

# **MEETING OF THE PARLIAMENT**

Thursday 21 April 2005

Session 2

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## Scottish Parliament

*Thursday 21 April 2005*

[THE PRESIDING OFFICER *opened the meeting at 09:15*]

### Business Motion

**The Presiding Officer (Mr George Reid):** Good morning. The first item of business is consideration of business motion S2M-2717, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Gaelic Language (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during Stage 3 of the Gaelic Language (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time-limits indicated (each time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when the meeting of the Parliament is suspended or otherwise not in progress):

Groups 1 and 2 – 30 minutes

Group 3 – 55 minutes

Groups 4 to 6 – 1 hour and 15 minutes.—[*Ms Margaret Curran.*]

*Motion agreed to.*

## Dental Health Services

**The Presiding Officer (Mr George Reid):** The next item of business is a debate on motion S2M-2708, in the name of Roseanna Cunningham, on behalf of the Health Committee, on access to dental health services in Scotland.

09:16

**Roseanna Cunningham (Perth) (SNP):** Members of the Health Committee, like members throughout the chamber, have been concerned by the extent of the anecdotal evidence of a perceived decline in access to national health service dentistry services. The committee thought it appropriate to have a more objective assessment of the situation than was available, so in April 2004 it commissioned researchers from the Guy's, King's and St Thomas' dental institute in London to conduct a survey of Scottish dentists. Their remit was to identify the contribution of dentists to the provision of NHS dental services in Scotland and to identify areas where the availability of services is insufficient to meet need or demand. The report and conclusions were published on 1 February 2005.

On behalf of the Health Committee, I thank Professor Tim Newton, Professor Alison Williams and Dr Elizabeth Bower for their comprehensive piece of work, which I hope will form the basis of a serious examination of some of the real difficulties and shortcomings facing NHS dental provision throughout Scotland. I also thank the clerks to the committee for all their assistance and hard work.

The research is extremely thorough. I will take some time to present the main findings of the report to the chamber, with a detour here and there, as members might expect, into my experience as a constituency MSP who receives complaints from constituents who are unable to access dental services.

The purpose of the exercise was to find the facts behind what we knew to be the reality of some of our constituents' experiences. Stories abound of queues down the street when a dentist announces that he or she is taking on NHS patients or, worse, restricting his or her NHS list on a first-come, first-served basis. There was just such a story in *The Herald* on Tuesday. The sole remaining NHS dental practice in Stranraer announced that it was going private and would be offering NHS treatment only to children and existing NHS patients. That dentist had nearly 3,500 patients, a great many of whom queued outside the surgery to join the private scheme, which has been restricted to only 1,000 members, leaving 2,500 people disappointed. The question is where those people are to go. Of course, Stranraer is not alone in experiencing such a situation.

The report identifies a number of problems in relation to access to dental services and flags up the difficulties that could arise with the implementation of the Executive's policy on free oral health checks unless dentists can be encouraged to increase the amount of time that they spend treating NHS Scotland patients over the next two years. Frankly, there is little sign of that happening, either from past performance or from indications for the future. In the past two years, just over one in 10 dentists in Scotland have increased the number of NHS hours that they work, while more than a quarter have decreased their NHS hours. Only 3.5 per cent of primary care dentists have stated that they intend to increase the amount of time that they spend treating NHS patients in the next two years.

It may come as a surprise to members that insufficient information is available at health board level on a whole range of indicators, such as numbers of dentists; the number of dentists who are accepting new NHS patients; distances travelled by patients for primary and secondary dental care, which is pretty fundamental, especially in rural areas; the availability of evening and weekend appointments; access for groups with special needs; demand for dental services; and recruitment and retention of all dental staff. That is all basic information, yet it is not readily available.

We know some things, however. The researchers established that the dentist to population ratio for Scotland as a whole was 5.57 NHS dentists per 10,000 population, although when part-time provision and the provision of private services were taken into account the figure fell to 3.52 NHS dentists per 10,000 population. However, there are significant variations. Surprisingly—I say that because most committee members were surprised—the highest dentist to population ratio was in greater Glasgow and the lowest was in Dumfries and Galloway. Presumably, the news from Stranraer means that the figures there have got even worse.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Roseanna Cunningham will remember that those statistics relate to health board areas and that in committee I made the point that, on a local authority basis, Aberdeenshire was more badly hit than any other area.

**Roseanna Cunningham:** Yes. There is an issue with how the figures operate, because they relate to health board areas, not local authority areas or, indeed, constituency areas.

There is also wide variation in the proportion of time that dentists in different health board areas spend providing NHS services, ranging from 99.5 per cent in the Western Isles to 64.5 per cent in

the Highlands. In the recent past, 26 per cent of dentists have decreased their NHS time. Significantly, that proportion was greater in general dental practice. Members might think that that is stating the obvious, but the research report states:

“Registration rates were significantly higher in areas where there were more GDS dentists available, suggesting that increasing the dentist to population ratio in an area is a way of improving the utilisation of services in that area.”

That means that the more dentists there are, the more likely people are to go to the dentist. Given the appalling state of Scotland's dental health, that has to be an immediate area of concern.

Scotland has a slightly higher dentist to population ratio than the United Kingdom as a whole, but that has to be seen in the context of our far higher levels of remoteness and rurality. When we compare ourselves with other European countries, there is no need to adjust the figures to take those factors into account. In Denmark and Norway—the two countries in Europe that are most comparable to Scotland in terms of population and geography—the dentist to population ratios are more than twice that in Scotland. We have a long way to go to catch up.

When we turn to accessibility issues, we find that 58 per cent of primary care dentists are offering appointments to new child patients. That is all well and good, but it means that 42 per cent are not. Moreover, only 37 per cent are accepting all categories of adults as new NHS patients. Again, that varies throughout the country, with Orkney dentists accepting the highest proportion and Borders dentists accepting the lowest proportion of new NHS patients. More than 80 per cent of Borders dentists are either not accepting new patients or have a waiting list.

There are problems with access to NHS specialist services in rural and urban areas, with long waiting times for some specialties in Lothian, greater Glasgow, the Borders and Dumfries and Galloway. More than half of specialist practitioners are not accepting new patients or are using a waiting list. The point must be made that the public are prepared to travel for specialist services, but they are not prepared to wait for them. As I said, only 3.5 per cent of primary care dentists intend to increase the amount of time that they spend treating NHS patients in the next two years. It is worth thinking about that in the current context.

No single incentive to increase NHS commitment from dentists was favoured by an overwhelming majority of practitioners. The most frequently endorsed incentive was a significant increase in the fee per item of treatment. Moves to a salaried contract or a capitation arrangement are less popular and there seems little likelihood of retired dentists being attracted back into work.

That means that the significant increase in NHS provision that is required to meet pledges to make free NHS check-ups available to all by 2007 is unlikely to be achieved with the range of incentives that are currently available.

