburgh region. Will the minister say what steps are being taken to ensure that the interests of regional populations are taken into account in the consideration of investment and growth in cities?

**Mr McCabe:** When we talk about successful cities, we are of course talking about city regions. The economic success that our major cities enjoy spreads out widely to the surrounding areas. As we seek to grow the entire Scottish economy, it is inconceivable that we would in any way ignore important areas such as Fife. The Scottish economy is successful, although some members try continually to deny that. Our interest and

unemployment rates are low and our employment rate is high—we have the second-highest level of employment among countries in the European Union. Given that our successful economy is driven by successful city regions, it is important that we pay particular attention to areas such as Fife as we continue to make progress.

#### **Housing Associations (Renewable Energy)**

**7. Nora Radcliffe (Gordon) (LD):** To ask the Scottish Executive how it is enabling housing associations to use renewable energy in new and existing developments. (S2O-5829)

**The Deputy Minister for Communities (Johann Lamont):** Sustainable development principles and eco-friendly features are becoming common aspects of housing that is funded by Communities Scotland. Good examples exist in Lochaber and Shetland of housing developments that use biomass and waste-fuelled heating systems. In Orkney, there is an example of the application of a passive solar system and, in Highland and Shetland, heating systems that use heat that is extracted from the ground are in use. Communities Scotland will continue to consider innovative approaches of that type.

**Nora Radcliffe:** It is good to know that innovative schemes exist, but they should be mainstream. Will the minister consider providing additional targeted funding to encourage such schemes to become mainstream, so that tenants in affordable housing have affordable running costs, too?

**Johann Lamont:** The member should know that 97 per cent of new-build houses that Communities Scotland funded in the previous financial year achieved that body's energy efficiency target. That is evident mainstreaming. In 2003-04, the average level of CO<sub>2</sub> emissions from new-build properties that were funded by housing association grants was 1.7 tonnes, which was down from the figure of 2.9 tonnes in 2002-03. The Scottish Executive has confirmed funding of £6.6 million in the next three years for the Scottish community and householder renewables initiative. In 2004-05, the SCHRI is funding 17 capital projects for housing associations, with a total grant of £410,000. The member will accept that, given our successes on the issue and our funding commitment, the Executive regards such schemes as mainstream and is committed to them.

**Sarah Boyack (Edinburgh Central) (Lab):** I welcome that positive response from the minister and the good examples that she gave of practical schemes throughout Scotland. Given the positive benefits of such schemes, does she agree that we should ask Communities Scotland to consider the provision of appropriate renewable energy schemes throughout Scotland—whether using

solar heating panels or thermal energy—so that every housing association property that is built benefits from the new technology? That would create lower heating bills and affordable warmth and, crucially, it would contribute to tackling the climate change challenge.

**Johann Lamont:** As Communities Scotland's name suggests, it has a commitment throughout Scotland. We are always in the business of promoting good practice. As I said, 97 per cent of new-build houses that were funded by Communities Scotland in the previous financial year achieved the body's energy efficiency target. Communities Scotland and the Executive are committed to such schemes. I am happy to discuss with Communities Scotland how it intends to use its experience of funding in the past to make progress.

### **Affordable Rented Houses**

**8. Mr John Home Robertson (East Lothian) (Lab):** To ask the Scottish Executive whether it will make an assessment of the number of affordable rented houses that are required to ensure an adequate supply to meet the needs in each local authority area. (S2O-5797)

**The Minister for Communities (Malcolm Chisholm):** Local authorities are statutorily required to assess housing needs as part of their local housing strategy. As part of the affordable housing review in 2004, we published the results of a modelling of net need throughout the country. We will continue to work with local authorities to improve the basis of housing needs assessment, nationally and locally.

**Mr Home Robertson:** As the minister will be aware, East Lothian's population is 95,000 and growing, but its stock of 10,000 council and housing association houses is diminishing at a rate of about 300 a year under the right to buy. Does the minister acknowledge that councils such as East Lothian Council have to allocate almost all new lets to homeless people, which means that there is less hope for hard-working, young families who want to rent houses, or for pensioners who need to transfer to more suitable accommodation? Will the minister consider seriously the housing crisis in areas such as East Lothian when the Executive reviews the right to buy next year?

**Malcolm Chisholm:** There are a range of issues in that question. Obviously, I am concerned about the situation of hard-working families. However, I am sure that John Home Robertson will acknowledge that many homeless families are in the same category. Clearly, a balance has to be struck. I welcome the fact that East Lothian Council has adjusted its allocation policy. Of course, that does not mean, in the long run, that all the allocations will go to homeless families.

Clearly, there is a need for new housing in East Lothian and I am glad that the Communities Scotland budget for East Lothian is increasing by 57 per cent into next year, which will help the situation. I know that East Lothian is considering taking advantage of the prudential borrowing regime that it is able to benefit from. I am sure that that will go a long way towards addressing the problems to which John Home Robertson refers.

## **General Questions**

### **Aiding and Abetting Torture**

**1. Chris Ballance (South of Scotland) (Green):** To ask the Scottish Executive what the status of aiding and abetting torture is as a crime in Scots law. (S2O-5842)

**The Minister for Justice (Cathy Jamieson):** It is an offence under Scots law to aid and abet the statutory offence of torture. The penalty would be the same as for the statutory offence, which is up to life imprisonment.

**Chris Ballance:** On several occasions, an unmarked plane has been seen landing and refuelling at Prestwick airport. It is alleged that it is operated by the United States of America's Central Intelligence Agency and is involved in the transport of tortured prisoners. Given the minister's reply to my question, does the Executive agree that it is unacceptable and criminal for transport that is used to aid and abet torture to land on Scottish soil?

**Cathy Jamieson:** The control of flights in and out of Scotland is a reserved matter. The Chicago Convention on International Civil Aviation entitles foreign civil aircraft to make technical stops to refuel, for example, without requiring the permission of the state that they stop in. I make it clear to Chris Ballance that I will not comment on allegations. If anyone has any evidence that any form of torture is being committed on Scottish soil, that would be a serious matter and the police ought to be made aware of it.

**Phil Gallie (South of Scotland) (Con):** Is the minister aware of press reports that say that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has suggested that the situation in Barlinnie prison and certain police establishments in Glasgow is not as it should be? Does the minister agree that prison is not a home from home?

**Cathy Jamieson:** I am aware of more than just the press reports; I am aware of the full report of the committee and of the Executive's response. If Mr Gallie has not yet seen those, I commend them to him. The report picks up on a number of issues relating to the custody facilities in our police

stations and to the situation in our prisons. Most of those issues are already being dealt with by the Scottish Executive, and Mr Gallie will be aware of our programme to upgrade the prison estate and the amount of money that is being spent in that regard.

I am not going to comment on Mr Gallie's assertion that prison is not a home from home. My interest is in ensuring that people who go to prison are not only punished but rehabilitated, and return home to their communities as better citizens than they were when they went in.

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

### **Lismore (Petrol)**

**3. George Lyon (Argyll and Bute) (LD):** To ask the Scottish Executive what help it can provide to the islanders of Lismore to resolve the petrol situation on the island. (S2O-5827)

**The Minister for Transport (Nicol Stephen):** I share the member's concerns on this issue. The problem has serious implications for all the island's residents. Officials from the transport division have already had discussions with Argyll and Bute Council and are treating the issue as a matter of urgency. I am hopeful that a solution can be found.

**George Lyon:** The minister will be aware that one of the long-term solutions might be to install a community petrol pump and tank to ensure that petrol can be safely stored on the island. Will the minister ensure that the enterprise company that administers the Scottish Executive's rural petrol scheme does everything in its power to assist the islanders? Will his officials use their influence with the Maritime and Coastguard Agency to try to come up with a flexible interim solution? Currently, the island is grinding to a standstill because no petrol is getting on to the island to put into cars and motorbikes, which are important for lambing at this time of year.

**Nicol Stephen:** I understand the significance of the problem for the islanders and, as I said, options are being investigated as a matter of urgency. Those might involve the use of another vessel and there is a possibility of using the Caledonian MacBrayne vessel that serves the island from Oban. The option of a community fuel tank, which is the solution that has been used on Colonsay, Eigg and Iona, is also well worth investigating. Whatever happens, we must ensure continuity of supplies in the next few weeks, particularly for medical emergencies, until we find a more permanent solution. I am determined to do all we can, and to use all the flexibility of the rules of our grant schemes, to ensure that a solution is found.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** Will the minister explain why carrying petrol in jerrycans is suddenly not allowed? After all, jerrycans are designed for the safe carriage of such fuel. How are the islanders of Lismore meant to cope without petrol?

**Nicol Stephen:** The answer is straightforward. The ban was imposed by the Maritime and Coastguard Agency because the ferry did not meet the required safety standards for carrying the fuel. In those circumstances, it is not for the Executive or the council to challenge that decision. Instead, we must come forward with a solution.

### **Z-berths**

**4. John Farquhar Munro (Ross, Skye and Inverness West) (LD):** To ask the Scottish Executive what discussions it has had with the Ministry of Defence regarding the relocation of Z-berths away from population centres. (S2O-5818)

**The Deputy Minister for Justice (Hugh Henry):** The operational arrangements for nuclear-powered warships are reserved to the Westminster Parliament and all questions of detail on the matter are for the Ministry of Defence.

**John Farquhar Munro:** The minister will be aware that the MOD has consulted on supplying iodine pills to the three local communities in my constituency that have Z-berths nearby. Does he understand that that is causing a great deal of concern? Will he make representations to the Westminster Government to seek the relocation of the Z-berths away from areas of habitation, simply for the peace of mind of the many families in the area?

**Hugh Henry:** I repeat that this is a matter for Westminster, and specifically for the Ministry of Defence. It is for the MOD to consider whether any new risks arise from time to time due to any changes in its operational arrangements. It does so in consultation with the relevant local agencies and groups, including the Scottish Executive, and I am sure that health issues, such as that mentioned by John Farquhar Munro, are carefully considered. I suggest that he should raise the matter with his member of Parliament, so that proper representations are made in the proper way through the Westminster Parliament.

### **Nuclear Weapons Convoys**

**5. Mr Mark Ruskell (Mid Scotland and Fife) (Green):** To ask the Scottish Executive whether it is aware of the changes to the route of nuclear weapons convoys travelling through Scotland en route from Burghfield to Coulport and what assessment it has made of any additional risk to the environment. (S2O-5877)

**The Deputy Minister for Justice (Hugh Henry):** The operational arrangements for nuclear weapons convoys are reserved to the Westminster Parliament. The MOD is responsible for risk assessment in relation to the convoys and it carries out regular exercises to test contingency arrangements.

**Mr Ruskell:** I thank the minister for that enlightening answer. However, clearly if there was an accident involving a nuclear convoy there would be aspects that would concern the devolved Administration. Changes to the route or timings of nuclear warhead convoys are of concern to local residents in places such as Stirling, where, due to recent changes, convoys will now run in the hours of darkness rather than in daylight. Who should provide the residents in Stirling with information on the risks associated with nuclear convoys?

**Hugh Henry:** Again, as I said in my answer to John Farquhar Munro, it is for the Ministry of Defence to consider whether any new risks have arisen as a result of operational changes. The proposition that, from time to time, the Ministry of Defence should consider changing routes is reasonable. There would be more security issues if when and where convoys would be moving about were easily predictable. A concordat covers the general principles of the Scottish devolution settlement as they affect defence, which involves arrangements for consultation, the exchange of information, confidentiality and security. However, the communication of information about the convoys is reserved.

### Antenatal Screening

**6. Susan Deacon (Edinburgh East and Musselburgh) (Lab):** To ask the Scottish Executive what steps it is taking to extend the provision of antenatal screening checks. (S2O-5832)

**The Minister for Health and Community Care (Mr Andy Kerr):** The Scottish Executive is liaising with NHS National Services Scotland to define the financial and personnel resource implications of and possible timescales for delivery of the pregnancy screening recommendations that are contained in the NHS Quality Improvement Scotland health technology assessment report entitled "Routine ultrasound scanning before 24 weeks of pregnancy".

**Susan Deacon:** The minister will be aware that it is now exactly a year since NHS QIS published the report to which he refers, which did indeed recommend that all pregnant women should routinely be offered a second ultrasound scan by 24 weeks of pregnancy. I am sure that the minister is also aware that there is a huge variation in practice throughout the country and that the protracted uncertainty about the implementation of

the report is adding to variations throughout Scotland. Will he give an assurance that he will seek to accelerate progress on implementing the report and will he ensure that there is clarity of policy and consistency of practice in such an important area for pregnant women in Scotland?

**Mr Kerr:** I share the member's concern and reassure her that 50 per cent of pregnant women in Scotland receive a second trimester scan. However, that does not solve the issue that the member raises, and I am concerned that we have not managed to resolve some difficult issues.

There are significant resource, workforce, equipment and training implications for the health service, which is why the planning process is taking so long. I will correspond with the member once I have a more detailed timescale to ensure that the matter is dealt with satisfactorily.

### Drug Trafficking

**7. Christine May (Central Fife) (Lab):** To ask the Scottish Executive how effective the Scottish Drug Enforcement Agency has been in tackling drug trafficking. (S2O-5866)

**The Minister for Justice (Cathy Jamieson):** In the first half of 2004-05, in co-operation with Scottish police forces and other law enforcement organisations, the SDEA seized more class A drugs than were seized in the whole of the previous year, arrested 157 people, disrupted 48 criminal networks and identified more than £8.5 million in realisable assets for possible confiscation.

**Christine May:** I note that Fife constabulary has had recent success in seizing a large quantity of drugs and that it has applied to seize a dealer's assets. The minister has previously said that she would like those assets to be used for rehabilitation. It is important that rehabilitation places are offered. Does she agree that it is also important that organisations such as the Drugs and Alcohol Project Levenmouth in my constituency are helped to get people out of rehabilitation and back into normal, mainstream life?

**Cathy Jamieson:** It is important to recognise that a range of initiatives exist. Of course, some finances that are seized from drug dealers are being used to fund the current campaign, in conjunction with Crimestoppers. We also intend to ensure that some of the seized assets go back into local communities, particularly those that are most ravaged by drug misuse problems. Through the drug treatment and rehabilitation review, we have identified additional funding that we want to use specifically to increase the range and availability of treatment and rehabilitation places in Scotland. I am keen that that should enable us to



ensure that people not only come off illegal drugs, but move from substitute prescribing and get the support that will enable them to come off methadone, for example, so that they can get back into their communities to live constructive lives as decent citizens.

**Stewart Stevenson (Banff and Buchan) (SNP):** There appear to be 51,000 injecting heroin users in Scotland and English figures suggest that the average injecting heroin user spends £36,500 a year on their habit. That would make the Scottish drugs industry—if I may call it that—worth as much as perhaps £2 billion. In the light of that, should there not be much higher levels of recovery and should we not return to drug rehabilitation perhaps as much as £100 million in the first instance?

**Cathy Jamieson:** Again, I want to record in the *Official Report* the work that the Scottish Drug Enforcement Agency has done since it was launched. In the period until 31 March 2004, class A drugs were seized that had a street value of more than £85 million. In addition to the figures that I quoted earlier for the first six months of 2004-05, in the period to 31 March 2004, some 736 people were arrested, there were 333 disruptions to criminal networks and £10 million of realisable drug trafficking assets were identified.

Our policy is to enforce the legislation, to tackle the problems of drug dealing, to ensure that we remove this scourge from our communities and, importantly, to give support to those who have become victims by taking drugs or those whose families are trying to help them to get off drugs. There is no one right solution to the problem; we need to have a range of measures and the SDEA and other police forces will continue to ensure that we target the dealers.

### **Smoking Ban (Implementation)**

**8. Alex Johnstone (North East Scotland) (Con):** To ask the Scottish Executive what estimate it has made of the cost in respect of police resources of implementing the proposed ban on smoking in public places. (S2O-5802)

**The Minister for Justice (Cathy Jamieson):** We do not anticipate any additional costs to the police. Local authorities, which already deal with other licensing regimes, will be responsible for implementing the ban on smoking in public places.

**Alex Johnstone:** I am glad that the minister takes that view. How does she expect local authorities to be able to implement the ban? Will they incur additional costs as a result?

**Cathy Jamieson:** The matter is being addressed through the work that is being done on putting the ban in place. I put on record the experience of other places where bans have been

put in place, which is that the majority of people are law abiding and respect the law. I expect that the majority of people in Scotland will do the same and I hope that the Conservative party will support people in upholding the law when it is passed.

### **Renewable Energy Generation (Charges Cap)**

**9. Nora Radcliffe (Gordon) (LD):** To ask the Scottish Executive what discussions it has had with the Department of Trade and Industry regarding the proposed cap on charges for renewable energy generation on Scottish islands. (S2O-5822)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** I am delighted that the United Kingdom Government has agreed with our representations that the powers available under the Energy Act 2004 should be invoked to adjust the level of transmission charges payable by renewable energy generators in the northern isles and Western Isles. We have also kept alive the possibility that generation in northern mainland Scotland should enjoy similar protection. I understand that the DTI will shortly consult on the level of charges that should apply and their geographical coverage. We will of course stay closely involved in that process.

**Nora Radcliffe:** Will the minister consider making representations for the whole Scottish mainland, not just the remote northern part of it?

**Mr Wallace:** I assure Nora Radcliffe that the representations that have been made to date have not been exclusively about the islands but have been about the potential for renewable energy right across Scotland. As she will accept, those are reserved matters, but I assure her that we will continue to press hard for the interests of Scottish generators and businesses as we have done until now.

**Alasdair Morgan (South of Scotland) (SNP):** The success of any producer in Scotland in selling their renewable product will depend on how their price compares with that of their competitors. Is it intended that Scottish producers should not be at a price disadvantage compared with producers in other parts of the United Kingdom?

**Mr Wallace:** I do not want Scottish producers to be at a disadvantage, which is why we argued for the capping power and why we have succeeded in invoking it for the northern isles and Western Isles. It is also why we will continue to press Scottish interests.

It is important to mention that, with the British electricity trading and transmission arrangements being put in place, the charges will be cost reflective. The Office of Gas and Electricity Markets has decided the level of charge, not the

Scottish Executive or the UK Government. It means that generators will pay according to the costs that they impose on the system and that, although transmission charges might be higher, other costs will reduce. Specifically, the charges for using the Scotland-England interconnector will be abolished. Therefore, renewable generators in Scotland will have access to a market south of the border without having to pay the existing charges for the interconnector.

### **National Health Service (Dental Patients)**

**10. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** To ask the Scottish Executive how many NHS-registered dental patients there are compared with in 1999. (S2O-5825)

**The Deputy Minister for Health and Community Care (Mr Andy Kerr):** There were 2,651,704 patients registered with a dentist under NHS arrangements at 31 March 2004 compared with 2,617,452 at 31 March 1999.

**Mr Stone:** Without wishing to pre-empt what the minister might be about to tell us, I believe that we have a plan and that it might well be costed. Will the minister assure us that, when tackling the problem, the plan will be implemented to its full extent?

**Mr Kerr:** I am confident that we will find out within the next few minutes that the Executive has listened to communities around Scotland and public health professionals about how to ensure that we have a proper system of properly funded dental care. My colleague will make that announcement in due course.

## **Dentistry**

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

The next item of business is a statement by Rhona Brankin on dentistry. As is normal on such occasions, the minister will take questions at the end of her statement and there should be no interventions during it. While the minister prepares, it would be helpful if members who wish to ask questions could press their request-to-speak buttons.

15:00

**The Deputy Minister for Health and Community Care (Rhona Brankin):** The purpose of my statement is to provide the Executive's response to the consultation documents "Towards Better Oral Health in Children: A Consultation Document on Children's Oral Health in Scotland" and "Modernising NHS dental services in Scotland". In the action plan that we are publishing today in response to those consultations, we outline measures that represent the most substantial programme of work that has ever been undertaken to address Scotland's poor oral health record and to provide better access for patients and an attractive package for the professional staff whom we wish to recruit to, and retain within, the national health service.

On fluoridation, I can confirm that the Executive will not change the current legislation in this Parliament. By maintaining the current position, we will still retain powers to allow national health service boards to consider whether, in the light of local consultations, they wish to make an application to Scottish Water to increase the fluoride content of the public water supply in their areas. Our decision recognises the case for, and the benefits of, fluoridation. In the absence of popular consensus in Scotland as a whole, we will retain the existing legislation.

On the two consultations, I do not need to remind colleagues that Scotland has an appalling oral health record. Our children have some of the worst teeth in Europe. Currently, only 45 per cent of children are free from dental decay, but the problem is even more prevalent in areas of high deprivation and poverty. In some parts of Glasgow, more than 60 per cent of children have dental disease before they reach the age of three and five-year-olds have average levels of dental decay that are six times greater than is experienced in other parts of the United Kingdom. By the time that they reach the age of 14, two thirds of all Scottish children have dental disease. On average, people in their parents' generation have 10 fillings and have had eight teeth removed. Over half of all 65-year-olds have lost all their teeth.

In addition, access to NHS dental services has been a problem and in some parts of Scotland it has become a major problem. I recognise the justified concerns that many people have about the current system. Today, dentistry has become increasingly complex and we continue to feel the effects of the closure of the Edinburgh dental school by the Conservative Government in 1996. We inherited a system that was in difficulties. We have taken action already, but it is now time for more radical measures.

Our main, but not exclusive, focus will be on those whose need is greatest and on whom the greatest potential impact could be had: children and older people. Having learned the lessons from some of our European neighbours, we will make much better use of the talents and potential of the whole dental team. We will invest unprecedented levels of resources in public health programmes that will target those most in need.

Given the size of our nation, the children's toothbrushing programme that we will implement will be one of the largest in Europe. The Scottish programme currently involves more than 1,400 nurseries and 60,000 children in daily toothbrushing and provides free toothpaste and toothbrushes to the children. The number of children involved will be doubled, as the programme will be offered to all children in nursery and to those children in primary schools with the highest levels of dental disease. Our longer-term aim is to roll out the programme to all primary schools.

The potential significance of our action plan can be highlighted by the results of a pilot in Dundee, where a supervised fluoride toothbrushing programme in primary schools that had high levels of dental disease helped to reduce dental decay by almost half among children by the age of nine.

The implementation of our school meals policy, "Hungry for Success", is under way in all schools and we are working with local authorities to ensure that fizzy drinks have no place in primary schools and are replaced by water and milk in all our schools and nurseries. We will give responsibility to community health partnerships to achieve a more co-ordinated approach to oral health across community-based services, building on parenting programmes such as sure start and starting well.

Scotland's parents have a responsibility for the oral health of their children. As with diet and exercise, instilling a culture of toothbrushing and mouth care early on is a task for the family and the home. We will support parents in that task. We will promote oral health and prevent dental disease in our children from birth through to the teenage years. We will offer dental care to all children from the earliest stages and will implement new schemes to promote registration and preventive

activity from birth. Our goal is that, on starting nursery, all children will have access to dental care and advice from a member of the expanded dental team. We will aim for an increase in the number of children aged three to five years who are under dental supervision from 66 per cent to 80 per cent. Our goal is for every child to be registered with a dentist and we will monitor progress closely. We will introduce a new programme that is targeted on those children in greatest need. It will include new, enhanced services for those with extensive caries, including mobile dental units working in our most deprived communities.

We will also provide better preventive services for older people and disadvantaged groups. The first phase will be implemented by introducing, later this year, free oral health assessments for people aged 60 and over. That will include an examination of the soft tissues for oral cancer and it will underpin the move towards a preventive service for all.

The consultation on modernising NHS dental services produced a consensus on the need for substantial change to meet the expectations of patients and dental professionals. We have already started along that path, uniquely in the UK, by introducing a number of measures that are aimed at improving the recruitment and retention of dentists and by introducing support for practices, including practice improvement funding and practice allowances. There are encouraging signs that those Scottish allowances are starting to pay dividends, particularly in respect of the increased numbers of new dentists joining the dental lists in Scotland, but we need to do much more.

We already have more dentists per head of population than the UK has. We will further increase the number of dentists in Scotland by more than 200 by 2008. To do that, we will increase dentist output from our dental schools, offer dentists incentives to return to Scotland and recruit from outwith Scotland. We will also increase the number of dental therapists in training by 33 per cent. Dental therapists can provide a wide range of dental treatments as part of the dental team. We will introduce better training for all members of the team, from dental nurses to practice managers, and help to reduce the administrative burden on clinical time.

However, we also need to ensure that those independent-contractor dentists who have been, and continue to be, committed to the NHS are suitably rewarded and that they increase the amount of time that they devote to the NHS. That means giving them better support for their premises, information technology, staff, and health and safety needs, in return for their commitment to

the NHS. The more work they do for the NHS, the more support they will get. We also need to strengthen our salaried services, particularly in areas where there are insufficient independent-contractor dentists to meet the needs of patients.

To resource this radical overhaul of dental services, we will be providing unprecedented financial support—an additional £150 million over three years—to achieve our goals in oral health and NHS dentistry. That is the biggest-ever investment to support NHS dentistry in Scotland. In the first year, we will be providing an extra £45 million to improve oral health and support NHS dental services. That will rise to £100 million the year after and will build up to £150 million of additional funding by 2008.

The action plan, which we are publishing today, contains a radical list of actions that we are determined to implement in the next three years, and we will make a substantial start from next month. In addition to the doubling of the practice allowance, which I announced last week, we will provide a further £5 million to help dentists to improve their practices. We will give NHS boards authority to appoint directly salaried dentists to meet local needs. In addition, we will increase the remote areas allowance for NHS dentists to £9,000 per year.

We will provide further infrastructure support for premises by introducing a rent reimbursement scheme and we will modify our existing dental access scheme to provide funding for dentists who wish to take over practices while maintaining NHS services. We will also begin an IT programme to support dentistry by providing and maintaining a connection to NHSnet for all NHS dentists.

We will modify the commitment payments scheme to recognise the contribution of part-time dentists who are committed to the NHS. We will provide £1 million to support emergency dental services further.

We will cut red tape in surgeries by radically simplifying the system of dental remuneration: we will reduce the current 450 items to around 45 to 50 items. We will introduce a financial support package for professionals complementary to dentistry and we plan to introduce a bursary scheme for dental students who commit to NHS dentistry on graduation.

Those are only the first steps and our action plan outlines the further work that will be undertaken over the following two years.

No one on the partnership benches underestimates the challenges. Many members have been quick to highlight unacceptable cases and to proffer solutions, but it is the Executive that has devised and costed the plan and which will deliver the plan. We will deliver better oral health

for Scotland's children, provide access to dental services wherever people are in Scotland and deliver an NHS dental service that people will want to use and will be proud to work for.

**The Deputy Presiding Officer:** Because there are 20 minutes into which to fit questions and my screen shows that 18 members want to speak, I will allow the first three members two questions, but subsequent members will have only one question each.

**Shona Robison (Dundee East) (SNP):** I thank the minister for the advance copy of the statement and welcome the £50 million a year—that is exactly the estimate that the SNP gave last week of the minimum that is required to make a difference. It is a pity that that funding was not delivered six years ago.

First, I ask the minister to elaborate on the funding package that is available to get more dentists doing more NHS work. Specifically, on the oral health assessment, the dental profession has said that free dental checks will not be achieved for £7.05. What is the new fee under these proposals for that important preventive measure? Finally, with this investment, will the minister guarantee to everyone who wants it access to an NHS dentist by 2007?

**Rhona Brankin:** I think that Shona Robison has selective amnesia. She said last week that she thought that additional funding should be between £40 million and £50 million.

**The Minister for Health and Community Care (Mr Andy Kerr):** In total.

**Rhona Brankin:** Absolutely. That was in total. We are providing £150 million of new money. It is important to make that distinction.

We are committed to providing free dental checks by 2007. As I have said, we intend to introduce later in 2005 a free oral health assessment for those aged 60 and over. That will be reviewed with the intention of rolling it out to all, but those patients will be entitled to that free dental examination before 2007. We will roll out the fuller dental examination for those aged 60 and over in 2005 and the situation will be reviewed with the intention of rolling it out for everybody. We guarantee that in the longer term everybody will have access to NHS dentistry. That is what we intend to provide and it will start with the commitment to provide free NHS dental checks by 2007.

**Mrs Nanette Milne (North East Scotland) (Con):** I, too, thank the minister for the advance copy of her statement, which contained a lot of warm words and a number of welcome things. However, I do not think that the British Dental Association will agree that £50 million a year is

what is needed to attract dentists back into the service, because it has clearly stated that more than double that amount is required.

First, a reduction in red tape is welcome, but if the number of items to be charged for is reduced tenfold, will that mean that the remaining 45 to 50 items will attract a significantly larger fee than they do at present? Is there any indication of what the fees will be? How will other items be funded? Secondly, the Executive wants to train significantly more dentists and professionals complementary to dentistry, but are enough trained staff available in colleges to provide that training in the near future?

**Rhona Brankin:** I make it clear again for the benefit of the Conservatives that we are making available £150 million of new money.

Conservatives have asked in the past about remuneration systems that are based on capitation. We believe that the best system of remuneration is a mixture of rewards. We do not think that it is effective to put all one's eggs in the capitation basket. One of the dangers of doing so is that a practitioner might seek to do as little as possible, as the money will be paid in any event. Indeed, there was some evidence of that in the past. The best way forward is to have a mixture of capitation and fees.

To make it clearer, the £150 million of additional money—*[Interruption.]* Let me make it clearer, because it is important. It is not just a question of £50 million of additional money. In 2005-06 there will be an additional £45 million, in 2006-07 the figure will rise to £100 million, and in 2007-08 there will be £150 million of new money. That is good news for dental services in Scotland.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** The Liberal Democrats very much welcome the biggest-ever shake-up of NHS dentistry since the NHS was formed more than half a century ago. There is no doubt that the Executive's plan will solve the dental crisis that has engulfed the north-east in particular but which has affected every part of Scotland. Will the minister confirm that the resources that she has just focused on will increase by £150 million by 2008? That is a rise of 75 per cent, from £200 million a year to £350 million a year, in just three years.

**Rhona Brankin:** Absolutely. It is important to make the point that, in total, we will be spending £350 million by 2008. I am grateful for Mike Rumbles's support. I know that he has worked hard to secure better dental services in Grampian, and that he welcomes the proposal to open a dental outreach training centre in Aberdeen and to consult further on the possibility of a dental school in Aberdeen.

**Dr Elaine Murray (Dumfries) (Lab):** I, too, welcome the minister's long-awaited statement on

this substantial investment. The minister and her predecessors will be aware from my correspondence of the serious situation in Dumfries and Galloway, where no dentists—private or NHS—are taking on patients at the moment. Patients who phone the health board to ask to be put on a list are just put through to a recorded message.

Is the minister sure that there is enough capacity within—*[Interruption.]* Members are laughing, but this is serious in my constituency. It is not a laughing matter. Is the minister convinced that there will be sufficient capacity in areas such as Dumfries and Galloway to enable dentists to reopen their lists? If they are unable to do so, what further measures are available to enable NHS boards to fulfil their obligation to provide NHS dental treatment to children and other vulnerable groups?

**Rhona Brankin:** As I said in my statement, NHS boards will now be able to access directly and employ salaried dentists. That will be hugely important in some of the more remote and rural areas in Scotland, and I hope that it will benefit Elaine Murray's constituency. In addition, as I have announced, the remote areas allowance, which is based on NHS commitment, has been increased from £6,000 to £9,000. We are committed to the provision of NHS dentistry wherever people live in Scotland. We have a clear responsibility to ensure that there are enough dentists and that dentists are encouraged to practise in rural areas.

**Chris Ballance (South of Scotland) (Green):** At a recent meeting with Dumfries and Galloway NHS Board, I was told that it would take five years for lists to open to NHS patients. Can the minister give a date by which she feels that the measures that she has announced today will enable constituents in Dumfries and Galloway who are not currently registered with a dentist to receive NHS treatment?

**Rhona Brankin:** The figure that Chris Ballance quotes was given before today's announcement. We estimate that, by March 2008, an additional 400,000 people will be registered with an NHS dentist. The ability of NHS boards to employ salaried dentists will make a huge difference in rural and remote areas.

**Janis Hughes (Glasgow Rutherglen) (Lab):** I thank the minister for her statement and welcome the unprecedented levels of spending on dental health. She talked about the expanded dental team. How does the Executive intend to utilise better those who work in the professions complementary to dentistry? I welcome the announcement of a support package for those professionals, but how does the Executive intend to use them to improve access to dental care?

**Rhona Brankin:** We have said that we will increase the number of dental therapists by 33 per cent. It is hugely important that we have a complete dental team. There are jobs that dental professionals other than dentists can do. For example, in the past, dentists spent time polishing teeth. This morning, I visited a nursery school at which children as young as 14 months old were being taught how to brush their teeth. Dental therapists and dental nurses will play a key role in introducing youngsters to oral hygiene and toothbrushing. They will be hugely important in releasing dentists to carry out the more complex examinations and treatment. By increasing the number of professionals complementary to dentistry, we will ensure that we have the number of professionals that we require to make NHS dentistry available to all who need it.

**Richard Lochhead (North East Scotland) (SNP):** I thank the minister for her statement and welcome many of the measures that are contained therein, which will also be welcomed by constituents in the Grampian region who are suffering some of the worst problems in this regard. Does she think that it is too late for many dentists who have gone private to turn back and return to the NHS, or is she confident that they will all do that? Will she also answer the question that Shona Robison posed: what fee will be paid through the NHS to local dentists for delivering free oral assessments?

**Rhona Brankin:** I am confident that the attractiveness of the package that I have announced this afternoon will encourage dentists to return to the NHS. It is hugely important that that happens in areas such as Grampian, where people have lost access to NHS dentists. I am glad that Richard Lochhead welcomes today's announcement. I am sure that he will join Mike Rumbles in welcoming the proposal to open a dental outreach training centre and the proposal to consult further on the possibility of a dental school in Aberdeen.

**Elaine Smith (Coatbridge and Chryston) (Lab):** I welcome the minister's excellent statement. I am sure that it will be welcomed throughout Scotland. Given the fact that the Breastfeeding etc (Scotland) Act 2005 will come fully into force tomorrow, does the Scottish Executive plan to take any action to clarify and promote the dental health benefits that are associated with breastfeeding?

**Rhona Brankin:** We supported the Breastfeeding etc (Scotland) Bill, and believe that breastfeeding is very important in developing calcium in babies' teeth and in giving them strong teeth and healthy gums. In Scotland, problems have arisen because youngsters have had access to sugary fizzy drinks from a very early age. In that

respect, our advice on breastfeeding and healthy weaning for young mothers will be hugely important for children's oral health.

**Mary Scanlon (Highlands and Islands) (Con):** Will the new fees for oral assessment and other dental work take account of the six-minute infection control period between each patient? I also remind the minister that she has not answered the second part of Nanette Milne's question on training.

**Rhona Brankin:** The new fee structure recognises the increasing need to take infection control into consideration and the additional administration and practice running costs that will be incurred. Moreover, I have announced today that the general dental practice allowance, which the Executive introduced, has been doubled. In 2003-04, which was the first year of the allowance, we made around 600 payments totalling £2.5 million. This financial year, we expect to pay out £4 million. We will support practices with these new types of funding, which are in addition to the fees that they are already paid, and we are confident that those moneys will cover the costs of existing demands on dental practices.

**Susan Deacon (Edinburgh East and Musselburgh) (Lab):** I warmly welcome the minister's statement, in particular its emphasis on prevention. Does she agree that the foundations for good dental health are laid in the early months and years? Further to her answer to Elaine Smith's question, will she assure the chamber that she will work to embed the promotion of good oral health not just in early-years settings but in ante and post-natal education care and support programmes across Scotland?

**Rhona Brankin:** Yes. I agree fundamentally with Susan Deacon, which is why women who become pregnant will receive an oral health pack that explains the importance of looking after their children's teeth and gums as soon as they are born. We acknowledge that providing early years dental care and the new dental care programme in nursery schools will be hugely important.