The report provides a summary of the performance of each health board in relation to NHS dental services, in terms of availability, accessibility and accommodation. I have no doubt that members went straight to that information as they tried to figure out how provision in their constituencies compares with provision in the rest of the country. If members have not found that information, I can tell them that it is on pages 6 and 7, just before the brightly coloured map that will help to orientate them.

Of course, everything is relative, as Mike Rumbles suggested. Tayside, where my particular interest lies, appears on paper to be better served than some areas. However, I will give an example of what can happen in one of the so-called better-served areas. I have a constituent who needed to have a front crown replaced. She cannot afford to go private. Because she works in Stirling, she called dentists in Stirling, Dunblane, Bridge of Allan and Perth, with no success. She managed to get her family placed on the waiting list of a practice in Perth, but she was told that she would have to wait at least until August before anything came up.

Eventually, a week after her tooth had fallen out, she called the dental hospital in Dundee but, because the crown pin had fractured, the hospital advised her—wait for it—to get a dentist. She sat outside the dental hospital calling dentists in Dundee until she finally found one who was taking NHS patients. She had her crown fixed at a third of the private price. She is relieved about that, but now faces a long round trip to take herself or her children to the dentist. Given that she works in Stirling, she will presumably have to take most of a day off work. Simply put, the best that there is—Tayside is one of the better-served areas—is just not good enough.

On 17 March, the Executive published its “An Action Plan for Improving Oral Health and Modernising NHS Dental Services in Scotland”. In a letter to me on 4 April, the Deputy Minister for Health and Community Care welcomed the research report and provided the Executive’s response to its findings. I have three questions arising from that, which I hope that the minister will address either during the debate or afterwards.

First, the minister acknowledged that better information is required at a local level to address supply and demand issues for NHS dental services. The Executive’s action plan gives NHS boards responsibility for planning and securing the provision of NHS dental services, including

improved information. The main focus is to be on those people with the greatest need—that is, children and older people. My question to the Executive is: how is greatest need to be assessed, in the absence of adequate information?

Secondly, the minister indicated that the availability and access issues that are raised in the report will be addressed in the national workforce plan to be published in June 2005. Would she care to give an indication of how quickly she believes the plan can be expected to have an impact on dental services in Scotland?

Thirdly, on recruitment and retention, the Executive has indicated that it plans to increase Scottish dental schools’ output of dentists and to offer dentists incentives to return to Scotland. The minister also wants to recruit from outwith Scotland and intends to increase the remote areas allowance from £6,000 to £9,000. Once again, I ask whether the minister can give us a timetable for when those plans will begin to have a real impact, because that will be important to people’s perceptions of what is happening throughout Scotland.

The research that the Health Committee commissioned offers a comprehensive snapshot of the views and experiences of NHS dentists in Scotland. Ministers and members would do well to reflect on what it tells them, particularly about incentives. I highlight a comment from one respondent on incentives:

“Stop access money for young dentists to allow them to set up a new practice around the corner from the retiring practitioners desperate to sell.”

There must be logic in the way in which the incentives are applied.

The Health Committee recognises that, through the development and publication of the action plan, the Executive has begun to take action on the issues that are identified in the report. However, I am concerned that that action is not enough to tackle the depressing picture that is painted in the final summary of the report. As the report says, the Executive’s pledge of free check-ups for all by 2007

“is going to be difficult to fulfil”.

Plans to use retired dentists are

“unlikely to be successful”.

Moreover, the significant increase in NHS Scotland provision that is required to meet the Executive’s pledges is

“unlikely to be achieved with the type of incentives currently available”.

Finally,

“a broader national strategy is required to ensure that the majority of practitioners receive adequate incentives to commit to NHSScotland”.

We are all aware of the problems with access to NHS dental services. By commissioning the research and sponsoring today's debate, the Health Committee hopes to highlight the issues that require to be addressed and to make a positive contribution to the solutions. We will continue to monitor progress.

I move,

That the Parliament commends to the Scottish Executive the research report, *Access to Dental Health Services in Scotland* (SP Paper 277), commissioned by the Health Committee; draws the Executive's attention to the problems of access to services that the report identifies and their implications for the introduction of free dental checks, and urges the Executive to use the report to inform the implementation of its dental strategy.

09:29

**The Deputy Minister for Health and Community Care (Rhona Brankin):** We all agree that Scotland has a continuing need to improve oral health, especially among children and in deprived communities. Indeed, in deprived areas of Scotland, more than 60 per cent of children have dental disease by the age of three. That is simply not acceptable.

As members know, last month I launched in the Parliament a three-year action plan for improving oral health and modernising NHS dental services in Scotland, which is backed up by new and additional funding of £150 million. That is the single biggest investment in NHS dentistry ever—no Government in history has invested so much in Scottish dental care. The results will speak for themselves: by 2008, Scotland will have 200 extra dentists; an additional 400,000 patients will have access to an NHS dentist; and there will be more dental professionals in training in Scotland than ever before.

However, improving our country's oral health is not just about more money and more dentists. To make a real impact, we must give priority to preventive measures. We have consulted on the case for adding fluoride to water and it is clear that views in Scotland are strongly polarised. We have developed a practical action plan that leads the way on dentistry in the United Kingdom and includes the biggest supervised toothbrushing programme in Europe.

**Alex Fergusson (Galloway and Upper Nithsdale) (Con):** In countries such as Denmark and Sweden, specialised dental health educators supervise children's toothbrushing sessions. Will the minister expand on the plans in Scotland? Who will supervise such sessions and train teachers on how to provide information to children?

**Rhona Brankin:** That is a good point. At the moment, there is a variety of ways of supervising

toothbrushing. In some schools, dental hygienists supervise it, but we are conscious that, if the programme is to be rolled out to all nurseries—and, indeed, into the early years of primary schools—we need to consider using training supervisors who are members of the core school staff, such as support workers and teachers who manage nursery schools and early-years provision. I need to be able to work with my education colleagues to ensure that that is rolled out. Also, in the context of health-promoting schools, we need to ensure that the toothbrushing schemes form part of the assessment of the schools' effectiveness in promoting health. The schemes are hugely important, but we need to ensure that there are adequate training and support.

The provision of dental services throughout Scotland remains a challenge; Roseanna Cunningham mentioned some specific challenges. The number of dentists in Scotland has increased by 70 per cent since 1975, but we still need to do a lot more. We are training new staff in the professions complementary to dentistry, such as dental hygienists and therapists—again, Scotland is leading the way in the UK on that. However, the demand for dental services is also changing and people expect much more in terms of what dentistry can offer. People are living longer and more people are retaining their teeth into older age. The nature of treatment is changing and much more complex treatments are required.

I put on the record my support for dentists who are committed to NHS dentistry—that remains the majority of dentists in Scotland. In recent months, we have seen a small number of dentists turning their backs on the NHS. Roseanna Cunningham mentioned the dentist in Stranraer going to work in the private sector.