However, the issue is more than just dental care at nursery school. Our parenting programmes will provide additional support initially in our more deprived areas to build on the good work of projects such as sure start and starting well. We will ensure that youngsters are breastfed to begin with and then are weaned on to other milk and water instead of being given fizzy and sugary drinks, and that they are encouraged to eat fresh fruit and vegetables. Of course, we have already introduced a programme in our schools that encourages youngsters to eat fresh fruit. Coupled with our huge toothbrushing scheme—the largest ever in Scotland—that will make a significant difference to the incidence of dental caries.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Although the statement is most welcome, we should acknowledge the fact that a large number of people out there who are perhaps among the poorest and most disadvantaged in our society have not accessed any dental services in recent years. I seek the minister's assurance that she and the dental services will work very closely with health departments, general practitioners, social work and suitable care organisations to identify, reach out to and target the people who are most in need of this most welcome investment.

**Rhona Brankin:** Absolutely. My statement is underpinned by the need to improve the oral health of all people in Scotland. However, that need is clearly much greater in some communities than it is in others. As a result, the communities in greatest need will receive additional support for parenting. Moreover, dental professionals will target the areas in greatest need of dental care. There will be additional support in the form of mobile dental vans reaching into our most deprived areas to ensure that youngsters in those areas have access to dental care and to increase the number of youngsters who are registered with dentists. The longer-term intention is that every young person in Scotland will be registered with a dentist, but the numbers are low in particularly deprived areas. We will start by targeting such areas, in the first instance by increasing numbers of registrations.

**Des McNulty (Clydebank and Milngavie) (Lab):** I am sure that the simplified fee structure will be welcomed, but will the minister say any more about the level of fees, particularly for oral inspection, bearing in mind that it is a crucial dimension in the retention of dentists in the NHS?

**Rhona Brankin:** I am unable to give the member more information about specific fees at the moment because the matter is still subject to negotiation with our dentist colleagues. People should be content with that.

The fee structure is intended to ensure that dentists are properly rewarded and that they are able to undertake preventive work, which is what dentists have told us they want to be able to do. They have a system that is beset by red tape and bureaucracy. We have announced today that we will improve and simplify that system and we have announced a significant package today that will motivate and encourage dentists to join the NHS and keep them treating patients in the NHS. That is our aim and I am confident that we can achieve it.

**Stewart Stevenson (Banff and Buchan) (SNP):** What was the fee on which the increase to £355 million was based?

**Rhona Brankin:** The fee is a subject for negotiation. *[Interruption.]* I will continue to answer the question. I have announced today that we have responded to what dentists have asked us. We have simplified the fee structure. We will drastically reduce the number of items on which the fee is based from around 450 to between 45 and 50, as dentists asked us to do. That matter is subject to negotiation with the dentists and members would expect nothing less than that.

**Mr John Home Robertson (East Lothian) (Lab):** Will the minister tell us a little about the discussions that she has had with the dental profession so far? The Executive is committing a lot of resources to dentistry, which is welcome. Has the minister received an equivalent commitment from dentists to provide the services that patients require in every part of Scotland? I ask that question as one of many patients who have felt badly let down when my family's NHS dentist went private.

**Rhona Brankin:** As the member knows, there was extensive consultation with dentists when we were drawing up the plan. It is important to say that wherever someone lives in Scotland and whoever they are, they should have access to an NHS dentist. One of the difficulties for people in recent years has been in accessing NHS dentists. The package that I have announced today will encourage people to come into NHS dentistry, it will encourage dentists to stay in NHS dentistry and I hope that it will encourage dentists who have gone into private practice to come back into NHS dentistry. I am confident that the package that I have announced today will do just that.

**The Deputy Presiding Officer:** That concludes questions on the statement, which I let run on in view of the large number of people wishing to participate.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** On a point of order, Presiding Officer. I waited until this stage to raise my point of order because of the importance of the statement. At 5 past 3, I was able to get from the press gallery copies of the press statement, the ministerial statement and the six-year action plan. Members were unable to get copies of that material until after the minister had completed her statement, yet the media had them at the beginning of the statement. Is that not disrespectful to the Parliament? Can you ensure that it does not happen again in future?

**The Deputy Presiding Officer:** I am not in a position to ensure that at all. The release of the documents before the statement is a matter for the minister. As to when documents are released to the press and to members, members must appreciate by this time that any complaint about that is properly a matter for the Executive.

## **Protection of Children and Prevention of Sexual Offences (Scotland) Bill: Stage 1**

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

The next item of business is a debate on motion S2M-2353, in the name of Cathy Jamieson, on the Protection of Children and Prevention of Sexual Offences (Scotland) Bill.

15:35

### **The Minister for Justice (Cathy Jamieson):**

There is no doubt that any offence that involves harm being done to a child is despicable, but it is hard to imagine anything more despicable than sexual offences that are committed against children. Such offences are particularly horrific and, as well as resulting in physical harm, they can inflict emotional damage that lasts a lifetime. Every time that parents or carers who are trying to help young victims to rebuild their lives after sexual abuse find out through the media that another offence has been reported, they experience renewed horror. Sadly, in those tragic situations in which children have been murdered by sex offenders, families often feel that they are the ones who are serving the life sentence, in that they are reminded of their loss every day.

I have met many children and young people who have survived abuse, as well as parents whose children have been abused or abused and murdered. I pay tribute to all of them for their courage, because that courage has helped us to learn lessons about the need to introduce legislation. In inviting the Parliament to agree to the general principles of the Protection of Children and Prevention of Sexual Offences (Scotland) Bill, I want every member to remember the experiences of those parents, to resolve to do everything that they can to ensure that we make it harder for the people who seek to abuse our children and to continue to put the protection of innocent children first.

I will say a few words about the bill's content. Section 1 deals with grooming. Members will be aware that an act of grooming occurs when an adult befriends a child and uses various methods to gain their trust so that they can persuade the child to get involved in a situation in which he or she can be sexually assaulted. Sometimes that grooming is done face to face—the adult might make friends with the child and spend time with them to win their confidence—but, increasingly, sex offenders make use of internet chat rooms to groom their victims so that they can carry out their despicable acts. We must protect our children from that threat, regardless of how it is intended that the offence will be committed.

It is important to record the fact that Scots law is already capable of dealing with many instances of so-called grooming behaviour. However, as we know that sex offenders are extremely adept at avoiding detection and skilled in creating situations and manipulating them to their advantage, we need to ensure that there are no gaps in the law that can be exploited by predatory sex offenders. Our proposed provisions mean that anyone who uses grooming techniques to take certain steps towards sexually assaulting a child will be committing a serious offence that carries a penalty of up to 10 years' imprisonment. Someone will be guilty of that offence before they have caused any physical harm and possibly even before they have met their intended victim. That is the new offence.

The bill goes even further than that in an effort to protect our children. Child protection professionals know of cases in which it is reasonable to suspect that someone is a risk, in that their behaviour is likely to lead to their sexually harming children or a particular child. I well recall that from my time in social work. Such people may not be committing an offence, but they may well be acting in a sexually inappropriate way—a way that suggests that the commission of a sexual offence might be just round the corner. For example, if there was evidence that an adult was encouraging a child to watch pornographic videos, although—depending on the circumstances—that might not amount to a criminal offence, it would undoubtedly give rise to genuine concern about that adult's motives and potential future behaviour. The fact that such a person is not committing a sexual offence cannot mean that we should simply wait until such an offence is committed before we intervene.

In such cases, once a chief constable has made an application, the courts will be able to impose a risk of sexual harm order, which will place restrictions on the adult concerned in order to protect a particular child—or children in general—from being sexually harmed by that adult. The restrictions could be used to prevent the adult from having contact with a particular child or from hanging around outside schools or sports centres. The court will be able to place any restriction on the adult that it considers to be necessary to protect the child or children from sexual harm. Again, we are taking action to use the law in a proactive way to prevent real and lasting damage from being done to our children.

**Christine Grahame (South of Scotland) (SNP):** Evidence from the Association of Scottish Police Superintendents, or possibly it was from the Association of Chief Police Officers in Scotland, raised the concern that, although a 15-year-old could be predatory on a younger child, the older child would not fall within the remit of the bill. I see nothing in the deputy minister's letter of 16 March



to the Justice 1 Committee that deals with that issue.

**Cathy Jamieson:** A number of issues are involved, including the definitions of a child and an adult. We will come to those issues during the debate and when we examine the bill in more detail at stage 2. The important thing to recognise in that respect is that the Executive wants to put in place a number of measures that have the potential to complement the existing legislation and allow us to fill some of the gaps.

The bill will extend the use of sexual offences prevention orders so that children, and adults, can be better protected. At the moment, sexual offences prevention orders can be imposed on people who have previously been convicted of an offence with a sexual element and who continue to demonstrate sexually risky behaviour to children or to adults. The orders have been used successfully in Scotland, but the need to wait for further evidence of sexually risky behaviour after the conviction of the offender is clearly a limitation on their use. Under the new provisions in the bill, when the court is sentencing an offender for a sexual offence and it considers that the offender remains a risk of sexual harm, it will be able to impose a sexual offences prevention order there and then, without having to wait for the offender to demonstrate further risky behaviour.

**Margaret Mitchell (Central Scotland) (Con):** Will the minister give way?

**Cathy Jamieson:** I am sorry, but I must move on.

The order will require the offender to stay away from the people or places that are associated with previous offending or, for example, from the internet if they used that method to access victims or unlawful pornography.

The time that remains to me is short, but I want to mention one further issue. As the Justice 1 Committee is aware, we propose to lodge amendments to the bill that will further extend the protection of our children from the risk of sexual harm. We propose that the current statutory offences in relation to indecent photographs of children under the age of 16 are extended so that they cover teenagers up to the age of 18.

Although we recognise that 16 and 17-year-olds have the right to carry on sexual relationships, we are also aware that at that age young people are vulnerable to exploitation. We are determined to do all that we can to protect our young people from those who would seek to abuse and exploit them.

For those reasons, we propose new offences in relation to purchasing sexual services from children under 18. That will mean that those who

use or seek to use child prostitutes, or who otherwise seek to exploit young people by paying for or rewarding sexual acts, will be committing an offence. Those proposals are part of a package of measures that the Executive is putting in place to protect our children more generally. Our proposed amendments will also bring us into line with the United Nations Convention on the Rights of the Child and with the requirements of European law.

I commend the members of the Justice 1 Committee for their work in gathering evidence and getting to grips with some of the difficult issues in the bill. I know that we all share the objective of strengthening the law in accordance with the principles of fairness and justice that are associated with Scots law, while at the same time providing the strongest protection for our children. I believe that the bill will achieve that objective.

I move,

That the Parliament agrees to the general principles of the Protection of Children and Prevention of Sexual Offences (Scotland) Bill.

15:44

**Stewart Stevenson (Banff and Buchan) (SNP):** The Scottish National Party will support the general principles of the bill at decision time. A reading of the introduction to the bill leads me to say that it would be a very brave person who would seek to oppose the general principles of the bill.

The SNP will work hard to improve the bill as it progresses through the Parliament. We believe that the bill misses the mark in a number of important ways and we are not alone in thinking that that is the case. The Justice 1 Committee report highlighted many issues, and I hope that the Executive will work with the committee and individual members in dealing with them. I commend Hugh Henry, the Deputy Minister for Justice, for writing to the committee last night in response to its various requests for information, although he had to acknowledge that a number of points continue to be considered. That was a proper response from the minister—let us hope that that spirit of co-operation and collaboration will continue.

I share with members the alarm that I felt—I think that “alarm” is the correct word, and I believe that my committee colleagues felt the same—when officers of the national hi-tech crime unit gave us some insight into their work to protect children in internet chatrooms. I had never visited an internet chatroom before, so it was all a new experience to me.

The officer who showed us what goes on there was definitely not participating in a set-up. He went on to Google, asked for “teen chat” and

picked the first chatroom that came up. We went into that chatroom with the officer who, for the purposes of the interaction, had the handle, if I recall correctly, of "Linda13" to suggest that he was female and 13 years old. He joined the online conversation, playing the role of the tethered goat for the internet jackals. Within about four minutes—shorter even than the speech that I am making—sexually explicit responses were being received. Clearly, there is an issue to be addressed—of that there is no question.

It was disappointing that the drafters of the bill did not ensure the earlier involvement of the national hi-tech crime unit. However, the unit is involved now; it is fully engaged and its contribution will be very valuable.

One of the things that looking at that chatroom showed us was that there is scope for harm in the grooming process itself, even if it goes no further. We heard that there are people out there whose gratification comes from the grooming process. I will be open and honest and say that I do not have a suggestion on how we legislate for that, but we should try, as the bill progresses, to find a way of doing so, because the bill does not quite go far enough. Furthermore, the police and others tell us that the bill's complexities may well severely limit its effectiveness.

In his recent letter, the deputy minister appeared to think that the committee's concerns about paedophiles operating in concert may have been misplaced. The English legislation, in many ways, is drafted in a superior way to the bill that is before us. The Sexual Offences Act 2003 says:

"A person commits an offence if ... he intentionally arranges or facilitates something that he intends to do, intends another person to do, or believes that another person will do".

The interoperation of these very cunning people is caught by the 2003 act, and our eventual act would be better if it included something similar. Conspiracy there might be, and there might well be societal offence, but legal recourse under the bill as drafted seems doubtful. The offence does not exist unless all the components exist. Even though there might be a conspiracy to undertake all the bits of the offence, unless they are committed together, I am doubtful that an offence would be committed under the bill.

I will talk briefly about the matter of age. Line 6 of page 1 of the bill says that an adult is

"A person aged 18 or over"

and line 7 says that a child is

"a person aged under 16".

However, the offences that are listed in the schedule to the bill can be committed at a range of ages. Offence 15, for example, relates to

"abduction of girl under 18 for purposes of unlawful intercourse".

The bill does not add a new offence unless the girl is under 16 and the offender is over 18. The opportunity to get defence from the bill is not provided by what is currently written in it.

The imposition of 18 as the age at which the offence can be committed risks excluding dangerous sexual predators who might, from the age of puberty, be committing the sort of behaviours that we are seeking to deal with. I am not saying that such people should go anywhere other than the children's panel, but we should try to amend the bill to provide the support that victims of young sexual predators might need.

I ask the minister to examine section 14 of the Sexual Offences Act 2003, which has much to commend it. Police forces south of the border believe that that section is of more use to them than section 15 of that act, which is similar to section 1 of our bill. I hope that the minister will pay close attention to that.

15:50

**Margaret Mitchell (Central Scotland) (Con):** A number of times when a bill has been introduced, I have questioned its value or opposed it outright on the grounds that it is unnecessary or counterproductive, but I am happy to say that that is not the case today. I warmly welcome the principles of the bill, which is divided into three distinct elements.

Section 1 creates a new offence of meeting or travelling to meet a child with the intention of committing a criminal offence. Its introduction fills a crucial gap in Scots law, in that it covers the act of grooming with the intention to meet a child for an illegal sexual purpose that is not covered by either lewd, indecent and libidinous practice or fraud. I have argued for that measure for a long time and therefore very much welcome the fact that the Executive has changed its position and taken the decision to introduce the measures in section 1, despite having earlier deemed them unnecessary. I consider that to be a sign not of weakness, but of strength; it is indicative of a legislature that is growing in maturity, which can only be good for devolution.

However, although section 1 will raise awareness of the disturbing problem of sexual grooming as well as sending out a strong message that that kind of behaviour will not be tolerated—the value of those actions should not be underestimated—the section does not criminalise grooming per se, so it may not result in the prosecution of many of those who present a serious threat to our children. The prevalence of the threat is not in doubt, as the evidence of

Rachel O'Connell and the national hi-tech crime unit all too alarmingly testified. In order that our children have every possible protection, I urge the minister to consider again the committee's recommendation that an offence of breach of the peace be included in the schedule. That would allow charges to be brought against a person who grooms a child via the internet when the communication is clearly of a sexual and inappropriate nature. Crucially, it would eliminate the necessity to prove that the person was travelling with intent to meet their victim.

I urge the minister to revisit other issues. First, on the requirement to have communicated on at least two occasions, evidence from the Law Society of Scotland, ACPOS and others points out that grooming could occur during one session. Secondly, on the onus of proof in respect of reasonable belief, I ask the minister to clarify whether she favours the onus of proof lying with the Crown or, as the committee favours, with the accused.

I welcome the fact that the minister has indicated that she will re-examine the issue of the offender's age. The majority of those who gave evidence favoured 16 as the minimum age for the offender. That was the position in my proposal for a member's bill, but, having listened to the evidence and arguments in favour of not specifying an age limit, I have been persuaded that that would be preferable, as it would cover the situation in which, for example, a 15-year-old groomed a 10 or 12-year-old.

Section 2 will introduce risk of sexual harm orders, the implementation of which will involve complex legal issues. The minister has addressed some of those issues, but I invite her to reconsider the following points. First, the standard of proof that will be required for an RSHO is the civil standard—that is, the balance of probabilities—as opposed to the higher criminal standard of beyond reasonable doubt. The rationale that lies behind that measure is, I believe, that the higher standard is used only with criminal offences, or when the accused might directly lose their liberty. However, that does not take into account the fact that a breach of the RSHO will lead to a loss of liberty as part of the process. In the light of the Constanda case, I urge the minister to reconsider that issue.

Secondly, I ask the minister to consider the test for interim RSHOs, which, given the potential consequences of such an order's imposition, should be the same as the test for full orders—an interim order should be given on the basis of necessity and not on the basis of the lesser test of its being just so to do. Thirdly, I would welcome clarification of exactly when and where RSHOs would be used. For example, I seek confirmation that they might be used following a not guilty or

not proven verdict, as was suggested in evidence to the committee. Last, I would like more information about how the orders will be monitored.

There is limited time available, which is regrettable; as a result, it is not possible for me to cover the many issues that I would have liked to highlight, including those surrounding disclosure, admissibility of evidence and stigma. I will say merely that the bill has many worthwhile aspects, which have the potential to make a difference to the protection of children. I look forward to hearing the deputy minister's response to the issues that I have raised.

15:56

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** As I joined the Justice 1 Committee only recently, my comments will be largely from my viewpoint.