**Alasdair Morgan (South of Scotland) (SNP):** The minister was due to visit that dentist but she cancelled the visit. Would it not be appropriate for her to go ahead with it, if necessary to talk to the dentist to find out his reasons for leaving the NHS and, more important, to talk to some of the patients who are stranded in Stranraer with no access to an NHS dentist within a reasonable travelling distance?

**Rhona Brankin:** I will be absolutely frank with the member. I thought that it was important, on my visit to Dumfries and Galloway, to meet dentists who are committed to the NHS. Frankly, I was appalled by the behaviour of that dentist. What he did seemed to me to be no more than a political stunt. It is not good enough for the people in Stranraer to be treated in that way. It is not good enough for dentists to be able to train at the expense of the public purse, to build up an NHS list, to build up the trust and confidence of patients



in Stranraer and then to walk away. Patients deserve more than that. I went to visit a dentist in Castle Douglas who works with the NHS and is an excellent example of the dentists who are committed to NHS treatment in Scotland. I make no apology for doing that.

Some dentists are selective in choosing whom to treat under the NHS. For example, some dentists force parents to go private before agreeing to provide NHS dental care for their children. That is simply not good enough. It is not good enough for dentists to train at the taxpayer's expense to build up that confidence. Patients deserve high-quality treatment under the NHS.

I know that the vast majority of NHS dentists are committed to their patients and to the NHS. I thank them for that. Their loyalty will be rewarded through the record £150 million package of measures that we announced. We want to restore the balance, so that patients who want NHS care can receive it from dentists who are supported by, and committed to, the NHS in Scotland.

The challenge before us is to secure a dental workforce to meet the demands for NHS dental services. We will do that by increasing the supply of dentists and the supply of people who work in professions complementary to dentistry. As well as expanding the salaried dental workforce in the NHS, we will continue to offer financial incentives to secure dental practices in rural areas and in areas of deprivation. We will also set national care standards for private dentistry and for independent health care. We will seek to protect the interests of patients in whatever dental services they seek under the NHS.

In that context, I very much welcome the report "Access to Dental Health Services in Scotland", which the Health Committee published on 1 February. The information in the report is a helpful addition to the work that the Executive is undertaking on workforce issues. The report also complements our major consultation on modernising NHS dental services in Scotland. The Executive has already taken action on one of the report's main recommendations, which is on the need to adopt a broader national strategy for dental care in Scotland.

On the other issues that the report raises, we entirely agree with the report that better information is required at a local level if we are to address the requirements for NHS dental services, particularly high street services. That point was also made by Roseanna Cunningham. As part of our action plan, NHS boards will be given clear responsibility for the planning and securing of the provision of services to address local needs and will be required to improve the information that is available. Those requirements will be reinforced by health ministers through the performance and accountability review process.

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

How can the Executive ensure that the £150 million of resources that have been allocated will meet the priorities, given the distinct lack of information that the Executive was working on, as is confirmed in the report?

**Rhona Brankin:** There is no doubt that we need to get better at acquiring information, but we have enough information at the moment to be able to plan with NHS boards. We are only too aware of the shortfalls that exist in areas such as the Highlands, which the member represents. During my visit to Inverness, I learned at first hand about the plans for an outreach training centre to ensure that young dentists can train in the Highlands and, we hope, choose to work there in the longer term. We have information at the moment, but we need to get better, smarter and more detailed information.

In recent weeks, I have made a series of visits around Scotland to hear at first hand how NHS boards intend to improve dental services in their areas and how they will play their part in dental outreach training in Scotland. The dental outreach programme will be hugely important for Scotland's more rural areas. It will allow dental students and students in professions complementary to dentistry to gain first-hand experience of working in rural communities. It will create opportunities for an enriched working experience both for the dental professionals involved and for the students. NHS Grampian is on course to meet our partnership commitment of establishing a dental outreach training centre in Aberdeen during 2006. It is also working actively on recruiting more dentists to improve access.

In the past year, NHS Highland has been successful in recruiting 16 NHS dentists and is developing outreach in Inverness. Moreover, NHS Dumfries and Galloway is currently putting together a business case for the establishment of a multisurgery dental centre in Dumfries. The dentists whom I met in Dumfries the other day told me that, within the next couple of years, the multisurgery dental centre will be able to have 13,000 patients on its books. In the longer term, that figure could be doubled, but talks are continuing. Those are only a few practical examples that demonstrate the importance of having local commitment to NHS dental services that is backed up by national support.

The Executive acknowledges the report's findings on variations in registration rates and the problems of access to NHS dental services in parts of Scotland, particularly in rural areas. To provide support for dentists in rural areas, we have increased the annual remote areas allowance from £6,000 to £9,000 as of 1 April this year.

We acknowledge that workforce planning is vital to the successful delivery of dental services in

Scotland. We have put in place arrangements for such planning at national, regional and local level. It is intended that the national workforce plan 2005, which should be published in June, will be followed by plans for all NHS boards and for the three regions.

Although the number of dentists in Scotland has increased by 70 per cent since 1975, we estimate that we have a shortfall of around 200 dentists. In part, that is a result of the Conservative Government's decision to close the Edinburgh dental school in 1996. A number of measures that are unique to Scotland have already been introduced to improve the recruitment and retention of dentists in the short to medium term. Those measures are starting to pay dividends, as an extra 50 dentists have already been recruited.

Although professions complementary to dentistry are not dealt with specifically in the report, they are mentioned as an important element in workforce planning. We believe that a comprehensive approach to dental services that maximises the contribution of all members of the dental team is vital to improve access to services. Given the report's suggestion that the employment of dental therapists can improve dentists' output or productivity by 45 per cent, the contribution of such professions is hugely important.

The need for local flexibility is recommended by the report to allow problems of access to be addressed at local level. From 1 April, NHS boards have had authority to appoint salaried general dental practitioners directly. That should provide the additional flexibilities that the report suggests.

I am aware that, as Roseanna Cunningham mentioned, the report expresses concern that we will find it difficult to fulfil our pledge to provide free dental check-ups for all by 2007 without a significant increase in the number of dentists who provide NHS services. There is no doubt that the target is challenging, but I am convinced that the measures that I have outlined will mean that we can recruit and retain enough NHS dentists to meet the pledge.

The additional £150 million that I have announced means that, by 2007-08, we will spend some £350 million on dental services in comparison with the £200 million that we currently spend. That represents an increase of 75 per cent. Over the three years, that funding will build up from the current base to £245 million, £300 million then £350 million. Cumulatively, that amounts to nearly £300 million extra. That record investment is backed up with a comprehensive action plan that will take forward the work on improving oral health and dental services.

I have also announced further measures to support NHS dental services. From April, we have

doubled the general dental practice allowance, which supports practice costs. This year, we are providing £5 million of practice improvement funding. In addition, we will provide recurring financial support for existing dental premises and for information technology.

To sum up, we do not underestimate the challenge in securing better access for patients to NHS dental services. However, the measures in our action plan represent the most substantial programme of work ever undertaken to address our poor oral health record. I welcome today's debate and look forward to working with the Health Committee on this important issue.

09:44

**Shona Robison (Dundee East) (SNP):** I pay tribute to those who worked on the report and to the committee clerks for their input. The report is an excellent piece of research, which has informed the committee's thinking and provided important statistical evidence on the challenges that we face in tackling the crisis in NHS dentistry.

The report found that 42 per cent of primary care dentists who currently treat children are not accepting new child patients or are using a waiting list. A quarter admit to scaling down their NHS commitment and only 3.5 per cent of primary care dentists say that they intend to increase the amount of time that they spend treating NHS patients over the next two years. If one statistic in the report should make us sit up and take notice, it is that one, because it shows what the future holds unless the situation is turned around.

As Roseanna Cunningham said, the report concluded that the Executive's flagship pledge to give free dental checks to everyone by 2007 will be difficult to meet without a significant increase in the number of NHS dentists. The report also made it clear that the minister's plans to use incentives to lure retired dentists back to work in the NHS were unlikely to be successful. It stated:

"A significant increase in *NHSScotland* provision required to meet pledges to improve access to dental services is unlikely to be achieved with the type of incentives currently available".

That is a very strong message to the minister.

Since the report was published and since the Scottish National Party held a debate in the Parliament on NHS dentistry, we have had the long-awaited response from the Executive to the consultation, much of which was to be welcomed. The investment promise for NHS dentistry was certainly welcome, because one of the key problems has been the chronic underinvestment in NHS dental services over the years, including the years of this Executive. Nevertheless, the investment that has been announced is welcome

and I hope that it will deliver improvements in the areas in which we need to see improvement.

The crucial question is whether the negotiations with the dental profession will result in agreement being reached to recruit people to, and retain them in, NHS dentistry. The negotiations on the fee level are particularly important, because the issue comes down to a basic economic argument that, unless NHS dentistry becomes more attractive and rewarding, more and more dentists will leave the NHS to go to the private sector where they can do less for more money. The intemperate language that was used by the minister in attacking the dentist in Stranraer who has left NHS dentistry is not at all helpful. We need to persuade dentists to remain within the NHS. Persuasion is the way forward, rather than launching an attack on an individual dentist.

**Mr Duncan McNeil (Greenock and Inverclyde (Lab)):** Does the member approve of the actions of the dentist in Stranraer last weekend? Does she approve of the ultimatum that he gave to loyal patients, who had to queue in the rain to get back on a reduced list? Does the member approve of his actions? Yes or no?

**Shona Robison:** That is not the point. If we are to persuade dentists to stay in the NHS and persuade dentists who have left the NHS to come back, it is not helpful to castigate those dentists and put them all in the same boat by saying that they have deserted the NHS. The minister has a job to do to persuade all those dentists to come back. The Scottish NHS Confederation stated:

“more of a challenge will be persuading established and more experienced GPs to return to or to continue treating NHS patients.”

How will the minister's intemperate language achieve that?

**Rhona Brankin:** The minister has announced £150 million of additional funding, which is the biggest-ever investment in NHS dentistry. Within a few weeks of that announcement, a dentist declares that they are going private. Does the member support the action of that dentist, following the announcement of £150 million? Yes or no? Or does she support the patients?

**Shona Robison:** The minister misses the point. The individual dentist is not the issue. The issue is those who have gone before and those who may come after and make the decision to leave the NHS. The minister must get to grips with that issue, rather than shout at an individual dentist. That is not the point: the issue is dentists who may leave in the future. The minister must focus her priorities on persuading dentists to stay within the NHS. Her language today has not helped.

**Alex Fergusson:** I agree with Shona Robison's comment about the language that has been used.

I will address that in my speech. Does she agree that the endless stream of dentists who appear to be opting out of the NHS has less to do with money and considerably more to do with working conditions, bureaucracy and regulation?

**Shona Robison:** The two go together. Those dentists do not have quality time with their patients and they are run off their feet. If dentists can do less work for more money in the private sector, that situation must be addressed; if it is not, the problem will continue.

The British Dental Association has made it clear that unless there are major changes in remuneration for work that is done, there will not be enough dentists to implement the report's proposals, which are very good. How are the negotiations going with the dental profession on the fee level? They are crucial to the delivery of the many good things that the minister announced last month.

Many premises urgently require to be improved, and another mechanism to encourage dentists to remain or do more within the NHS is to provide assistance with infrastructure costs. For many dentists, the overhead costs do not make it financially viable to do more NHS work. That issue must be addressed. The Executive's commitment to provide more assistance for premises is certainly welcome. We must ensure that that is delivered as quickly as possible.

We must increase the dental workforce. Comparison with other small European countries, such as Denmark or Norway, which have double the dentist to population ratios that Scotland has, shows that Scotland is lagging behind. The BDA estimates that at least 215 additional dentists will be required if the Executive is to keep its pledge on free oral health assessments. We have had a commitment from the minister on the number of salaried dentists. How many additional salaried dentists does she hope will be delivered by the end of the year and what progress will be made after that?

We need to expand the workforce numbers, not only of dentists but of professionals complementary to dentistry, because they can take on much of the work—particularly the preventive work that we have all been talking about—and leave dentists to do the more complex work. Investment in training and education is required to achieve that.

Workforce shortages are the key. I was particularly pleased to see the golden handcuffs proposal to commit dentists to working for the NHS in return for being given a bursary during their training. That is exactly what the SNP proposed for medical students, but the proposal was criticised and dismissed by the Deputy First

Minister. I am glad that the Executive has changed its mind on that and has seen the sense of the proposal.

**Rhona Brankin:** Will the member take an intervention?

**Shona Robison:** No. I am running out of time.

The SNP believes that more needs to be done to expand the workforce and therefore supports the development of a third full dental school in Scotland. If we require evidence of the need for that, the total number of applications for entry to dental schools in 2005 was 1,044, but 152 places were available. There were 550 applications for 85 places at Glasgow dental school and 494 applications for 67 places at Dundee dental school. Those applicants are all potential dentists of the future. It is clear that they are qualified to train as dentists, but they cannot do so because of a lack of places at dental school. That highlights the need to secure an extra dental school. The SNP is committed to doing that.

The preventive measures that the minister outlined in her plan are important. I highlight one that jumped out at me, which is to

"Implement new schemes to promote registration and associated preventive activity from birth".

We need to get children registered with a dentist at as young an age as possible, but that will happen only if there are more NHS dentists to do the work. The situation is a classic catch-22, which the minister and the Executive must resolve in order to deliver some of the good things that are in the plan.

09:54

**Mrs Nanette Milne (North East Scotland) (Con):** I joined the Health Committee as the report was being published. I commend the committee for commissioning the report, which gives a clear snapshot of current dental services.

The debate comes at a time when NHS dentistry has reached crisis point in some parts of Scotland. In Grampian, it is virtually impossible to find a dentist who is willing to take on new NHS patients—even children. Dentists are still leaving the service this week, as we have heard from several members this morning.