It is, first and foremost, in the interests of society to care for our children and keep them safe. Children are vulnerable individuals who are not yet fully developed and childhood is a fragile stage of life that is fundamental to personal development and to future society. Young people are a reflection of the previous generation, so to allow harm to come to them is self-harm and is criminal. Therefore, it is right that the issue dominates contemporary society. All members accept that the increased risk of sexual harm to children must be addressed and resolved, which is why members from all parties support the bill.

Internet chatrooms provide an ideal hunting ground for sexual predators and paedophiles. As technology has developed rapidly, no existing laws adequately prevent criminal activity from being committed on the internet. Unfortunately, sex criminals can manipulate the internet and use it to target children, which is potentially extremely damaging to the many children who use chatrooms and internet diaries. It is the Parliament's job to address social needs and to protect and care for young people consistently, in all matters, but especially in the matter that we are discussing.

As we have heard, children are constantly at risk from paedophiles on the internet. As Stewart Stevenson said, it is easy for predators to deceive children and convince them to meet. A need has been expressed for new legislation on the process of grooming, because the current legislation does not deal adequately with the problem and its effects. Too often, children are abused and sex predators go free to offend again, which is utterly unacceptable and demonstrates the need for new legislation. Adults often exhibit inappropriate behaviour towards children that causes law

enforcement agencies to fear the possibility of predatory criminal tendencies in that person. However, under current law, nothing can be done until a crime has been committed and proven, by which time the harm will probably have been done. In this instance, the law as it stands does not allow us to protect our children.

Concern has been expressed from several quarters that the effects of section 1 will be minimal at best. The current stipulations may make conviction unlikely, as the offender must meet or plan to meet a child before a case can be made and the state must then prove intent to commit a crime. However, the point is that if just one child is protected or one paedophile is deterred from using the internet to hunt for victims, the bill will be a success, because one tragedy will have been averted.

My main concern, which is shared by other members, concerns the damage that a risk of sexual harm order could do to an innocent adult, especially as the level of evidence that will be required for such orders is significantly less than that which is required in standard criminal proceedings. We must, at all costs, ensure that a desire to protect our children does not cause us to infringe on the rights of other citizens. That aspect of the bill must be examined still more closely, with a strong focus on preserving the rights of individuals. As long as that is kept in mind, I can see no reason why a balance between the two cannot be reached.

The point that I am making is crucial. I am sure that, in our constituencies, all of us have heard a rumour being put around that someone is a paedophile. Often, of course, that rumour is not true but it could be damaging; it could destroy an innocent adult's life just as much as an innocent child's life can be ruined for ever by a paedophile.

The current law in Scotland does not recognise all the potential dangers to children. What is more, the law enforcement agencies have little room to work within the law while trying to protect children from paedophiles. Our job is to try to remedy the deficiencies of Scots law. The Protection of Children and Prevention of Sexual Offences (Scotland) Bill provides us with the opportunity to do that.

I acknowledge that the Justice 1 Committee—before my time on it—highlighted some concerns about the bill that will have to be addressed at a later stage. However, every member of the committee fully supports the intention behind the bill and its justifications. This bill is in everyone's interest, most of all that of the children of Scotland.

16:01

**Mrs Mary Mulligan (Linlithgow) (Lab):** I welcome the Protection of Children and Prevention of Sexual Offences (Scotland) Bill. Unfortunately, there are people who are using the opportunities that are offered by new technologies, including the internet, to entice children and vulnerable young people into situations that put them at risk of sexual harm. No reasonable person would shy away from the opportunity to protect all our children and I believe that the bill will give the police another tool to do just that. Any issues that I raise about the bill and how it should work in practice should be seen alongside my overall support for it.

The first element of the bill is the creation of a new offence of grooming. What is meant by the word "grooming" is perhaps not as clear as members of the committee first thought. However, the Executive has tried to clear up any doubt by explaining that the offence of grooming will have four elements: communication; meeting or travelling to meet; the relevant offence; and the under-16 age limit. Each of those elements assists us to recognise what is meant by grooming, but some issues remain. As has been mentioned, a number of witnesses argued that the requirement for communication to have taken place on two occasions is an unnecessary hurdle because, particularly in chatrooms, one long, continuous communication could be sufficient to gain a child's trust to the extent that they would agree to a meeting.

As Stewart Stevenson said, committee members had the opportunity to see the national hi-tech crime unit, which is based in the Scottish Drug Enforcement Agency, give a demonstration of a chatroom situation. That made a big impression on us all. Two things in particular struck me, the first of which was that the chat does not have to have a sexual content to make a reasonable person feel uncomfortable or suspicious that someone is not who they say they are. However, such chat can still pose a danger. I realise that the Executive has said that the chat does not have to have a sexual content in order for it to form the first element of the offence, but that could make it difficult to prove such a case when it comes to court.

Secondly, the chat that has a sexual content can, in itself, be damaging to the child and is a form of abuse. I understand that that sort of behaviour could be dealt with through a charge of breach of the peace. The concern about using that charge, however, is that it carries no recognition of the individual's sexual deviancy, which needs to be recognised if their future behaviour is to be addressed.

A number of issues have arisen around other elements of the bill. I do not have time to refer to

them all, but I will comment on risk of sexual harm orders. I understand that the aim of the introduction of RSHOs is to prevent acts that would cause sexual harm to children. Having promoted the use of antisocial behaviour orders, I am signed up to the principle that there is a role for orders that prevent action. However, I want to ensure that we all realise that there is a significant difference between ASBOs and RSHOs, namely the stigma that is associated with sexual offences. I am concerned that that might make the police more reluctant to use RSHOs and that that would therefore reduce their effectiveness.

I support the bill. The important point, as with any bill, is how it will be implemented. Issues around resources and monitoring were raised at stage 1 and I know that we will return to them. There is particular concern that resources should be available for the support and treatment of perpetrators, and I am sure that we will return to that too. For now, I am content to give the bill my support.

16:06

**Christine Grahame (South of Scotland) (SNP):** This is tricky legislation to get right. The definition in section 1 uses the phrase “having met or communicated”, but it seems to me that the debate is circling around electronic communications, such as the internet and mobile phones. I wonder whether it would have been appropriate to use the phrase “for example, but not necessarily” or “inter alia” in relation to such communication. The Solicitor General for Scotland is disagreeing, but we are not talking about somebody posting letters; we are talking about people using the electronic communications that exist nowadays, which make people much more vulnerable.

I note that the Justice 1 Committee would have liked the act of grooming—I use that term loosely, not in a legalistic sense—to be referred to in the bill. It is possible that someone could groom a young person via a chatroom but leave it at that. A second person could then come along, not necessarily from the same paedophile ring, and engage in the same behaviour with the young person. The contact that the young person has already had might make them vulnerable to making a journey to meet the second person. There are difficulties with not stating in the bill that grooming is in itself an offence. I understand that the committee’s view was that a breach of the peace charge would not necessarily be sufficient to cover that, so there might be a gap in the legislation.

On the age issue, I note that the committee’s report states:

“the Association of Scottish Police Superintendents pointed out that, as currently drafted, the legislation ‘suggests that grooming can only be downwards—an older person grooming a younger person’.”

However, the ASPS suggests that

“it can be the other way round.”

Any vulnerable person, including an adult, can be groomed. That is not recognised in the bill, so an opportunity has been lost. The bill could have referred to “a child or other vulnerable person”. I appreciate that we are now too far down the road to put that in the bill, but the matter should be considered by the Executive.

I move on to the evidential difficulties with the standard of proof. I understand where the Executive is coming from; if I am correct, risk of sexual harm orders are rather like interdicts in that the standard of proof is the balance of probabilities, whereas in the case of the other criminal offences or breaches of RSHOs the standard of proof would be that the evidence was beyond reasonable doubt. The matter is difficult and I do not have solutions, but there are human rights issues in that Disclosure Scotland might be contacted. Somebody might not have committed a criminal offence but be on Disclosure Scotland’s list, but the standard of proof for prohibiting them from an area would simply be based on the balance of probabilities. There are concerns about that. As I said, it is a difficult issue and I have not come down firmly on one side or the other about the standard of proof, although I know that because it is a civil matter the principle that operates in Scots law is that it should be on the balance of probabilities. There are also difficulties with the four tests that have to be met. It seems to me that issues are involved. I think that the committee saw the proposed legislation as being preventive legislation. Establishment of proof will be extremely difficult.

I have a final point to make. In a letter from the minister on the evidence test, she acknowledges that it may well be useful for protocols to be produced to reduce the risk of contamination of evidence—that is, contamination between the criminal offences and the civil offences. I do not know what that means. It would be useful, if there are to be successful prosecutions, for the Solicitor General for Scotland or the minister, who is now entering the chamber, to explain exactly what that means.

**The Deputy Presiding Officer (Trish Godman):** I call Pauline McNeill, who will be followed by Jeremy Purvis. I apologise. I call Annabel Goldie, who will be followed by Pauline McNeill.

16:10

**Miss Annabel Goldie (West of Scotland) (Con):** Pauline McNeill's fright was nothing compared to mine.

It has been said that the Conservative party welcomes the general principles of the bill. In an increasingly complex technological age, the law must develop to meet new challenges. I read the bill before I read the Justice 1 Committee's report, which is a very good piece of work. My first realisation was that section 1 of the bill does not deal with what I would describe as questionable communications; rather, it defines an offence that is constituted by a series of events. Therefore, I was comforted by the committee's sensible observations in paragraphs 81 and 82 of its report, which recognise that gap.

A political decision is needed about striking at communications to a young person that would, if they were known about, cause concern to the young person's parent or guardian. The question is whether we should strike at any communications between an individual and a young person or only at communications that contain sexual allusions that are likely to corrupt and deprave. The first option is impractical, but the second is not. Most parents and guardians would be deeply concerned if a young person was receiving such material. Stewart Stevenson graphically described how quickly such communications can materialise through the internet. In such situations, a parent or guardian would—not unreasonably—think that criminal law would intervene before completion of the series of events that is required to satisfy section 1. We know that communication on at least two occasions, a meeting with the child with criminal intent and unreasonable belief that the child was over 16 would be required. There is an argument that the existing criminal law covers such communications; indeed, lewd and libidinous conduct has been invoked as a charge that has led to conviction and the committee's report refers to such an instance. However, the legitimate question that the Executive must answer is whether the common law is sufficiently robust. If it is not, statutory support would seem to be necessary.

The committee proposed that one option would be to include breach of the peace in the list of sexual offences in part 1 of the Sexual Offences Act 2003 where the nature or circumstances of the offence are clearly sexual. A number of members have referred to that. I agree that the option is worth considering, but my concern is that there may be difficulty in that the basic common-law crime of breach of the peace was not intended to cover such situations. It could be more difficult to prove the charge in the context of a sexual

communication and to secure a conviction. Members are interested in creating law that allows the Crown a reasonable prospect of conviction when prosecuting cases.

I have a suggestion to make, which is that it may be possible to draft a simple statutory offence that is constituted by a person's sending to a young person a communication that contains material that is likely to corrupt or deprave. That would allow objective assessment of the circumstances by the courts and it would present simpler cases for prosecutions to prove. The obvious attraction is that, whether by common law or statute, such communications would constitute criminal activity, which would mean that on conviction the offender could be placed on the sexual offenders register and the offence would be constituted without there having been a meeting or series of events.

I turn briefly to the serious offence that section 1 of the bill will create. My reaction is that it will be difficult for the Crown to cover all the steps that are envisaged by section 1, which is all the more reason why we should consider the communication stage of contact.

On risk of sexual harm orders, much attention has already been focused on the onus of proof and the balance of evidence and on whether the criminal or civil evidence test be used; the clear intention is that civil procedure be used. The committee has signalled concerns about the appropriateness of civil procedure; I echo those concerns.

I will pose some questions about the procedure for an RSHO and the evidence requirement. If I read the section correctly, there is no provision for serving the application on the respondent and it creates no right of response to, or justifies appearance by, the respondent. Is the application to be in the form of an initial writ, for example? Will that mean that it will then follow standard sheriff court procedure? It seems to me that if there are parties with malign intent who are anxious to discredit an individual, they could present fictitious information that the respondent would be powerless to question. Under the bill as it stands, the respondent's rights are restricted to appeal of the order. If section 2 does not require appearance by the defenders, will cases proceed as undefended civil processes and could the chief constable produce his evidence by affidavit? Those are important questions because the chief constable has to produce evidence that on at least two occasions the individual has—to quote section 2(1)(a)—“done an act”. Does the chief constable simply say by affidavit that he is satisfied that on two occasions the individual has “done an act”? Is that to be the evidence? If it is, it is very frail.

I have genuine concerns about what section 2 of the bill means in terms of the technicalities of

production of evidence and the rights of respondents to question legitimately what evidence might amount to.

16:16

**Pauline McNeill (Glasgow Kelvin) (Lab):** I begin by thanking the Justice 1 Committee, the clerks, the bill team and the Deputy Minister for Justice for the work that they have all done in putting together a constructive report.

As other members have said, there are few priorities higher than to protect children from harm. We already have good law in Scotland that can deal with prosecuting crime against children and the bill is designed to be an addition to that law, to plug its gaps and to update it to take account of circumstances that we face in the 21<sup>st</sup> century. The Justice 1 Committee believes that, as it stands, the bill needs to be changed, but we support the general principles.

It is important to note that the new offence that will be created by section 1 of the bill is designed to criminalise preparation for commission of a more serious crime. In itself, the crime is committed where it can be inferred that one of a number of sexual offences would be committed by an adult's travelling to meet a child. It is very important to know that that is the act that must be criminalised.

The committee has made it clear that it thinks that the earlier aspect of that criminal behaviour needs to be addressed. It is important to note that the offence, which is not termed as grooming—I suggest that it is grooming-plus—is the more important of the offences, although there is a gap that needs to be plugged.

One of the most striking aspects of the evidence on exploitation of children on the internet is that it is more colossal than any of us imagined. The nature of the internet is such that it invites children to give out a great deal of personal information. If members ever use MSN Messenger they will see that it asks children to say who they are and where they gather. That information is on the internet and dangerous adults are using it to exploit children in ways that we do not want to imagine.

It is important to note that the national hi-tech crime unit that was recently formed under the Scottish Drug Enforcement Agency has three officers who are authorised to go on the internet and pose as children to get the required intelligence. The most important thing that we would all like to know is that we have the resources to intercept adults before a crime is committed. It is vital that we get resources to that unit as well as ensure that the law is right.

The committee is concerned that the bill catches only part of the criminal behaviour, so it is

important for us to consider how to properly criminalise inappropriate sexual conduct, or the actual grooming of a child. Our solution is to ask the Executive to consider whether an adult who is prosecuted under the breach of the peace law—which is the law that is currently used to prosecute such adults—could be clearly specified as an offender on the sex offenders register. As a result of the Cosgrove report, sheriffs and judges have the discretion to use the existing law where there is a sexual element to a crime. There has been no response from the minister on that, so I wonder what the initial view is.

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

**Pauline McNeill:** The age question was a very difficult issue for the committee. As it stands, the bill will apply to persons aged 18 and over. The committee recommended that the bill should not refer to any age in order simply that the normal rules of the criminal justice system would apply. Our problem was that we received too much evidence that signs of predatory behaviour can start much earlier, during a person's teenage years. We would not want the bill to fail to catch a case in which a 17-year-old was grooming a 13-year-old. Our suggestion is that the bill should not specify any age.

In conclusion, the risk of sexual harm order is a far-reaching provision, which the committee has said it will support only with caution. I am running out of time, but I want to make this point. Know this: when we accept such a provision by agreeing to the general principles, we will be agreeing to a major shift in policy on how we deal with criminal behaviour, because RSHOs will be dealt with in the civil courts. I want changes to the bill and I want clarity about which cases we are trying to capture by the provision. I want to know how chief constables will use the power.

**The Deputy Presiding Officer:** You must wind up now, Ms McNeill.

**Pauline McNeill:** As Mary Mulligan said, it is not helpful to compare an RSHO with an ASBO, given the massive stigma that will be attached to the former. We must get right the balance between protecting the rights and safety of children and the rights of the accused.

16:21

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** As my colleague Jamie Stone said, the Liberal Democrats will support the general principles of the bill. In my view, the sober nature of this afternoon's debate reflects the seriousness of the issue.

I commend the Executive, the Justice 1 Committee and members from all parties for their

hard work, but I wish to raise some issues about the bill that cause me general unease. I feel that my unease is also reflected in some of the evidence that was provided to the Justice 1 Committee during its consideration of the bill's general principles. The committee seeks solutions during later stages to problems that it foresees for when the legislation is implemented. The committee has sought to ensure that the bill provides legislative protection for those whom it seeks to protect without inadvertently casting the net wider. That is the scope within which I will address my brief remarks this afternoon.

In its submission to MSPs, the Law Society of Scotland asserts:

"there are a range of common law and statutory offences, which may currently be used to prosecute ... those ... who seek to groom children ... with the ... intention of committing a sexual offence".

However, as we have heard, the common law may not offer sufficient protection in a small number of incidents. The number of such incidents is small as, thankfully, sexual offences are rare. However, the Law Society's submission states:

"It is important that those adults who seek to groom children and meet or travel to meet them with the clear intention of committing a sexual offence can be prosecuted, before any sexual offence takes place."

I emphasise the need for clarity on two elements in that statement: adults and clear intention.

During its detailed consideration of the bill, the committee rightly gave thought to how the bill's complexity could impact on the number of prosecutions, and to the concern that some people might be inadvertently criminalised or, rather, stigmatised by being the subject of a risk of sexual harm order. I will deal with those points in turn but, before doing so, I stress that I believe that criminal law should always be measured, considered and commensurate with the problem that it seeks to solve. The bill should not be rushed. We have to live with the negative consequences of bad law, so we should take our time to get it right.

On the age definition that should apply both to offenders and to victims, the evidence that Children in Scotland provided to the committee is valuable. I know that the Executive and the committee will consider the issue in more detail, but I am concerned that, unless we get a resolution, we might end up with legislation that is inconsistent with the approach in England and Wales—which, in itself, would be an unwelcome development—and, more important, which lacks clarity in how it applies to 16 and 17-year-olds. The bill also lacks clarity about the role of the hearings system.