My dentist went private six months ago. He did so not to make more money, but in the hope of losing around 200 patients from his practice list so that he could get off the treadmill of drilling and filling teeth and devote more time to his patients' oral health. At the same time, he could gain a more stress-free life.

Once dentists have moved out of the NHS and found a better quality of life, they are unlikely to

return. A dentist who had moved out of the NHS recently told me that they now have a well-run practice and a manageable number of patients, whom they have time to care for. Most important, they have stability and no longer depend for their living on the whims of Government policy, which can change from election to election every five years or so. They said that they would never go back to the NHS.

**Rhona Brankin:** What is the Conservative party's policy on private dentistry?

**Mrs Milne:** Dentists are contracted to the health service. It is up to them whether to work for the NHS or opt to go private—that has been a long-standing situation. If it were to change, getting dentists into the NHS would be even more difficult.

The report that was commissioned by the Health Committee revealed an astonishing lack of data at health board level on adult oral health, the recruitment and retention of staff, the demand for general, community and hospital dental services and other matters. Without such basic information, it is hard to see how supply and demand issues for NHS dental services—particularly for general dental services—can be properly addressed.

The report confirmed that there are particular problems with accessing NHS dentistry in rural areas; that only 3.5 per cent of primary care dentists intend to increase their NHS commitment over the next two years; that there is a problem with retaining dental nurses; and that 62 per cent of retired dentists—many of whom have retired early—could see no incentive that would induce them to return to providing NHS Scotland dental services. Furthermore, the rising proportion of women in the profession, with their desire for career breaks and shorter working hours, is an increasingly important consideration in service planning and delivery.

On top of an increasingly female workforce and the pressures of early retirement, too many dental graduates still leave Scotland once their training is complete. In addition, the current complex system of charging certainly needs to be replaced by a new system that is easy to operate, transparent, easy to understand and less bureaucratic. The short-term measures that the Executive has introduced recently to try to alleviate the current crisis have not solved the problem. Urgent measures are needed if NHS dentistry is to survive in Scotland.

The Executive's pledge to provide free dental checks for everyone by 2007 sounds attractive, but it is generally accepted that the pledge is unlikely to be met by the dental workforce that is currently available. Modern dentistry—which goes far beyond the identification and repair of holes in teeth to include lifestyle and preventive advice and

the needs of the patient as a whole—is time consuming, and that time has not been funded by the NHS.

The aims of the dental action plan, which were announced by the minister in March, are admirable and try to address issues that are raised in the report. By March 2008, every child in Scotland is to have access to dental care when they start nursery—that means an extra 50,000 children every year. The aim is to have the largest supervised toothbrushing programme in Europe, which is fair enough; 200 more dentists by 2008; and 400,000 more people—that is, nearly half a million people—registered with an NHS dentist by March 2008. Red tape is to be slashed in general practice, with hugely simplified item-of-service fees for dentists. There should be more professionals complementary to dentistry, a new form of remuneration for dentists and improved practice allowances.

Some £150 million of extra funding over three years for NHS dentistry in Scotland has been promised. That is a large sum of money, but I say to the minister that it is just around half of what the profession considers to be necessary to put things right. The action plan was described by Dr Lamb of the British Dental Association as

“a patchwork of measures which lacks clarity”.

He also said that

“it is difficult to see at this stage how the Executive's admirable aims will be achieved.”

Many other dentists have said that there has been too little, too late and that what has been done will not resolve the crisis in the service. Dr Lamb has requested answers from the Executive with regard to concerns about funding for training dentists and about how the immediate shortage of dentists will be solved.

Are enough trained staff available in the colleges to provide the training for the significantly greater number of dentists and professionals complementary to dentistry that the Executive has identified as required? I asked that question on the day that the minister announced her action plan and Mary Scanlon repeated it. Why did we not receive an answer? Furthermore, given the recently identified lack of sufficient patients for current dental students to train with, where will the Executive find patients for the extra dental students and therapists that it has promised? Will they be found through the promised outreach centres? Will there be enough? Is there an assumption that all the extra students will make the grade, or will there be pressure to pass students in order to meet the Executive's targets at the risk of compromising quality? Those questions are important and they need positive answers if the Executive's aspirations are to become reality.

Only time will tell whether the action plan is effective in averting the crisis in NHS dentistry. Initial reactions suggest that, at the very least, its aspirations are over-ambitious given the resources that are available. I hope that the plan will attract new recruits into the NHS, but I am afraid that I do not think it will bring back those who have already left the service, either through retiring early or for the rewards and independence of private practice.

10:01

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** This is a welcome debate on the problems that NHS dentistry in Scotland faces. The failure over many years to ensure that everyone in Scotland—regardless of where they live—should have access to an NHS dentist has been nothing less than a scandal. Several years of campaigning have been required to reach the position in which the Parliament is at last on course to address that appalling situation.

The material in the report that we are debating comes as no surprise to me or to the Liberal Democrats, on whose behalf I speak. It highlights the fact that access to dental services is a problem throughout the country. The problem started around 10 years ago, when the previous Conservative Government closed the Edinburgh dental school and cut the number of schools that service Scotland from three to two. I followed what Nanette Milne said about training places. The Conservatives are, and have been, negative about dental training in Scotland. All that they seem to be interested in doing is cutting and cutting again.

Access to dental services is more of a problem in some places in Scotland than it is in others. Grampian has the second-lowest number of dentists per head of population in Scotland. Earlier, I said to Roseanna Cunningham that the report does not mention the fact that the Aberdeenshire local authority area has the lowest number of NHS dentists in the country. My constituency has been heavily affected by that. When a dental practice opened last year in Stonehaven, which is in my constituency, it was no surprise to see 1,000 people queueing outside the dental centre simply to get on the practice register.

**Mary Scanlon:** Will the minister give way?

**Mike Rumbles:** I am not a minister, but I will certainly give way.

**Mary Scanlon:** Mike Rumbles mentioned the Edinburgh dental school. Does he acknowledge that the Conservatives recommended the postgraduate dental institute in Edinburgh, which is a centre of excellence for postgraduate education and training?

**Mike Rumbles:** It would be wiser for the Conservatives not to push the issue, because they have done a lot of damage. They set in train the damage to the NHS dental service in Scotland and the difficulties that we face.

We should remember that the Health Committee asked the Parliament more than a year ago to commission the research on which the debate is focused. Time and events have moved on. The report has now been published and, since its publication, the Executive has made the action plan announcement. Therefore, we are in a rather unique situation. We have the report, which identifies the problems and suggests ways forward, and we also possess the Executive's action plan to solve the crisis.

The study provides detailed insights into the problems that are associated with accessing dental services throughout Scotland and is a valuable contribution to the debate on solving the nation's dental crisis and how we can move forward. It predates the Executive's announcement and makes a couple of points that I want to focus on, as they have already been highlighted.

The study says that the pledge of free check-ups for all by 2007 will be difficult to fulfil without a significant increase in the number of dentists who provide NHS treatment. It makes the broader point that a national strategy is needed to ensure that the majority of dental practitioners receive adequate incentives to commit to the national health service.