The age definition is a complex issue. Barnardo's and others indicated that offenders can

be young. The committee considered an age differential as a possible criterion but—wisely, I believe—rejected that. However, the committee's recommendation that the bill specify no age limit for offenders leaves some uncertainty. I stress that I am not suggesting that the committee and the Executive will not return to the issue, but the evidence that the committee received was important. I am still concerned that the bill might inadvertently criminalise absolutely normal behaviour among some teenagers. If we get this wrong, Parliament will send out an unwelcome signal that we do not understand young people.

Children in Scotland highlighted examples of a 16-year-old boy having a consensual relationship with a 15-year-old girl, which could be criminalised, as well as legitimate boyfriend-girlfriend meetings and contacts by phone, text, internet or some other means. It is important to ensure that there is a clear distinction within the law, so that even if there is behaviour of which some members would disapprove, it is not criminal.

There is one other issue that needs further attention—the teaching of sexual health or sex education. Concerns have been raised that civil, not criminal, orders can use hearsay evidence without corroboration and that, as such, there is arguably an insufficiently high threshold of evidence to safeguard the rights of the accused. I appreciate the Executive's reluctance to have block exemptions with regard to the teaching of sex education and instead its desire to provide robust guidance to ensure that those who are doing good work are not inadvertently affected by the orders. However, rather than exclude teachers or those who work within the formal curriculum for sex education, the guidance should be extended to include voluntary sector and peer-to-peer education.

The proposed offences are complex. The bill stands, but there is a requirement to prove four separate elements in order to secure a conviction, and the committee found that it might be particularly resource intensive for the police to investigate and obtain the evidence that would be necessary to bring a charge, and that it might also present difficulties for the Crown to prove a charge in court.

Although we support the general principles of the bill, the committee has much work to do. I wish committee members well in their scrutiny at stage 2.

16:26

**Mr Stewart Maxwell (West of Scotland) (SNP):** I welcome the bill. The legislation is overdue and the SNP will certainly support the bill's general



principles this evening. Although other members have covered many of the points that I wish to cover, I do not think that it does any harm to cover them again, so I make no apology for doing so.

My understanding was that the bill was intended to deal with the problem of grooming, so I was quite disappointed when I read the committee report and found that grooming, in and of itself, would not be covered. I agree with committee members' concerns about the omission from the bill of specific reference to grooming. I am equally disappointed by the minister's refusal thus far to change her mind on that point.

In paragraph 17 of its report, the committee states that it is

"extremely concerned about the response from the Minister".

That is a pertinent comment, because the failure to criminalise grooming per se is, I believe, a mistake. To target the actions subsequent to grooming, although it is a welcome step in the right direction, does not go far enough. We must outlaw the act of grooming, not only the subsequent actions. As the minister said in her opening remarks, the issue is not just about the physical damage that can be done to children when such acts take place; even if a physical act does not take place, emotional and psychological damage can often occur before any meeting or any sexual act takes place.

Although I understand the difficulties in legislating in this area and in properly defining how we deal with offences, I fail to understand—as I believe most people will fail to understand—the Executive's reticence on the matter. The act of grooming children in and of itself cannot have an innocent purpose and should therefore be deemed to be an offence, without the need to travel, the intention to travel or the possession of condoms while travelling being used as evidence. The committee was quite correct to point out that section 1 of the bill will make at best only a marginal difference in tackling the threat from paedophiles.

I turn to age limits. I agree with the Executive and with the committee on the definition of a child as a person under 16, but I do not agree with the Executive on the definition in section 1 of who can commit the offence—it seems entirely likely that a person between the ages of 16 and 18 could commit such an offence. Unfortunately, there have been cases of persons in that age range and below who have been involved in such activity. I believe that, at the very least, the age limit for an alleged offender should be lowered from 18 to 16. However, the committee's suggestion that no age limit be set and that it be left to the discretion of the Crown Office and other agencies to decide on

the correct action to take in each case is attractive. That would provide maximum flexibility in dealing with young people who are alleged to have committed such offences, but would not set artificial age barriers to prosecuting someone who is young, if their acts or behaviour are clearly shown to have been predatory.

On the number of times that a person has to communicate with a child before an offence is committed, I believe that the Executive has got that wrong. I whole-heartedly agree with the committee and other members who have stated that it is the content and context of communications that is the key to proving the offence, rather than the number of communications. That loophole must be closed to ensure that no child is endangered as a result of a technicality about the number, as opposed to the intent of, communications.

Frankly, I have little sympathy for the argument that the Executive seems to suggest, which is that it does not want the offence to catch people who engaged in grooming activity once but decided to take no further action. The minister is quoted as suggesting that in paragraph 68 of the committee's report. Does that mean that if someone engages in grooming with different children, but never more than once with each child, they should not be prosecuted? Is the emotional and psychological damage that can be caused by grooming in and of itself not reason enough for prosecution? The question is at the heart of why I believe that grooming, and not only the subsequent actions, should be an offence. Another reason for my belief in making grooming itself the offence is that the person who grooms may not be the person who travels. Therefore, the section 1 offence would seem not to apply to such people.

I certainly support the Executive's position on opposing a blanket marriage exemption; it made very good points to the committee on that.

In conclusion, all parts of the activity should be caught by the bill, which is about protecting children. That means that grooming, travelling or even persuading a child to travel should all be covered. Although I support the intent of the bill and its general principles, I believe that it will need to be amended at stage 2 if it is to be an effective tool against people in our society who intend to harm children in this way.

16:31

**Helen Eadie (Dunfermline East) (Lab):** I welcome the debate on the general principles of the Protection of Children and Prevention of Sexual Offences (Scotland) Bill. Like members who have spoken already, I believe that all children and young people have a right to be

protected from sexual harm. I therefore support the overall principle of the bill, which is to better protect children and young people from sex offenders.

The bill is warmly welcomed as it will strengthen the measures that are available to protect children and young people from sexual harm and abuse. The Executive and the committee are to be applauded for their dedication and commitment in undertaking such vital work.

However, I am concerned that we should listen to some of the advice that we have received from other people in Scotland who have highlighted in briefings to MSPs concerns that I believe the committee and the Executive should be urged to take on board. They should give further consideration to the points that are raised.

I will focus on age, which Pauline McNeill mentioned. The bill defines an adult, or offender, as a person who is 18 or over and it defines a child, or victim, as being a person under 16. I believe that further consideration must be given to the complex issue of the age of the adult, or offender, as defined in the bill. Clarity is required about the position of 16 and 17-year-olds and consideration must be given to the role of the children's hearings system in relation to the new offence that is set out in section 1 of the bill. On the recommendations on the age of the offender in the Justice 1 Committee's stage 1 report, I believe that careful consideration must be given to its recommendation that no age be specified in respect of the section 1 offence.

The children's hearings system should remain central to decisions for under-16s and people up to the age of 18 who are on supervision orders. The children's reporter should be consulted to determine the route in the case of a young person who is accused of committing the offence. An amendment to the Children (Scotland) Act 1995 to permit, in the case of a person who is not already on supervision, referral to the children's hearings system within six months of his or her 18<sup>th</sup> birthday should be supported. I also believe that any order must be accompanied by a package of support or treatment.

The bill currently defines the age of an adult, or the offender, as being 18 or over. There has been much discussion of whether the age of the offender in relation to the offence at section 1 should be lowered to 16. Analysis of the responses to the initial consultation on the proposals shows that 69 per cent of respondents thought that 16 should be defined as the age at which one could be charged with an offence. The most common argument for that was that doing so would be consistent with the age of sexual consent for females in Scotland. It is also argued that there is evidence that young people below the

age of 18 display the type of sexually inappropriate behaviour or grooming behaviour that is defined in the bill. To set the age limit at 16 would clarify the position of 16 and 17-year-olds in relation to the new offence.

I understand that people have argued in submissions to the committee that they are particularly wary of any measure that could lead to criminalisation of young adolescents; for example, a 16-year-old boy could be in a consensual relationship with a 15-year-old girl. It is therefore important that we draw a distinction between legitimate boyfriend-girlfriend meetings and what could be criminalised.

Moreover, it is felt by many people that in Scotland, 16 and 17-year-olds should not be dealt with through the adult criminal system. Inconsistencies in the definition of a child in Scots law have also been highlighted. It is recognised that defining an adult as a person of 18 or over is in line with the United Nations Convention on the Rights of the Child and with the Protection of Children (Scotland) Act 2003. Young people up to the age of 18 should be protected from sexual harm.

Finally, given the definition of an adult in the bill, it is unclear what the implications are for 16 and 17-year-olds. Currently, they are defined neither as victims nor offenders. Clarity is required where a young person under the age of 18 commits the offence that is set out in section 1. It must be made explicit.

16:35

**Patrick Harvie (Glasgow) (Green):** All of us in the chamber recognise the importance of getting child protection right. The minister used the word "despicable" earlier in the debate to describe the sexual abuse of children. I am sure that none of us would disagree with that description.

I will raise two areas of concern that have been touched on by other members: the impact of the bill on sex education; and its potential impact on non-abusive consensual behaviour between people who are over the age of consent.

Sensitivities around sex education are such that a piece of legislation need not be used, or even be usable, against teachers to have an impact on the delivery of sex education. Section 28 showed us that clearly. It was never once used in court; according to senior legal figures, it never could have been successfully used in court. However, it was used in school boards, parent-teacher associations, the media and elsewhere as a weapon of fear by those whose agenda was one of bigotry and prejudice. Given the importance that the Executive has attached to the sexual health strategy, it is essential that it takes seriously the

possibility that risk of sexual harm orders could be used in the same way as section 28 by those who oppose meaningful and comprehensive sex education.

I emphasise that I am suggesting not that such orders will themselves be used against teachers, youth workers or others who provide education and advice, but that those who seek to undermine or detract from sex education or to cause fear among professionals could use the fear of such orders to deter professionals from continuing in their work or from volunteering for organisations and so on. I commend the written evidence from East Lothian Council, which suggested that the provision of education and advice, rather than categories of individuals such as teachers or youth workers, could be ruled out. That would send the right message about the importance of sex education while addressing the Executive's concern about the dangers of excluding categories of people from the offence in section 1.

The Executive has made clear its intention to lodge amendments at stage 2 to make it illegal to possess certain images of people aged under 18, as opposed to under 16 as the bill stands. That is highly problematic. It risks criminalising young people who are over the age of consent, their friends or their sexual partners for possessing images that have been created with consent for completely harmless purposes. The suggestion that the Justice 1 Committee heard that married couples and civil partners should be exempted reinforces the notion that all other sexual relationships are in some way inferior or are to be frowned on, and that the law should be less tolerant of people who have a sex life without a piece of paper from the state.

Similar concerns exist over the perfectly innocent use of chat rooms, websites, weblogs and online profiles by people who have no abusive intentions or history and who merely use such facilities either as part of their sex lives or to communicate with other consenting adults. I ask the minister whether it is possible to ensure that consent is referred to in the Executive's forthcoming amendments to ensure that young people who are over the age of consent are able fully to exercise their right to consent.

The protection of children from abuse is a serious matter—it can be a deadly serious matter—but if the Executive wants to ensure that its measures to address the need for protection are effective and gain the credibility that they need, it must take care to ensure that the provisions in the bill are relevant to real people's lives in the modern age, are not open to misuse or misunderstanding and focus on the real problem. I would not be able to support the bill if it was presented in this form at stage 3. However, I give

my support to it at stage 1 in the hope that it will be improved significantly before we get to stage 3.

**The Deputy Presiding Officer:** We move to winding-up speeches and I call Jamie Stone. Mr Stone, you have a tight four minutes.

16:40

**Mr Stone:** I rise to speak for the second time this afternoon. The minister rightly pointed to the emotional damage that is done to children and, correctly, flagged up the courage of the parents of children who are involved in incidents of sexual abuse or, indeed, murder.

In a thoroughly heavyweight contribution, Stewart Stevenson very nicely drew out the nature of the problem. His description of the fake person—Linda, aged 13—and of how people went online as quickly as they did should be a lesson to us all. That point was well made. He also made the point that gratification can be gained from the grooming process. That, too, we shall bear in mind as we move to stage 2.

I thank Margaret Mitchell both for her warm welcome for the bill and for the fact that she echoed my remarks about the possible impact of risk of sexual harm orders on innocent people. I will return to that subject in due course.

Mary Mulligan, correctly, referred to grooming. In a thoughtful contribution, Annabel Goldie, who is still in the chamber, talked about the writ and the technicalities of the production of evidence. I am no legal expert, but I think that what she said was crucial. We must get the mechanics of the bill right. If we do not, we could enact fundamentally flawed legislation. Let us face it—on an issue as grave as this, the legislation must be copper-bottomed and cast iron. It has to work all the way.

There was a good speech from Pauline McNeill, and Jeremy Purvis's reference to the age issue was absolutely correct. There were also thoughtful contributions from Stewart Maxwell, Helen Eadie and Patrick Harvie.

We have just heard Patrick Harvie's speech. I am not quite sure that I follow his argument about sex education and the ramifications of the risk of sexual harm orders; however, I am sure that we will hear more from him at stages 2 and 3. I have been impressed by my colleagues on the Justice 1 Committee, who are all more able than I am, and I am sure that we will all have open minds. Mindful of what I have just said about it being crucial that we get the legislation right, we should consider every point, including that which Patrick Harvie made. Nevertheless, he will have to do some slight legwork to persuade me of the connection that he referred to. I hope that all right-thinking people will see the importance of sex education;

however, if he has an argument, we will consider it.

I am keeping tight to time, as you requested, Presiding Officer.

I am fortunate because my childhood was a happy one. Those of us who had none of the experiences that we have heard about have everything to be grateful for. We could all, however, put ourselves in the position of people to whom something happened that blighted their life and left them with a memory of the experience. Constituents in their 60s and 70s who were abused as children have come to see me, and their stories are harrowing. I get down and thank the good Lord that what happened to them did not happen to me and does not happen often to other children—nonetheless, it does happen.

Members have talked about the accidental blackening of an innocent person's name, and there is a risk that that could happen. As a child, I was warned not to get into a stranger's car—as kids, we were all told not to do that. When I was a kid, we did not have a car but, eventually, we had a van, when my father had made enough of a certain dairy substance that I am not allowed to mention in the chamber.

**Members:** Cheese!

**Mr Stone:** I remember, as a wee boy, sitting in our knackered—is that parliamentary language? Perhaps not. I remember sitting in our battered old van when, suddenly and to my alarm, a strange man got in and started the engine. I screamed with fright. He was a man from Tain—where the minister's cousin and I live—who was just moving the van while my dad was in the shop, but I was really scared. How terribly easy it would be to blacken the name of somebody who is completely innocent in a way that would mark them for the rest of their life. Nevertheless, as I said in my earlier speech, I believe that we can strike the right balance.

In concluding my speech, I thank the clerks and my colleagues.

16:44

**Bill Aitken (Glasgow) (Con):** The debate is predicated—as, indeed, is the legislation—on the basic concept that the abuse and exploitation of children for sexual purposes are abhorrent to every right-thinking person. It is also predicated on the fact that technology has not come with benefits alone. There has to be some recognition of that through a change in the legislation.

It has become evident in this afternoon's debate that the bill is defective in certain aspects and requires to be looked at. I really think that we should go for the simple solution. Why is grooming

not being made an offence per se? Although I accept that there are evidential difficulties in that respect, we need to exercise some common sense. It is quite clear that, if a 40-year-old invites a 14-year-old girl, in full knowledge of her age, to visit him in his flat when no one else is present, there could be a problem. The Executive has to reconsider the matter. It is simply not sufficient to wait until things have gone that little bit further down the road; attempting to set up the contact should be the offence.

I found Stewart Stevenson's speech quite disturbing. It is not the first time that I have heard about what happens on some internet sites and, in the circumstances, the Executive would be advised to take further evidence from the national hi-tech crime unit before it lodges any final amendments to the bill. I also note that the Scottish Police Federation believes that grooming in itself should be an offence.

If the Executive is not prepared to take that route, perhaps the answer is the common-law approach. For example, the type of behaviour that I have described could constitute a breach of the peace. The introduction of a breach of the peace offence similar to that for sectarian aggravation might also deal with Mary Mulligan's concern that, as with any breach of the peace, the record of conviction would not mention that the offence had a sexual element.

The committee report expressed concerns about setting the age limit at 18. I think, frankly, that such a limit is a nonsense. After all, people mature much earlier nowadays and, as Christine Grahame pointed out, a 15-year-old could be in a position to entice a 14-year-old. We are not looking at the matter carefully enough—I certainly hope that the Executive takes these points on board.

I am also concerned about RSHOs. Of course, there are evidential difficulties in everything that we are attempting to do in this bill; however, there must be a presumption of innocence. I realise that RSHOs are not a criminal sanction, but an individual could be profoundly affected by being wrongly accused of such an offence. If there is such a narrow degree of difference between the evidence that is necessary to obtain an RSHO and that which is necessary to secure a successful criminal prosecution, we should take the route of criminal prosecution if there is any possibility that a child is at risk.

I can see what the Executive is trying to do, but I think that an awful lot of tidying up has to be done before the bill can be enacted.

16:48

**Mr Bruce McFee (West of Scotland) (SNP):** The debate has shown that, although the bill is

relatively short, it impacts on a wide and complex range of issues. As the stage 1 report points out, the committee broadly supports the bill's intent; however, we have major concerns about its ability to deliver the level of protection that we all want. Indeed, there are even concerns about the bill's ability to deliver its own provisions. I am concerned that the procedures for granting and the standard of proof attached to RSHOs could result in people being wrongly accused of acting in an inappropriate way towards children. Such a stigma can mark someone for life.

I agree with Mary Mulligan's point that there is a lack of clarity about grooming; I also agree with the many speakers who said that we need a specific grooming offence per se.

Pauline McNeill referred to the evidence of Dr Rachel O'Connell when she spoke about the information that children are encouraged to provide online. Dr O'Connell's evidence was most persuasive. She has conducted extensive research into the structure and organisation of paedophile activity on the internet. The committee considered that the lack of measures to deal with what we have come to know as cybersexexploitation is a serious gap in the protection of children. That was alluded to by Margaret Mitchell, Annabel Goldie and, of course, more graphically, Stewart Stevenson.

We heard from Margaret Mitchell and others about the possibility of making changes to breach of the peace legislation and incorporating breach of the peace in the list of sexual offences in part 1 of the Sexual Offences Act 2003. That would allow anyone convicted of a breach of the peace offence that is of a clear, sexual nature to be incorporated in the list of sexual offenders. The committee strongly recommends that the Executive introduce measures to tackle grooming—which is in itself damaging to children—head on.

It is difficult to prove an offence under section 1 of the bill and it might prove exceedingly hard to bring together the four strands of behaviour that constitute the proposed offence, not least because of the activities of paedophile rings. In her opening speech, Cathy Jamieson referred to the ability of paedophiles to create and manipulate situations and said that it was important that we leave no loopholes, but there are loopholes all over the bill. The committee was correct to say that we should not insist on proving that there were two previous communications or meetings with the victim in order to make the offence stand up. We see no good reason for not reducing the number of communications to one.

The bill states that the offence would be complete only once the adult travelled with the intention of meeting the child to carry out an act that would otherwise be a relevant offence.

However, in the bill as drafted, the offence would not be complete if the child were to travel to meet the adult, even if the adult prearranged the meeting or paid the child's expenses to get to the meeting.

There is also the question of resources. I was encouraged by the deputy minister's response and I look forward to his amendments because, as the bill stands, one could drive a coach and horses through it.

The age of the offender was touched on by many. I will not go through all the remarks, but Jeremy Purvis and Helen Eadie raised the situation of a 16-year-old boy in a consensual relationship with a 15-year-old girl. Such a relationship already constitutes a criminal offence. My question is about the discretion that can be applied by the prosecuting authorities.

Although the SNP supports the general principles of the bill—who could not?—we have a number of reservations. We are disappointed that the Executive has not produced its promised amendments, although we have sympathy for the reasons behind that. We have serious doubts about the effectiveness of the proposals as they stand and we question whether the bill will achieve its stated objectives in its present form. The bill can be made to work and can make a difference, but only if the Executive properly addresses the many serious issues that were raised in the Justice 1 Committee's report.

16:53

**The Deputy Minister for Justice (Hugh Henry):** The encouraging part of today's debate was the will that exists across Parliament for further measures to be taken to give added protection to young people, and to children in particular.

In her opening remarks, the minister graphically and eloquently stated the case for why we need to act. The point was made in a number of contributions that the type of person with whom we are dealing is not just malign in their motivations, not just malicious in their intentions, but can be extremely unscrupulous and devious in the way in which they act in order to manipulate certain circumstances. They are intent on harming children and they will go to any lengths to carry out that harm.

It is right that we should update our law to reflect the changes that take place in society and which happen around us, but it would be foolish to minimise some of the difficulties with which the advent of the internet has presented us. Although it would be noble to have the intention of trying to do as much as we could, the technology and the way in which it can be used are moving on at

speed, as members have clearly indicated. However, that is no excuse for us not to try to do everything that we can to introduce sufficient protection.

A number of concerns have been raised during the debate. Although I will not have time to deal with each of them, they will all be considered carefully. I have already said that we will reflect further on a number of issues, because we need to get the legislation right. Although it would be right for us to reflect on the points that have been made and perhaps shift in an effort to improve the bill, it would also be right for us to take a firm view and to resist proposals that would have poor or adverse legal implications, even if they were made with the best of intentions. In seeking to help children, the last thing that we want to do is to create more problems further down the line, so we need to proceed with caution.

Stewart Stevenson talked about some of the benefits of English legislation in comparison with Scottish legislation, but some of those benefits are implied under Scots law; we do not have to be as specific as English law must be. He referred to section 14 of the Sexual Offences Act 2003, but that provision is ancillary to a number of sexual offences in England and Wales and, as it stands, it would not work in Scotland. That said, it is proper that we consider further whether there is any equivalence that might be helpful.

Margaret Mitchell made a number of points that were echoed by other members. She talked about the age of the victim and asked for clarification of whether the burden of proof should lie with the Crown or the accused. We have consulted with the Crown Office and Procurator Fiscal Service and it is content that the burden of proof should rest with the Crown, but we will consider that further to determine whether any improvements can be made.

Another issue that was mentioned by a number of speakers, including Mary Mulligan, was breach of the peace and the question whether that should become an offence that could trigger inclusion in the sex offenders register. However, the fact that someone has been involved in a breach of the peace scenario could already trigger inclusion in the register. Under paragraph 60 of schedule 3 to the Sexual Offences Act 2003, the judge can direct that a person who has been convicted of any offence should be subject to the sex offenders registration scheme if

“there was a significant sexual aspect to the offender's behaviour in committing the offence.”

Other issues to do with the use of breach of the peace in common law have been raised. There are circumstances in which breach of the peace can lead to action. We are talking not about

replacing breach of the peace, but about adding to it and still using it when it is necessary to do so.

A number of speakers dealt with RSHOs, about which I think there are some misconceptions. It is right to worry about the potential for stigmatisation, but I do not accept Patrick Harvie's arguments, which apply to different circumstances. The proposal in the bill is highly specific. It is right for us to consider giving protection to children to prevent certain acts from happening. I would argue that action is imperative when a child or a group of children are at imminent risk.

Issues have been raised about the difference between full and interim risk of sexual harm orders. In some cases, there will be no time to go through the normal process for obtaining a full order. In those cases, it will be absolutely essential that action is taken to protect the child by means of an interim order. In either case, the sheriff must be satisfied that there is a *prima facie* case for making the order.

Annabel Goldie raised—

**The Presiding Officer (Mr George Reid):** Briefly, please. You have about another minute, minister.

**Hugh Henry:** Thank you, Presiding Officer.

Annabel Goldie asked whether there was flexibility in bringing charges under the offence of breach of the peace, but one of the benefits of the offence of breach of the peace is its flexibility. She also raised the issue of sending material that is likely to corrupt or deprave. That issue is worthy of further consideration and we will look into it. Other members raised the issue of age limits, which we will have to look at again.

The debate was interesting; it properly focused on the issue of protecting children and some useful suggestions were made. The members who said that more work needs to be done are right and it is right and proper that we take the issues back for further reflection. Equally, I pose a challenge to members. The last thing that the Executive wants to do is to act with the best of intentions only to find that we have created further complications. The measures in the bill need detailed and careful consideration, and I look forward to a thorough stage 2 consideration.

## Protection of Children and Prevention of Sexual Offences (Scotland) Bill: Financial Resolution

17:01

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of a financial resolution, motion S2M-2227, in respect of the Protection of Children and Prevention of Sexual Offences (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Protection of Children and Prevention of Sexual Offences (Scotland) Bill, agrees to any increase in expenditure of a kind referred to in Rule 9.12.3(b)(iii) of the Parliament's Standing Orders arising in consequence of the Act.—[*Hugh Henry.*]

**The Presiding Officer:** The question on the motion will be put at decision time.

## Business Motion

17:01

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-2586, 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 Housing (Scotland) Bill at Stage 1 be completed by 1 July 2005;

(b) that consideration of the Prohibition of Female Genital Mutilation (Scotland) Bill at Stage 2 be completed by 13 May 2005;

(c) that consideration of the Charities and Trustee Investment (Scotland) Bill at Stage 2 be completed by 25 May 2005;

(d) that consideration of the Family Law (Scotland) Bill at Stage 1 be completed by 16 September 2005;

(e) that the Justice 1 Committee report to the Justice 2 Committee by 15 April 2005 on the Antisocial Behaviour (Fixed Penalty Notice) (Additional Information) (Scotland) Order 2005 (SSI 2005/130);

(f) that the Justice 2 Committee report to the Justice 1 Committee by 15 April 2005 on the Bail Conditions (Specification of Devices) and Restriction of Liberty Order (Scotland) Amendment Regulations 2005 (SSI 2005/142).—[*Ms Margaret Curran.*]

*Motion agreed to.*

## Parliamentary Bureau Motions

17:02

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of three Parliamentary Bureau motions. I ask Margaret Curran to move motions S2M-2598, S2M-2599 and S2M-2600, on committee substitutes.

*Motions moved,*

That the Parliament agrees that Mr Brian Monteith be appointed to replace Mr David Davidson as the Conservative Party substitute on the Enterprise and Culture Committee.

That the Parliament agrees that Mary Scanlon be appointed as the Conservative Party substitute on the Health Committee.

That the Parliament agrees that Mr David Davidson be appointed to replace Mr Brian Monteith as the Conservative Party substitute on the Local Government and Transport Committee.—[*Ms Margaret Curran.*]

**The Presiding Officer:** The question on the motions will be put at decision time.

## Decision Time

17:02

**The Presiding Officer (Mr George Reid):** There are nine questions to be put as a result of today's business.

In relation to this morning's business, I remind members that, if the amendment in the name of Peter Peacock is agreed to, the amendments in the names of Fiona Hyslop and Tommy Sheridan will fall.

The first question is, that amendment S2M-2597.3, in the name of Peter Peacock, which seeks to amend motion S2M-2597, in the name of Lord James Douglas-Hamilton, on education, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 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)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)



Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Tosh, Murray (West of Scotland) (Con)

#### ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 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)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 63, Against 19, Abstentions 25.

*Amendment agreed to.*

**The Presiding Officer:** The amendments in the names of Fiona Hyslop and Tommy Sheridan fall.

The next question is, that motion S2M-2597, in the name of Lord James Douglas-Hamilton, on education, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 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)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)

Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Murray (West of Scotland) (Con)

#### ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 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)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 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)

**The Presiding Officer:** The result of the division is: For 62, Against 17, Abstentions 28.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament recognises the dedication of teachers and support staff in Scotland's schools to achieving excellent outcomes for the young people of Scotland; supports the Scottish Executive's agenda for the most comprehensive modernisation programme in Scottish schools for a generation, as described in *Ambitious, Excellent Schools*; acknowledges the Executive's commitment to building on the investment and successes in

education over recent years; welcomes plans to bring a transformation in ambition and achievement through higher expectations for schools and school leadership, and recognises greater freedom for teachers and schools, better parental involvement and choice for pupils, increased and further enhancement of school/college partnerships to extend learning opportunities for pupils and better support for learning so that the individual needs of young people can be better met through tough, intelligent accountabilities to drive improvement.

**The Presiding Officer:** The next question is, that motion S2M-2353, in the name of Cathy Jamieson, on the general principles of the Protection of Children and Prevention of Sexual Offences (Scotland) Bill, be agreed to.

*Motion agreed to.*

That the Parliament agrees to the general principles of the Protection of Children and Prevention of Sexual Offences (Scotland) Bill.

**The Presiding Officer:** The next question is, that motion S2M-2227, in the name of Tom McCabe, on the financial resolution in respect of the Protection of Children and Prevention of Sexual Offences (Scotland) Bill, be agreed to.

*Motion agreed to.*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Protection of Children and Prevention of Sexual Offences (Scotland) Bill, agrees to any increase in expenditure of a kind referred to in Rule 9.12.3(b)(iii) of the Parliament's Standing Orders arising in consequence of the Act.

**The Presiding Officer:** The next question is, that motion S2M-2598, in the name of Margaret Curran, on committee substitutes, be agreed to.

*Motion agreed to.*

That the Parliament agrees that Mr Brian Monteith be appointed to replace Mr David Davidson as the Conservative Party substitute on the Enterprise and Culture Committee.

**The Presiding Officer:** The next question is, that motion S2M-2599, in the name of Margaret Curran, on committee substitutes, be agreed to.

*Motion agreed to.*

That the Parliament agrees that Mary Scanlon be appointed as the Conservative Party substitute on the Health Committee.

**The Presiding Officer:** The final question is, that motion S2M-2600, in the name of Margaret Curran, on committee substitutes, be agreed to.

*Motion agreed to.*

That the Parliament agrees that Mr David Davidson be appointed to replace Mr Brian Monteith as the Conservative Party substitute on the Local Government and Transport Committee.

## Commonwealth Week

**The Presiding Officer (Mr George Reid):** The final item of business today is a members' business debate on motion S2M-2483, in the name of Margaret Ewing, on Commonwealth week, 14 to 20 March 2005: year of Africa. The debate will be concluded without any question being put and will continue, with the agreement of the Minister for Tourism, Culture and Sport, until 18:15.

### *Motion debated,*

That the Parliament welcomes the well-established work undertaken by the Commonwealth Parliamentary Association (CPA) (Scotland Branch) and the Scottish Executive since the establishment of the Parliament in 1999 to strengthen ties between Scotland and other Commonwealth countries; notes that this year the CPA (Scotland Branch) and the Executive have, as their key focus, sub-Saharan Africa; regards this as totally appropriate in the Year of Africa; welcomes Scotland's long-standing humanitarian work to help the poorest nations in sub-Saharan Africa, and therefore considers that all MSPs should support sustained assistance which can eradicate poverty and the cycle of deprivation which causes millions of deaths per year in sub-Saharan Africa.

17:08

**Mrs Margaret Ewing (Moray) (SNP):** Thank you for remaining behind for this evening's debate, Presiding Officer, particularly as you are the president of the Scotland branch of the Commonwealth Parliamentary Association. I also thank all members who have signed my motion and all MSPs who are present.

I preface my remarks by paying tribute to the substantial number of people who have helped with the project in which we have been involved over the past year. At the CPA Scotland branch's annual general meeting last year, we gave unanimous support to the idea that we should focus our attention on what was happening in Africa and that we should see how Scotland and the Scottish Parliament could contribute to the achievement of the millennium development goals, which are of course under review this year.

The branch executive spent many a long hour on the project and each member had a substantial input. I thank all the organisations and individuals concerned, including Des McNulty of the Scottish Parliament's cross-party group on international development, who gave us ideas, contacts and information that was invaluable in preparing a programme that took us to Gauteng, the Eastern Cape and Malawi.

A special mention should go to the branch's secretariat, Roy Devon and Margaret Neal, whose unstinting work ensured that the delegation covered around 40 projects in the space of 11

days. The programme was exhaustive, as well as exhausting, and it was educative and stimulating. Above all, as I think all members of the delegation present here would agree, the trip was a very humbling experience. We should be grateful for the commitment that was shown before, during and after the visit and in the compilation of the report that is before us today.

None of us claims to be an expert on all the issues that confront sub-Saharan Africa. Some issues, such as debt relief, are outside the Parliament's powers, but we all see an opportunity for us to play a complementary role with other organisations and for all the people of Scotland to join in. I record my thanks for the positive response that we have had from the Scottish media, which have projected our activities and desires out into wider Scotland. There were one or two silly little carping pieces that displayed a lack of vision for Scotland, but I will leave those aside, because the generous hearts of Scotland overcome that approach.

I will consider our findings in the round, as other members will develop particular points. I ask members to read not only the recommendations in the report, but the detail in the substantive part of it—it is a habit of MSPs to look at recommendations and not read the details, but the report contains many ideas that we could expand into our own constituencies and beyond. We hope that our recommendations will be of assistance to the Executive, which published its international development strategy this week. I have had an opportunity to skim-read parts of "Our Common Interest: Report of the Commission for Africa". Our report sits easily with the commission's and shows how Scotland and the Parliament can play an appropriate role in confronting the issues that face sub-Saharan Africa.

I will emphasise two key factors. The first is the malnutrition that we saw. Although antiretroviral drugs are becoming more widely available in sub-Saharan Africa to treat HIV and AIDS, they will not work effectively if the people are so malnourished that their immune systems cannot cope. Mechanisms to ensure regular nourishment and good diet are critical if we are to eradicate stark statistics such as that one child in five will die before the age of six and life expectancy is 37 years.

Secondly, we must build on the sheer grit and determination of the indigenous people and the volunteers from Scotland who work unstintingly against a background of grinding poverty and lack of resources. The indigenous people, who are recovering from centuries of repression, exploitation and slavery, are determined to improve their own lives. Their aim is to help

themselves and we can do a great deal in easy ways to help them to do that.

Our report makes six clear recommendations. They are not listed in any order of priority or achievability, because all are priorities and all are achievable, so I will take them in the order in which they appear. The first arose from our meetings with the three legislatures that we visited—Gauteng Provincial Legislature and Eastern Cape Provincial Legislature in South Africa and the Malawi National Assembly. Although those Parliaments are older than ours by all of five years, they did not inherit as we did a wealth of knowledge of what is required to run an effective Parliament and to ensure that parliamentarians can fulfil their democratic obligations. However, many of the people whom we met had already visited the Scottish Parliament and were impressed by some of our procedures. Through a series of exchanges—perhaps in conjunction with the Department for International Development and other interested organisations—we could offer those legislatures the training and skills that are necessary to set up a civil service and clerking facility that would enable their work to progress more effectively.

The second recommendation is the establishment of a cross-party group on Malawi in the Scottish Parliament. Many organisations the length and breadth of our country are already directly involved in Malawi and others wish to establish such links. Meeting in a regular forum in the Parliament would enhance that work and ensure that a programme of sustainable involvement was taken forward.

The third recommendation is based on a constant mantra that we heard when we visited various projects. Given that developing countries benefit hugely from professional and skilled workers who undertake voluntary work, we should reduce the barriers that sometimes prevent those who wish to go and help. We believe that one simple way of achieving that would be to find a mechanism of guaranteeing national insurance and pension contributions for volunteers during the period when they volunteer.

Fourthly, many small non-governmental organisations feel that they lack sufficient expertise or skills to ensure that they access effectively funding that might be available to them. The Executive could help with that through its international development strategy, perhaps by providing positive assistance.

Fifthly, we saw at first hand the effective use of mutually beneficial links between schools, colleges, universities and hospitals. As those links could be developed further, we ask the Executive to consider seconding a member of staff to promote and co-ordinate that activity.

Sixthly, we ask the Executive to tap into the wealth of expertise that exists among people who have retired from professional life, who could become visiting professors in colleges or advisers in the health sector. That suggestion was relayed to us particularly in relation to those sectors, but we should not forget that many people who have retired from active work in other sectors here could offer a great deal elsewhere.