The Executive's action plan addresses the points that are raised in the report. The Executive will abolish 90 per cent of the red tape that dentists have to deal with, to which Alex Fergusson referred; that will reduce the so-called items of service from 450 different items to about 45 standard items. It will establish a comprehensive oral health assessment in addition to the standard dental check; that assessment will be free for everyone. The Executive is rolling out a major expansion of salaried dentists, while establishing a new range of incentives for practices that are committed to taking NHS patients. It will also introduce bursaries for dental students who commit to the NHS for five years.

All the practical issues that were raised by Andrew Lamb and BDA Scotland, including the issue of incentives, have been addressed in the report. The only remaining issue is the amount of investment; I will come back to that in a moment.

**Christine Grahame (South of Scotland) (SNP):** I am interested in Liberal Democrat support for what we might term golden handcuffs for dentists who are going into training and education. Does Mr Rumbles have the same

support for those who would train to be general practitioners? Does he agree with the golden handcuffs plan for them?

**Mike Rumbles:** It is not appropriate to refer to golden handcuffs. However, I am certainly in favour of this concept for dentists and I think that it could be expanded for many other professions.

At the time of the commissioning of the report, the Executive estimated that it was short of some 200 dentists. We aim to end that shortage by 2008. The Executive has already increased dentist numbers by about 50 and is well on its way to bridging the gap with several measures, including increasing the places in our dental schools from 120 to 135 a year.

For the past five years, I have pressed for the establishment of an outreach training centre in Aberdeen. That centre, followed by the establishment of a dental school, is now on the cards. We pushed the issue and got it into the Liberal Democrat manifesto at the last election.

**Mrs Milne:** Will the member take an intervention?

**Mike Rumbles:** I have already given way to the Conservatives.

The outreach centre will open soon and the Executive has agreed to consult on whether there is a need to turn it into a fully fledged dental school.

I welcome the new announcement from the SNP's health spokesperson this morning of support for a new dental school for Scotland. I am used to Richard Lochhead jumping on the bandwagon as it goes by—it is a pity that he is not here, or he would jump again on the same bandwagon. However, it is good to see the SNP officially adopting Liberal Democrat policy. I sincerely hope that Shona Robison will include that policy in the SNP manifesto for the next Scottish parliamentary election, as my party included it in its manifesto for the last election. It is nice to see the SNP catching up at last.

To fund all this, the Executive is to increase funding from £200 million a year to about £350 million a year over the next three years, a substantial increase of some 75 per cent.

There is no doubt that there is a crisis in dental provision in Scotland, which the report has highlighted. There is also no doubt that the Executive has produced an excellent plan that will solve the crisis if it is fully implemented. The Parliament's role now is to ensure that the action plan, as outlined by the Executive's ministers, is delivered.

10:09

**Richard Baker (North East Scotland) (Lab):** In north-east Scotland, access to dental services is an issue of key concern. There are real problems in registering with a dentist and particularly in accessing NHS dental treatment. Recently, there have been further instances of dentists making the regrettable decision to cease NHS treatment.

The problem in the region is highlighted in the report that was commissioned by the committee, which shows not only that Grampian has the second-lowest number of dentists per head of population but that dentists in Grampian are below the average in terms of the percentage of time that they spend on NHS work. The concern that is felt in the region is perhaps evident in the fact that Grampian NHS Board had the highest response rate from dental practitioners to the questionnaire for the report, with 90 per cent responding.

Too often in this debate, members have complained about the problems and bemoaned the situation rather than offered practical solutions. That is why the Executive's announcement last month was so important. The action plan is comprehensive and will make a real difference in improving access to dental services in Scotland; of course, it is backed by the investment of an additional £150 million over three years, which shows Labour's commitment to tackling the problem.

This debate, which was brought forward by the Health Committee, and the report that the committee commissioned into access to dental services are invaluable. Not only do we have the opportunity to highlight the concerns, but the depth and quality of the research in the report should inform the Executive's decisions on how its action plan will ensure that the significant extra funding is spent effectively.

The report is important because it offers clear data on how assessment can be made of where need is greatest and how the impact of investment in more services and staff can be most accurately assessed. That wealth of data must be used by the Executive to ensure that the right priorities are chosen for investment through the new action plan. The report highlights the fact that on measure after measure—I outlined only two—Grampian is assessed as having particular needs and particular problems with access to services. The report also emphasises the extra hurdles to access that can affect those who live in rural areas; again, that is an issue in the north-east.

It would be churlish of me not to note that the Executive has already identified Grampian as an area that requires special and immediate action to improve access to dentistry. When I met the minister in Aberdeen earlier this month as she

visited the GDENS service, I was pleased that she announced that there will be an immediate award of £500,000 to the health board to improve dental services and that some £2 million will be awarded to the health board for that purpose over the next two years.

Such action follows the appointment of salaried dentists by Grampian NHS Board. Further new appointments are planned and there is a comprehensive action plan to improve dental services, a key part of which is the establishment of a dental outreach training centre. The centre will treat thousands of patients, as well as helping to recruit dentists to work in the area.

Grampian has been singled out as requiring investment and action to address problems with access. The report highlights why such action needs to be taken and why that focus will continue to be required.

I welcome the report's acknowledgement that the determinants of oral health extend far beyond access to dental services, because that is a key point. Education and prevention are also vital issues. I am pleased that some of the extra funding is linked to requirements providing prevention.

I was pleased that Rhona Brankin visited a toothbrushing scheme at a nursery in Aberdeen. Expanding that kind of provision and emphasising to the young that they need to look after their dental health are crucial in improving oral health and thus reducing the pressures on services and helping to improve access.

Another issue that the report raises is how we encourage dentists to continue, or return to, NHS work. It is unfortunate that the report indicates a lack of willingness in parts of the profession—a minority, as the minister said—to engage in NHS provision. I hope that the minister's recent announcement of increased remuneration for dentists for NHS work will help to address the situation.

The profession and its representative bodies must engage in constructive dialogue with the Executive to play their full role in improving access to NHS services. We have an opportunity through the action plan and the new investment to make real improvements to access. Using the data, the report gives us an even better opportunity to ensure that the investment and the action plan work and provide the kind of access to dental services that we all want.

10:14

**Brian Adam (Aberdeen North) (SNP):** The situation in Grampian and the north-east is at crisis point. If one considers the range of

measures that Roseanna Cunningham helpfully told us are on pages 6 and 7 of the research report, one will see that, where there is a direct measure of access to services, the north-east is in the worst possible category. As Mike Rumbles and Richard Baker pointed out, we have a real problem.

How do we address that problem? I was delighted to attend—with both the aforementioned gentlemen—the start of the postgraduate dental arrangements in Aberdeen, which are a cross-party matter. I believe that we need a third dental school, so I hope that what is happening in Aberdeen will be the start of such a school. It cannot happen overnight, much as we would like that. Dr Milne was correct to say that we will need to ensure that we have people who can train not only the dentists, but the professions that are ancillary to dentistry.

Access to dental services relates not just to the presence of dentists, but to physical access. The implementation of the Disability Discrimination Act 1995 has had a major impact on provision of dental services: it has precipitated closure of a number of small dental practices that were considering whether to continue, and it has led to dentists' moving on when their facilities did not meet the standards that were set by that act and the costs of bringing them up to standard were prohibitive. I have no complaints about the act's provisions on access, which were well intentioned. However, it has had consequences that have not been helpful, given the fragile circumstances in which dentistry in Scotland finds itself.

**Rhona Brankin:** Does that mean that the member welcomes the announcement of significant increases in dental practice allowances? That is the kind of support that will allow practices to bring their facilities up to the required standard.

**Brian Adam:** I will go on to address such issues.

There is such antipathy from a number of dental practitioners to the continued provision of NHS services that the kind of welcome steps that the Executive has recently taken will not necessarily have the results that we all want. Confidence among NHS dentists has been shot, and I do not know whether they will have confidence in the system for the future, despite the welcome steps that the Executive is taking. I wonder whether the horse has bolted and whether we have lost the opportunity to rebuild confidence in NHS dentistry.

The problem goes back to the establishment of the NHS and the role of independent contractors, which was conceded in 1948. I am not sure that the independent contractor system is delivering for the NHS. Both the minister and Duncan McNeil, in

his intervention, made the point that independent contracting must work for both parties. It is obviously working for dentists, but is it working for the general public? That is not just a philosophical question—it underpins the whole debate.

The report recognises that there has been an increase in the number of NHS salaried dentists and that some dentists—perhaps one in eight, which is a relatively small proportion—are interested in becoming salaried dentists. However, the report also suggests that NHS salaried dentists provide a less efficient and accessible service.

**Rhona Brankin** *rose*—

**Brian Adam:** I ask the minister to let me finish making my point. I am not attacking her in any way.

**Rhona Brankin:** I have a point of information.

**Brian Adam:** The issue of access out of hours can be dealt with in the contract. I do not know whether we have evidence that there is higher throughput in private dentistry because of the greater profit motive or because NHS salaried dentists are starting to deliver the oral health programme that we hope all dentists will deliver, and are therefore doing less drilling and filling. I am happy to take an intervention from the minister now, if she can give me some information.

**Rhona Brankin:** I did not mean to interrupt the member midstream.

Comparison of the productivity of salaried dentists and independent contractor dentists is not straightforward. Many salaried dentists take on a large number of complex cases and work with people who have complex special needs. I caution the member against taking an excessively simplistic view of the comparison between the productivity of the two groups.

**Brian Adam:** I am happy to accept the point that the minister makes. If the reason for the difference is as she describes, that is welcome news. I find it hard to believe that someone who happens to be employed by the NHS, rather than self-employed, would work less hard. I was disappointed that the report seemed to some extent to imply that.

I want to highlight a case that has been brought to my attention by a pensioner in Aberdeen, who could not find an NHS dentist to deliver the dentistry that she required. She knew that she needed to have a tooth extracted and eventually found someone to do the work privately. Sensibly, she asked how much that would cost—her only income is a state pension. She was told that it would cost her £40 to have a tooth extracted. However, when she went along with her £40, she discovered that she would have to pay in advance for the examination. Because the lady had not



visited a dentist for some time, much other work that was required was pointed out to her during the examination. However, she had only the examination and the extraction. She paid £40 for the extraction, but the private practice is now pursuing her for an additional £44.70. She is being threatened with legal consequences for failing to pay that sum, which she is not in a position to do. That is the kind of situation in which we find ourselves. Perhaps the oral hygiene of that 67-year-old pensioner cannot be readily restored, but she cannot get NHS dentistry, is being asked to pay for something that she cannot afford and is being provided with services that she did not seek. We cannot find such a situation acceptable.

We must do all that we can to persuade the 38 per cent of retired dentists who have not said that they will not come back into the profession to do so. The Executive has proposed a range of measures. There is no single magic bullet that will solve the problem. If 12 per cent of dentists are willing to become salaried, let them do so. Let us sort out the capitation arrangements. I wish the minister well in her discussions with the profession about producing a new contract that will provide the kind of financial and professional incentives that will persuade dentists to return to the NHS. However, I worry that we have almost reached the point of no return and that NHS dentistry may become a thing of the past.

10:23

**Eleanor Scott (Highlands and Islands) (Green):** I welcome the debate and the publication of the research report, especially because in my region—the Highlands and Islands—access to dental care has been and remains an issue of great concern.

The weighty research report is primarily about dental services, rather than dental health, but it is reasonable for me to touch on our oral health record. Richard Baker has already quoted the following statement from the report, but I will do so again because it is so telling:

“the determinants of oral health extend far beyond access to dental services ... Dental service utilisation alone does not necessarily enhance or maintain oral health”.

I found the tables in the report fascinating. Scottish Borders, which clearly does best in the league table that relates to tooth decay in children, even allowing for all the variables that exist, and Dumfries and Galloway, which is about fifth in the table, are among the areas that have the lowest dentist to population ratios, the worst access to NHS dentists for new children and adults, the longest distances to travel to dentists and the longest waiting times. However, those areas have middle and low deprivation rates, respectively. That is a really important issue. Dental health in

children—there does not seem to be much information held centrally about dental health in adults, to which I will return—correlates poorly with the level of services, but absolutely with the level of poverty. We will not improve the oral health of our population unless we eradicate poverty. It is as simple as that.

However, it would be wrong to say that provision of dental services is not important: of course it is, as is universal access to those services. I welcome the various initiatives and investments that the minister has announced. I welcome particularly the fact that the Executive is considering having a greater skills mix in dentistry in our communities in the future by introducing to surgeries professions that are complementary to dentistry, such as more dental hygienists and other people who could deliver services that dentists currently deliver.

Alex Fergusson said in his intervention that retaining dentists is not just a case of throwing money at the situation, but is also about job satisfaction. The report looked to some extent at what would make dentists more interested in treating more NHS patients. It was interesting that although 55 per cent of dentists agreed that they wanted increased fees for services, there were many other areas on which there was no agreement. I suspect that it would be an interesting exercise to go into more detail with individual dentists to find out what makes working for the NHS less satisfying.

That reminds me of a psychologist with whom I used to work. We used to ask each other the “miracle” question, which was, “If a miracle happened and you went to work tomorrow, what would be different?” It might be that for some dentists the miracle would be that they would carry on as normal but would get more money for treating patients. I suspect that for some, the miracle would be that they would arrive in the morning at splendid, up-to-date and purpose-built premises that were provided, maintained and equipped by the health board, staffed not only by receptionists and dental nurses, but by a range of professionals who are allied to dentistry and who would help them to deliver services. Job satisfaction and working conditions are perhaps more important and less easy to define than money, but they make the job more worth doing.