I commend the report to the Parliament and to the whole of Scotland. Our nation is known for its generosity, both financial and practical, and it is respected in the three areas that we visited. I ask that we build on that respect and show that Scotland has the vision to play a role on the international stage and to address one of the most serious crises that the world faces.

**The Presiding Officer:** We now come to the open debate. As usual in members' business debates, I will allow speeches of four minutes. However, I will allow Des McNulty, as convener of the cross-party group in the Scottish Parliament on international development, a little leeway at the end.

17:17

**Karen Gillon (Clydesdale) (Lab):** Few of us will forget where we were on 26 December last year when reports of the tsunami in Asia started to hit the headlines. The outpouring of support in Scotland was tremendous, but, unfortunately, it had an unintended consequence for some of the poorest people in the world. Gifts and donations to Africa have dropped by about 20 per cent, even though every week in sub-Saharan Africa, approximately 150,000 people die of AIDS, disease or poverty—the equivalent of a tsunami every fortnight.

Against that backdrop, it was an honour for me to take part in the visit to South Africa and Malawi to see for myself what was at stake and to consider what practical steps can be taken in Scotland. Prior to the visit, we received an intensive briefing, but nothing could prepare me or others in the delegation for the scenes that we witnessed. The visit was one of rollercoaster emotions: there were tremendous highs and exceptional lows, but, throughout, I was struck by people's optimism and drive despite their terrible circumstances and by their determination to help themselves. They are exceptionally proud people who want to build their communities, with support from others.

We started in South Africa, which is a country of huge contrasts. I found it hard to comprehend the contrast between the wealth that surrounded us in Johannesburg and the poverty that we saw in the townships. I visited one informal settlement,

Orange Farm, which is characterised by tin huts and intermittent water and electricity supplies. Its 200,000 inhabitants are mainly poor, unemployed and forgotten by mainstream society. While I was there, I visited the remarkable let us grow project, which is run and was established by a remarkable woman called Mama Rosa, who contracted HIV in 1990 and who has spent the past 15 years supporting others who have the disease. She works with a band of teenagers—young people who are no more than children—to provide support, palliative care and much more to about 500 people who live with HIV and AIDS. Those teenagers are involved in peer education, because they realise that if young people provide role models and take the message about the challenges of HIV and AIDS into schools, they can be far greater ambassadors than many older people can be.

We visited a support group in which young women of 10 years of age and old women, all of whom were infected by the pandemic, were trying to help themselves. We visited homes in which the head of the household was seven years old. How can a child who is running a household that is made up of himself and three younger siblings provide food for them? The project helps such children to find food, but it is finding the challenge increasingly difficult.

In Malawi, I visited the Open Arms infant home, which cares for babies who are orphaned by AIDS. Estimates place the total number of orphans in Malawi at between 500,000 and 800,000, so the challenge is considerable at the moment and will remain so as a generation grows up without the support of a family to encourage them. The Open Arms home also acts as a hospice for many babies who carry the infection. I have to confess that that was the most emotional part of the visit. I have two boys of my own and it is hard to imagine how they would grow up without their mum or their family, but that is what the children whom I saw are doing. The Open Arms home is vital.

In countries such as Malawi, mothers breastfeed and so, when mum dies, the baby often dies as well because of an inability to find formula milk. The project needs funds and I know that that is a cause that many of us will be taking up.

Other members of the group will concentrate on the issue of education, which is one of the big challenges that face Malawi. We took with us many gifts that were donated by people who are in the audience tonight. Those gifts were well appreciated—I was overcome by the gratitude of many people—but they were a drop in the ocean.

I want to focus on the recommendation to increase the number of volunteers. I was struck by the work that volunteers from Scotland are doing and I believe that we can harness the grey power

that exists in our country—the retired plumbers, teachers, nurses and so on who can go and pass on their skills and build the capacity of Malawians and South Africans. For me, that is far more important than anything else.

The recommendations that are contained in our report, combined with the Executive's international development strategy and the effective implementation of the Commission for Africa's report, provide us with a tremendous opportunity to change this world for ever. As Nelson Mandela said, we have the opportunity to be a remarkable generation. I simply hope that we can live up to the challenge.

17:22

**Lord James Douglas-Hamilton (Lothians)**

**(Con):** I pay tribute to my parliamentary colleagues who went as part of a delegation to South Africa and Malawi. That delegation included Margaret Ewing, Karen Gillon, Ted Brocklebank, Michael Matheson, Mike Pringle and Dennis Canavan. I believe that they have rendered a great service to this Parliament by highlighting problems that the Prime Minister has referred to as

"a scar on the conscience of the world."

I am glad that I had a role, however modest, in suggesting that the group meet Helen Suzman, who was the pioneer of opposition to apartheid in the South African Parliament. I had the good fortune to work as a secretary to her son-in-law when he was president of the Oxford Union. I am glad that she met the delegation on the 15<sup>th</sup> anniversary of Nelson Mandela's release from Robben island. When I visited Robben island some years ago, I was told by a former prisoner that the only member of Parliament who had not forgotten their plight was Helen Suzman. When I spoke to the man later and explained that I was a friend of Helen Suzman's family, he said, "Give Helen this message. Tell her we remember her with pride."

I am glad that the six delegates went to Malawi and South Africa. Their objective was to examine ways to assist in the reduction of poverty, to treat and prevent HIV and AIDS and to promote good governance and free, high-quality education. After the visit—after he transported Scottish golf clubs in his diplomatic bag, which was a novel form of overseas aid—Ted Brocklebank wrote in an article for the *Daily Mail* that, guided by the Scottish Churches World Exchange, young teachers are at work in rural primary and secondary schools in southern Africa. He said:

"These, and others like them, are the 21<sup>st</sup> century Scots bearing the torches first borne by their Victorian compatriots. And as long as they are determined to breathe, they are determined that the flames will never go

out ... What it needs above all is a national crusade by Scots at all levels to take up the work begun by our missionaries nearly 150 years ago. In Malawi, we met a heroic band of young Scots who have answered the call. How many others from our affluent and comfortable country are ready to make similar sacrifices?"

His call has been supported by the secretary-general of the Commonwealth, Don MacKinnon, who has said:

"To create a more stable and secure world – a world free of discrimination and hatred, we must start by ensuring every child is raised and educated in a spirit of tolerance, understanding and respect for others."

Two years ago, I said that the Commonwealth brings a touch of healing to a troubled world. Scots have shown a commitment to improving the lot of mankind through the Commonwealth, through medicine, education, engineering, construction, science and administration. That is a record of which we in the Parliament can justly be proud.

We are right to support the CPA, which has the vision to highlight the issues and influence Governments on the ways in which they can help others. We should be proud of our country's commitment to the Commonwealth under successive Governments and we should continue our on-going work with Commonwealth Parliaments and Governments.

Karen Gillon mentioned that what we are doing is just a drop in the ocean, but we act in the certain knowledge that when we work together we can and will make a difference. With mutual co-operation in driving back the frontiers of poverty, ignorance and disease we will make the world a better place.

17:26

**Mike Pringle (Edinburgh South) (LD):** Many people have asked me which memory of the visit will last the longest. There is no doubt about that—it is the smiles of all the people we met. African people are happy people. They always seem to be smiling and laughing, despite the many huge problems they face. I was exhausted when I got back. I must pay tribute to Margaret Ewing, who led the delegation: I honestly do not know how she survived. I must also thank Roy Devon and Margaret Neal for all their extremely hard work.

I will mention just two of the projects we visited. The Mulanje mountain area is about one and a half hours south of Blantyre. It is an area that produces large amounts of tea. We visited the secondary school there and on arrival we were welcomed by the headmaster, Mr George Mangame, and Stuart Mill, who is there with Scottish Churches World Exchange. You can imagine my response when he said that he is from Fairmilehead in Edinburgh. He has been in Malawi for only a short time but he seems to love it. He

was teaching and fixing computers that were given by a school in Northern Ireland.

That school, like the others we visited, has a dedicated group of staff and pupils who are keen to learn. There are 100 pupils in each class. The school has desks, which are not that common in African schools, but four pupils share a desk made for two. There is a small library, but there is a desperate shortage of most learning materials and no photocopier.

We left that secondary school accompanied by Stuart and went on to Nansato primary school. On the way, I learned from Stuart that there are four volunteers at the school, also through Scottish Churches World Exchange: Paula, Angela, Emma and Shona Wilmott, who is from Leith. "What a small world this is," I thought. Stuart and Shona have just left school and are taking a year out. The volunteers pay their own way, including the considerable cost of inoculations and medical advice before they leave. Perhaps the Scottish Executive should consider meeting that cost—I ask the minister to consider that.

The primary school has 1,000 pupils. The head, Mr Chiromo, leads a happy school despite the serious lack of resources. Shona told us:

"There is no upper age limit in the school so we could be teaching kids from six to some as old as ourselves. Language is a considerable barrier but most are extremely keen to learn and behaviour in the school is extremely good."

We saw that for ourselves. Again, one teacher taught up to 120 pupils and not all the classrooms had desks.

The second project that we visited was the maternity unit at Bottom hospital in Lilongwe. I had been warned by Dr Graham Walker of Edinburgh royal infirmary that it would be an eye opener, but I was shocked and the delegation was emotionally drained by the time we left. It was, I have to say, awful. We were met by Mr Tarek Mguid and members of his staff. He gave us some facts about the maternity unit. It has 11,000 deliveries per year. There are two doctors and eight midwives. In comparison, the Simpson maternity unit in Edinburgh delivers 6,000 babies per year and has 38 staff on duty at any one time.

At Bottom hospital, the maternal mortality rate is 1,120 per 100,000. It is said that in 2004 it rose to 1,800 per 100,000. Such rates should be compared with the rate of 2,000 per 100,000 in medieval Europe. Has there been an improvement? There are only two midwives on night shifts and doctors will do at least one caesarean section a day, which means that unattended births are extremely common.

In Britain, the maternal mortality rate is around 12 per 100,000. Most western obstetricians will

probably never have seen a maternal death. The good news is that a fridge was about to be received in which about 40 pints of blood a week could be stored. It will be the first time there has been such a facility there.

The Advanced Life Support in Obstetrics charity is also helping. A doctor and eight midwives from Scotland—some of whom are in the gallery; I welcome them—will go to Bottom hospital in May to run a new course in obstetric emergencies for the staff. They are also fundraising so that conditions at Bottom hospital can be improved. There will be a ceilidh in the Assembly Rooms in Edinburgh on Saturday night—all members are welcome to come to it and spend money.

Bottom hospital needs a newly built maternity unit with new equipment, but how much will that cost? I asked the staff why they stayed. They said, "Who else would look after our people if we didn't work here?"

I welcome Jack McConnell's report and urge the generous people of Scotland to respond to the plight of millions of people in Africa. We should do what we can here to help people there to raise their living standards.

17:31

**Dennis Canavan (Falkirk West) (Ind):** I, too, had the honour of being a member of the recent CPA delegation to Africa. My first visit to South Africa was around 14 years ago. Then, I had the privilege of meeting Nelson Mandela, who had just been released from prison after 27 years. He was a national and international hero but, like every other black person in his country, he did not have a vote. The evil apartheid regime was still in power.

Who can ever forget the television pictures of the first democratic elections in South Africa? Old men and women and young women with babies on their backs queued up for many hours in the heat of the sun to exercise their hard-won democratic right to build a better future for themselves and their children. Mandela had given them a vision, and the ballot box was the means of turning that vision into a reality.

Over the past decade, there have been many changes in South Africa. Democracy has taken firm root and there have been significant improvements in areas such as health, housing and education. However, there are still huge problems. More than one in five of the population is infected by HIV, too many people are living in substandard housing and unemployment is intolerably high.

However, despite all its inadequacies, South Africa is one of the richest countries in Africa.

Malawi, on the other hand, is one of the poorest: there is appalling poverty, hospitals are overcrowded and schools are bursting at the seams. We visited a primary school that had more than 9,000 pupils. There were more than 100 children in each class. A typical classroom was beneath a tree. The head teacher kept order by using a megaphone. When it rained, classes had to be abandoned. Despite such difficulties, the school produced surprisingly good results.

The links between Scotland and sub-Saharan Africa go back many years to the pioneering work of Scottish Presbyterian missionaries. David Livingstone is still an iconic figure in Malawi and the Rev William Govan is fondly remembered as the founder of South Africa's Lovedale College, which has produced many teachers, nurses and missionaries and which now offers a wide variety of courses, including technical education and business studies courses. The Mamie Martin Fund is named after another Scottish missionary whose daughter—Margaret—now lives in Falkirk. It was established to help young women and girls to continue their education. Members of our delegation met some of its beneficiaries.

Much more needs to be done at the macro level as well as at the micro level. During the past 30 years, we have been living off the backs of Africans. For every pound that rich countries such as ours have put into Africa, we have taken out £17. The forthcoming G8 summit at Gleneagles is an opportunity for the richest countries to show that they are serious about taking more radical action to stop exploiting people in the poorest countries—action on debt, aid and trade.

Back in the 1970s, the same hotel in the Perthshire hills was the location of the signing of the famous Gleneagles agreement, which took historic decisions on sanctions that helped eventually to rid South Africa of the evil apartheid regime. Let us ensure that a new Gleneagles agreement lays the foundations for a new world order, including a fairer distribution of the world's resources. Gleneagles 2005 is a golden opportunity to eradicate world poverty so that all people on this planet have the dignity and the opportunity to build a better future for themselves and their fellow human beings.

17:36

**Dr Sylvia Jackson (Stirling) (Lab):** As one of the executive members of the Commonwealth Parliamentary Association, I welcome all our visitors to the gallery for the debate, which is part of our celebrations of the Commonwealth. I also thank Margaret Ewing for the motion that she lodged on behalf of the CPA executive.

I thank Roy Devon, Margaret Neal and the CPA secretariat for all their work on the report and all the preparatory work and input during the visit. No one has yet mentioned Keith Raffan's input to the visit. Although he is no longer in the Parliament, his input was huge. He was genuinely concerned about Africa, as well as the HIV/AIDS issue. I would like to put on record the fact that he made a considerable contribution to the visit and to changing its focus.

I am sure that Margaret Ewing will share my view, because we both supported the change in focus from just visiting parliamentary institutions to getting to the front line. We had to have a look at the education system and at the hospitals that need to be built, as Mike Pringle pointed out. I thank all the people we met. The programme was very well prepared. There were many meetings and some of them were quite intense for the delegation to Africa.

In essence, the objective was to make links between ourselves and organisations and groups in Scotland that are working out there on the front line, which included non-governmental organisations that are working in South Africa and Malawi. The millennium development goals have always been our main goals. Poverty, HIV and AIDS, good governance and transparency have all been mentioned, as well as the very big issue of free, quality education for all. We take that for granted but, as Karen Gillon graphically pointed out, people there do not have that at all. As Dennis Canavan was saying, sometimes a classroom can just be under a tree.

The initial discussions changed quite a lot, so that we were examining front-line issues. When we step outside and look at the photographs of the trip, members will get a better idea of some of the areas that the delegation visited. Of course it was also important for the delegation to build and reinforce parliamentary relationships, and we want to work closely with our colleagues, particularly through voluntary organisations.

I have spoken to Karen Gillon about her visit. I do not think that anyone can imagine some of her experiences. She described one hospital in which the lack of equipment meant that, if two babies were born at the same time, one could live while the other would have to die. That is just dreadful. As Mike Pringle said, we must do anything that we can to improve the situation.

Of the recommendations, which Margaret Ewing explained clearly, I thought that one of the most important was the proposal about encouraging professional and skilled workers to volunteer their input for projects in Malawi, in southern Africa and in other parts of Africa. Knowing the importance of the retired senior volunteer programme to the Stirling area, I am sure that we could extend

volunteering and use some of those skills over in Africa.

Recently, I attended a fair trade meeting in Stirling, at which I heard about the lack of teachers in Ethiopia. All of those countries are looking for solutions similar to the ones that we found are needed for Malawi and southern Africa.

The members who have spoken tonight about their visit to South Africa and Malawi have shown how worth while the visit was. Dennis Canavan highlighted the importance of the G8 summit. We have so much going for us at the moment that we must build on. As Margaret Ewing said, I am sure that the CPA executive and the wider CPA, which includes all MSPs, will try to act constructively on the recommendations.

Lord James Douglas-Hamilton summed it up when he said that we have a proud record that must continue.

**The Presiding Officer:** I call Michael Matheson.

17:41

**Michael Matheson (Central Scotland) (SNP):** Zikomo, Presiding Officer. That is the reply that we were often offered when we visited projects in Malawi.

I add my thanks to the work of the Parliament's external liaison unit. In particular, I thank Roy Devon and Margaret Neal for their efforts while we were in South Africa and Malawi.

In a country where people struggle against poverty, HIV/AIDS, corruption and malnutrition, the people of Malawi afforded us a generosity of welcome that exemplified why their country is known as the warm heart of Africa.

This is an important year for the international community, for Africa and for Malawi. As members have mentioned, the millennium development goals will be reviewed this year and the Commission for Africa's report has recently been published. In a year of such focus on Africa, Scotland has a clear role to play. Our visit to southern Africa could not have come at a more appropriate time. I hope that our delegation's report, which was produced on behalf of the CPA branch, will prove to be a focus for greater debate on the wider role that the Scottish Parliament and the Executive can play in international affairs.

Colleagues, few people are poorer and more marginalised than the 25 million people in Africa alone who find themselves infected with HIV/AIDS and the 13 million children there who have been orphaned because of the disease. However, such statistics can never reveal the real human tragedy that is caused by the scourge of HIV/AIDS. The battle against the disease was brought home to



me during our visit to Blantyre, where the Open Arms orphanage looks after some 42 babies and toddlers. Many of the children had been placed in the orphanage because their parents either had lost the battle with AIDS or were simply unable to care for them.

Two-year-old Jennifer—whose picture is on the board in the garden lobby—has been cared for in the orphanage for some time. She was born with HIV. Although she has reached the age of two, she is only now beginning the process of learning how to walk because, for the first two years of her life, her spleen was so enflamed and swollen that she was unable to stand up. She is now on antiretroviral drugs and is thriving like any baby would. However, the drugs will be provided only for three years and, as the nurse said to me, “Who will pay for her treatment after the three years of treatment have ended?”

Jennifer has a right to life like any other child, but her circumstances and where she was born determine otherwise. The battle against AIDS in Africa ought to be everyone’s battle. In this year of Africa, we must ensure that we use every means possible to put an end to the scourge that affects countries in Africa. I hope that the Executive will explore every possible opportunity to work with NGOs, voluntary organisations and individuals who are prepared to give their time and effort to go and work in countries such as Malawi with individuals such as Jennifer.

One of my strongest memories of Malawi is of the sheer enthusiasm of the children. We visited a school with a roll of some 9,500 pupils—if we were talking about twinning schools in Malawi with schools in Scotland, that school would need an education authority to match it, because of its size—but the children were thirsty for their opportunity to learn. Dennis Canavan mentioned the limited classrooms that they have, but that school is living up to the Commonwealth’s goal of creating opportunity and realising potential through education. It needs more support and assistance, and I hope that we will consider how we can support such schools through teacher exchanges and other methods.

On returning, I reflected on much of the debate that has taken place in the United Kingdom about the violent terrorist threat that our nation might face. Rich nations such as ours have a right to protect their citizens and society from such a threat, but poverty, too, is violence by another name. Every year, 10,000 children die from preventable illnesses, often caused by malnutrition and unsafe drinking water. I believe that feeding the hopes and the hunger of the poor will do much more to ensure stability and security in the world, and I hope that the G8 summit will use its visit to Scotland this year to seize that opportunity.

**The Presiding Officer:** At the beginning of the debate, I indicated that the minister was minded to extend the debate to 6.15 pm, if required. I now need a motion without notice to that effect.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended until 6.15 pm.—[*Mrs Margaret Ewing.*]

*Motion agreed to.*

17:47

**Mr Ted Brocklebank (Mid Scotland and Fife) (Con):** I add my thanks to Roy Devon and Margaret Neal for their excellent organisational skills during our recent trip. Despite some of the predictable media accusations, which Margaret Ewing mentioned, about junketing MSPs in Africa, I have to say that I can scarcely remember a less comfortable fortnight than the one that I spent in South Africa and Malawi. I am not referring to the mosquitoes or to the interminable journeys in Land Rovers with neither knee room nor suspension. I am talking about the uncomfortable disparities between members of our delegation, who in all the essentials lacked for nothing, and those whom we met, particularly in Malawi, who by and large have nothing. Margaret Ewing used the word “humbling” in her opening speech. I have to say that it was possibly the most humbling experience of my life.

As I wrote recently in the newspaper article that James Douglas-Hamilton mentioned, the original Scots missionaries who travelled to Malawi—then known as Nyasaland—in the wake of David Livingstone carried their coffins with them. So great were the risks of malaria and typhoid that they accepted when they set out that they would never set eyes on Scotland again. We visited the graves of those brave Scots who lie buried with their children at Blantyre, which is named after Livingstone’s birthplace in Lanarkshire. Ironically, coffin making is now the one boom industry in Malawi, as the country wrestles with an AIDS pandemic that has made countless children orphans and has produced an average life expectancy of just 37. Malawi, with a population that is more than twice that of Scotland and a landmass that is smaller than ours, is now one of the world’s 10 poorest nations, and despite AIDS the population is likely to double again in the next 25 years.

It is difficult to describe, as some have tried to, the scale of the tragedy. Through the Malawi Red Cross, I met 17-year-old Francisco, who is the head of his family following the death of his parents from AIDS seven years ago. He has two brothers and two sisters and he also looks after his grandmother. They somehow survive on what Francisco makes selling cigarettes and trinkets in the streets. In a village nearby I met Felista, who is

only 31. She has been diagnosed HIV positive. Her husband refuses to be tested and insists on having unprotected sex with his wife. The youngest of their three children is probably also HIV positive. Felista's life expectancy is estimated at two years.

I am sure that we all welcome Jack McConnell's announcement earlier this week of a substantial aid package. Much of it will go to Malawi—rightly, in view of the country's long connection with Scotland. I also commend the twinning and aid initiatives that were proposed in the report by the Commonwealth Parliamentary Association. However, Malawi's problems are so vast that new money will do little to resolve them. I fear that cancelling the nation's debt would be meaningless. It could be argued that writing off African debt might make its poorest countries worse off. According to the Organisation for Economic Co-operation and Development, cancelling or rescheduling debt repayments would simply affect the country's credit rating internationally and would therefore make the country liable to higher interest rates on future loans. Some of the world's poorest countries, including Laos, are vehemently opposed to rescheduling their debts for that very reason.

It would be more valuable, certainly in the case of Malawi, to encourage Scots with particular skills to go there—in the footsteps and tradition of Livingstone, if you like—to help to rebuild the country. That is already happening and I cannot speak too highly of the young people whom we met from all parts of Scotland who are doing great work as teachers, information technology experts, health workers and the like. What Malawi needs are our scientists, agronomists, engineers, retired businesspeople and basic tradesmen to impart their skills and help to avert what looked to me like impending tragedy on a colossal scale.

Having said that, I do not wish my speech to be unremittingly downbeat. I pay tribute to the Royal and Ancient Golf Club of St Andrews for the continuing excellent work that it is doing to expand Scotland's national game, golf, into ethnic Africa, including Malawi. It might seem odd to talk about sport—especially a seemingly elite sport such as golf—in the same breath as we discuss AIDS and malnutrition. However, sport can play a huge part in international understanding. The look on the face of 19-year-old Adam Siles, Malawi's top young golfer, as we handed over a dozen sets of golf clubs that had been donated by the R&A, said it all. Eighteen months ago, Adam earned a pittance as a caddy at Lilongwe golf club. Now, with a handicap of four, he is set to play in the South African open.

With those clubs, hundreds of other young Malawians will learn the game that allowed

generations of penniless Scots lads to break out of the poverty trap and carry the game worldwide. Let us hope that a future Tiger Woods will emerge from Malawi to contest the British open at St Andrews. That would be a fitting and continuing link in the remarkable partnership between Scotland and the warm but sadly bleeding heart of Africa that is Malawi.

17:53

**Mr Andrew Welsh (Angus) (SNP):** I thank my colleague Margaret Ewing for securing a debate on this topic. Margaret is a great singer and when she sings "The Freedom Come All Ye" she means it, not only for the Scots but for all the people of the world. As a lifetime member of the Commonwealth Parliamentary Association, I strongly welcome the debate on the Commonwealth and its role in Africa. In keeping with that theme, I will address the issue of Scotland's role in the Commonwealth and the role that individual Scots can have in making a difference in fellow Commonwealth countries, particularly in Africa.

It has been my experience that Governments, while they have an important role, must get local people involved. There must be local efforts by local people. In saying that, I call on the Scottish Government to use all the resources at its disposal to encourage this kind of humanitarian and fraternal assistance to developing Commonwealth countries. What is needed in Africa is an empowerment of its people through education and self-help.

Aid must be targeted not at Governments but at people. Programmes must have the following as their goals: empowering people; enabling people to participate economically; unleashing individual and community creativity; and effective, popular participation in the development process. Education gives people what they need to survive. It provides the skills, shared common values and awareness that are necessary to create a healthy modern society, it is important to farmers and city dwellers and it is imperative in creating any modern democratic state.

Let me relate to the debate on a more personal level. I am honoured to be the patron of an organisation that is run entirely out of Angus, and out of Arbroath in particular. It started up when the people of Arbroath were contacted by the Hon Dominic Ngombu, a member of Parliament in Sierra Leone, to help him with a project to rebuild a small town. Mr Ngombu was once a political prisoner in Sierra Leone, and he gained his freedom due to the efforts of the people of Arbroath and my intervention as their member of Parliament. Later, as provost of Angus, I had the privilege to welcome Dominic and his wife when

he came to thank us for helping him in his time of need. Later, he returned to Scotland as a minister in the Government of his own country.

Foindu is a town of 2,500 people and would not register in any international press cutting, but that does not make the plight of its people any less significant. Mr Ngombu formed a local agency in 2002 to help to reconstruct the agriculture of Foindu, and he requested help from his friends in Arbroath. The people of Arbroath responded by creating the friends of Foindu charity. We have helped to collect used and old library books donated by Angus Council and send them to Foindu. A youth worker has been appointed to help displaced youths who are former combatants in the civil war in Sierra Leone. Those youths are now key to rebuilding the local agricultural system. The rice drying floor has been restored and the rice store has been repaired. We are currently raising money to purchase rice threshers to make the farms more efficient. In Arbroath, the friends of Foindu has organised many events in the three years since the organisation was founded, including concerts, an African food night, raffles and a big-band concert.

I raise that example not because of my involvement with friends of Foindu, but because it is the kind of local initiative—targeted at local people—that is needed, and because it upholds the four principles to which I referred earlier. Such projects are not as romantic and grand as some Government initiatives, but they offer hope and solutions that are based on the expertise and drive of the Scottish nation, which are given freely to our brothers and sisters in the developing world.

Scotland is in a unique position in the Commonwealth. Let us now use our wealth, good will and expertise to good purpose, reaching across the ocean to the developing world, to help the people whom we now know about, thanks to our colleagues' report. It is now up to us to say what we can and will do to assist.

17:58

**Des McNulty (Clydebank and Milngavie) (Lab):** I congratulate Margaret Ewing and the CPA on securing this debate. I know from working with Margaret on support for asbestos workers what a doughty fighter she is for causes that she believes in.

There are many people in this chamber who believe that we have an opportunity to do something to transform at least part of the world: 2005 is a year of opportunities for Africa—a year when the countries of the western world can and must deliver for Africa and African people. This year, Scotland is the focus. I agree with Dennis Canavan on the importance of the Gleneagles

agreement in seeing the collapse of the apartheid regime. What a wonderful thing it would be if agreement at Gleneagles in 2005 led to the removal of crushing debt and the restoration of trade justice, which is so much needed by the people of the developing world.

It is not just this debate, this week, that is drawing attention to these issues in Scotland. On Tuesday, the Scottish Executive launched its international development strategy and yesterday, in Aberdeen, there was the Scottish launch of the Commission for Africa's report. What both those documents have in common is a commitment to working towards a strong and prosperous Africa and the recognition that that can be achieved only by mobilising the political will not just of politicians, but of citizens across western and African societies.

The Commission for Africa's report is an ambitious project. It calls for an increase in aid of \$25 billion a year by 2010 and a further \$25 billion a year by 2015. It calls for funding for a million doctors and nurses by 2015; an extra \$10 billion a year to prevent the spread of HIV/AIDS and to treat and care for people who are living with the disease; and the cancellation of 100 per cent of the debt in sub-Saharan Africa. It is bold, but that must be achieved if we are to save the lives of the 30,000 children who die every day solely because they are poor. The report is a tool that we should all use to argue the case for more and better aid, for trade justice and for debt cancellation. It is not something to sit on a shelf; it is something that we must go out and argue for as politicians, citizens and members of our community. Only by doing that can we make poverty history, which is what we must do.

As one of the founder members of the cross-party international development group of the Scottish Parliament, I have worked closely with MSP colleagues from other political parties and my own to bring international development issues to the Parliament. As recently as a year ago, there was a widely held belief that international development was someone else's responsibility, a matter reserved to Westminster. However, especially in the aftermath of Hilary Benn's visit to the Scottish Parliament last September—he was the first non-MSP to speak in the new chamber—the situation has changed. Hilary Benn told us that the needs of Africa are so great that there is work for everyone.

The Scottish Executive's policy document, which was launched on Tuesday, describes the contribution that the devolved Scottish Government can and will make, as well as the responsibilities towards developing countries that Scotland is going to fulfil. It is a huge step forward for our new Parliament and I am grateful to

Patricia Ferguson, the Minister for Tourism, Culture and Sport, and the First Minister for their efforts in driving the policy forward.

The policy will support Scottish NGOs that provide assistance during times of international crisis and ensure that our domestic policies have a positive impact on the developing world, with a specific emphasis on sub-Saharan Africa. What those countries need is practical assistance, practical aid and our engagement, in partnership with them, in ending their plight.

I would like to point out the advantages of, and the new thinking behind, focusing on some part of the agenda that we can help to deliver. Sometimes, the problems in Africa are just so overwhelming that people do not know where to start or, perhaps, they know where to start but do not follow through. If we engage in a partnership to address the problems in Malawi and see what we can do to build orphanages and schools, to train medical and other personnel, and to provide practical assistance there, we will do something differently from the way in which things are done at present.

Many member organisations of the IDG are involved with Malawians in working towards a world in which nobody fears poverty, lives in fear or is oppressed. I am thinking of organisations such as Christian Aid, the Church of Scotland board of world mission, Concern Worldwide, the International Institute for the Environment and Development, Jubilee Scotland, Mercy Corps Scotland, Oxfam, Save the Children, Scottish International Relief, the Scottish Catholic International Aid Fund, the World Development Movement and World Exchange. There are probably a good number of organisations that I have missed out of that list. That demonstrates the depth of commitment that exists in Scottish civil society towards doing something about this. We have set out in a positive direction and it is up to everyone in the Parliament to continue to move forward.

I did not take part in the visit to Malawi, but I was in Malawi two years ago and have seen for myself the problems it has with health, with poverty and with organising an operational political system. We can provide practical assistance and it is up to all of us at all points of the political spectrum in Scotland to co-ordinate and drive forward that effort. If we can make a real commitment to provide practical support to the people in Africa who need it, it would be to the credit of the Parliament and Scotland.

18:05

**The Minister for Tourism, Culture and Sport (Patricia Ferguson):** I, too, must congratulate Margaret Ewing on securing this debate on behalf of the CPA. I also congratulate her on her moving and informative article in *The Herald* last week. I very much welcome the opportunity to hear from the delegation about its visit to Malawi and South Africa and I look forward to studying its report and meeting the delegation members to discuss what they have learned in more detail.

I welcome the report because I believe that the issues facing Africa should be close to the heart of the Parliament and rightly deserve to be discussed in this chamber. The Scots have always been an outward-looking people and our new Parliament has given us the opportunity to refresh Scotland's connections with the world and to consider our place in it. As modern Scotland is part of the rich and prosperous world, our people have seen improvements in their income, their health care and their prospects. However, we are determined to play our part in supporting countries whose development is far behind ours.

As colleagues know, responsibility for foreign policy and international development in our country lies with the United Kingdom Government; however, we believe that all levels of government can and should contribute to tackling the misery of global poverty. On Tuesday, the First Minister launched our new international development policy for Scotland, which sets out the contribution that the devolved Scottish Government can make and our responsibilities towards developing countries. The policy builds on our long-standing historical role of looking beyond our borders and acknowledges Scotland's collective efforts and aspirations as a prosperous but caring nation to play its part in tackling global inequality.

We in Scotland are determined to make a difference for Africa and to do our bit as part of the UK's effort. We will focus our efforts and resources to ensure that they have the best possible impact. We will look to support the good work of Scots who are helping the world's poorest people to tackle those vicious circles that trap them in poverty. Malnutrition, AIDS, conflict and illiteracy are a daily reality for millions of people around the globe; however, we have a real opportunity to change that reality.

As much of our work will centre on Malawi, I was very interested in Mike Pringle's comments about the Bottom maternity hospital in Lilongwe, which the delegation visited on its trip. I understand that the hospital has some of the worst conditions in the world: it is dirty, crowded and lacking in basic equipment, and it appears that only the enthusiasm and dedication of its small number of staff hold it together. If we distil his statistics, it

appears that a woman who gives birth there has a one in 27 chance of dying. In comparison, the figure for Scotland is virtually nil.

As Mike Pringle said, there is real cause to hope that the situation at the hospital could get better soon. A group of doctors and nurses from the Simpson maternity centre at Edinburgh royal infirmary is already planning to travel there and to revitalise the hospital by using their knowledge and skills to offer the staff first-class training. Like Mike Pringle, I welcome that dedicated team of Scottish medics to the chamber. They have an opportunity to make a difference and they are seizing it; they are taking the best Scottish knowledge and sharing it with the world. I am pleased to note that their visit is likely to coincide with the First Minister's visit to Malawi.

I envisage that the international development policy will support such good work. It will focus on Scotland's key strengths and values, and we will aim to transfer Scottish knowledge, skills and expertise to the areas where they are most needed. Our priorities of education, health and civil society development are designed to contribute to meeting the needs identified by the millennium development goals.

Moreover, with our proud record of women's representation, we can play a particular role in building the capacity of and supporting women's engagement in development and change. We know that women around the world often get the worst of what is already a poor deal. In sub-Saharan Africa, they produce up to 80 per cent of the basic foodstuffs, yet the same women often get little recognition for that. In fact, many go unpaid, while their daughters are even less likely to go to school than their sons.

As a prosperous nation, rich in talent and skills, we have a clear obligation to help to tackle those problems. We will back the policy with a development fund. We will increase the capacity of Scotland's non-governmental organisations and charities that work in developing countries or in disaster relief.

The policy will also focus on helping us to raise awareness of international development issues more widely. In particular, in our schools, the aim is that future generations of Scots will become more aware of the diversity of our world and our place in it. As colleagues might know, the First Minister recently launched a competition for Scottish schools that will culminate in the winners visiting Malawi with him.

By publishing our international development policy now, we hope to build on the momentum that will be generated by this year's G8 summit, but it must not end there; our involvement must continue.

We welcome in particular the publication of the Commission for Africa report last Friday. The report challenges us all. It is an important step, but it is only a first step. In the months leading up to the G8 summit, we all have a responsibility to ensure that the issue is driven up the agenda and debated fully. Hosting the G8 summit is a major responsibility for a small country such as Scotland and for our local authorities and other public bodies. However, it is also a privilege and a great opportunity.

We all know that Africa is the foremost development challenge facing the international community today. The divide now between rich countries and poor countries is greater than it has ever been. The Parliament and the Executive have identified a common goal on which we have the opportunity to work together to change and make a difference.

It is wrong, when so many have too much, that others have no access to education, medicines or clean water. There can be no excuse and there should be nothing that stands in the way of this generation doing something really remarkable to change things. In 2005, I believe that, by working together, we can do that.

*Meeting closed at 18:13.*



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