I mentioned the lack of information on adult oral health. I found it fascinating to read in the report that there is a distinct lack of data about dental health and dental health services held either at health board or Government level. The work that was done in preparing the report from the 1,800 returned questionnaires that the authors received provides some valuable information, but only on a snapshot basis. The information should and must

be collated and monitored regularly over time. For example, the report mentions that no information on adult oral health is held by health boards. How can we plan to meet the needs of the population when we do not know what its needs are? No information is held at health board level about numbers of whole-time equivalent dentists. That is incredible—somebody pays them so surely we know how many of them there are.

No information is held at health board level about the number of dentists who are accepting new NHS patients—again, that is crucial information. There is no information about distances that are travelled by patients to see dentists, which is a big issue in my area. There is no information on demand for access to dental services, there is no information about the need for community dental services to treat some of the most vulnerable people and there are insufficient data on recruitment and retention. Now that the huge information gap has been recognised, I hope that we will hear how it will be plugged.

It will be difficult to meet our dental care needs and to keep up with meeting those needs as they change if we do not know what they are. I look forward to the day when our children's oral health is much better, when we have tackled poverty, when we have removed fizzy drinks from schools, when we have improved children's diet and when we have improved toothbrushing and dental health awareness in general. However, our population is living longer, people keep their teeth longer and the dental health needs of older people will increase. That has to be considered.

I have made the point about free dental checks in chamber debates before. I accept what other members have said about there being difficulty under the present system in delivering universal free dental check-ups, but there is also an ethical problem. In medicine, it is an ethical truism that one does not screen for a condition unless one can treat it if one finds it. My worry is this: even if we can deliver free dental checks, if they show up a need for treatment, will we be able to deliver that treatment? If we cannot, it is almost unethical to do the checks. We need to look not only at meeting the need for free dental checks, but at meeting the increased treatment needs that the checks will show up.

10:29

**Helen Eadie (Dunfermline East) (Lab):** I value the opportunity to contribute to this important debate on access to dental services.

The research report provides a clear snapshot in time of the challenges that we face in Scotland. I have campaigned on behalf of the constituents of Dunfermline East over many months on the vital

issue of NHS dental services and withdrawal of NHS services by dental contractors. I have written many letters to, and met officials from, Fife NHS Board, as well as writing to and meeting the Deputy Minister for Health and Community Care. Therefore, I was especially pleased when it was announced in the statement to Parliament on 17 March that health boards are to be given the authority directly to appoint salaried dentists.

I represent towns that are among the poorest and most disadvantaged in Scotland and they need to be targeted for support in all aspects of health care, but in dental health care in particular. I have already asked NHS Fife whether it will appoint directly salaried dentists. If it does, that will help on the long journey back to NHS-provided dental services in my constituency. It follows that the Scottish Executive might need to consider additional resources for a board such as NHS Fife, which might find itself having to make more finance available in the interests of ensuring adequate dentistry provision, especially in areas of great need where NHS provision has all but disappeared.

The minister spoke of the daunting challenges of providing NHS dental services. The Executive has many aspects to consider, such as recognition of Scotland's changing demographics and the greater oral health needs of an increasingly elderly population, which must be incorporated into planning.

I do not have a problem with the golden handcuffs that have been mentioned by Shona Robison and others this morning because I believe that the bursary scheme for students should help significantly to attract young people to the dental profession. If we are going to provide finance for that, there is an onus on all of us—

**Shona Robison:** The point is that, although we welcome that scheme, we would like it to be extended to medical students, a proposal that was unfortunately opposed by Jim Wallace. Does Helen Eadie now support that proposal?

**Helen Eadie:** I have never had a problem with that proposal, but my view is my view and I will try to persuade others of it. When we have a dire shortage of specialists in Scotland, we need strategies such as the bursary scheme. If it is right for dentists, the logic is that it is right for other medical professions.

**Rhona Brankin:** Does the member accept that, because the golden handcuffs arrangement that the SNP promotes for medical students would be open only to graduates who are not domiciled in Scotland, the policy is potentially hugely restrictive and is likely to be viewed as discriminatory?

**Helen Eadie:** I was unaware of that, but if that is the case, I support the minister's view entirely.

The research report highlights training issues, about which Nanette Milne spoke. We are all well aware that there are only 13 dental schools in the United Kingdom, which produce just 800 dental graduates each year. As Mike Rumbles and others said, it is tragic that the previous Government chose to close the Edinburgh dental school. We miss it, so perhaps the health ministers will reflect on whether a dental school could be restored to Edinburgh. The BDA wants the figure of 800 graduates to increase by 25 per cent; I hope that Scotland will play its part in that challenge. I welcome what the minister's statement on 17 March said in that regard.

The research report and the BDA say that more must be done to encourage people who qualify here to practise here. Almost half the dentists who currently complete their training in Scotland opt to practise elsewhere.

I have concerns about the BDA in Scotland. The first is about the way in which dental contractors in my area unilaterally withdrew their services without warning or consultation, and through letters that left a lot to be desired. No diplomacy or courtesy was employed to advise local representatives of such a major change—patients simply received a letter and that was it.

My second concern is that when I visited the media section of the BDA website, I noted the reception in Scotland for the deputy minister's statement. That reception was lukewarm, to put it mildly. In the media release of the BDA in Wales, Stuart Geddes, the national director of the BDA in Wales said:

"The British Dental Association has today welcomed the National Assembly for Wales's announcement of an additional £5.3m for NHS dentistry. The new money, which will come over three years, is intended to improve access to dental services and to support dentists providing those services.

In addition, they have also pledged to increase funding for vocational training, with allowances for trainers rising by over 22 per cent and those for trainees rising by over 11 per cent."

Let us compare that with what was said by Andrew Lamb, who is the director of the BDA in Scotland. He said, following the announcement by Scottish Executive ministers:

"The British Dental Association has dubbed today's announcement on NHS dentistry by the Scottish Executive a disappointment and a wasted opportunity. Although the announcement held some good news for Scottish dentistry, many of the fundamental issues have been missed."

Let us just think about that. He said that following the minister's statement that the Scottish Executive will provide unprecedented financial support of an additional £150 million over three years, which represents the biggest-ever investment to support NHS dentistry in Scotland.

In addition, the minister announced another £5 million to help dentists to improve their practices. She continued the good news by committing the Scottish Executive to increasing the remote areas allowance for NHS dentists by £9,000 a year, with a further £1 million to support emergency dental services. That has made me wonder about the BDA in Scotland. I would be happy to meet BDA representatives, but its press release raises questions in my mind about that organisation.

I am pleased about the moves that the Scottish Executive is making to improve dental services across Scotland. Such improvement represents a major challenge and ministers have my absolute and utmost support in all the work that they are doing to improve services.

10:36

**Alex Fergusson (Galloway and Upper Nithsdale) (Con):** I thank my colleague Jamie McGrigor, who was originally scheduled to take part in the debate but who gave way so that I could speak. He did so on the promise that I would mention the Western Isles—by saying that, I hope that I have fulfilled my commitment to him. He is very concerned about dentistry in the Western Isles.

The fact that I have not heard Dumfries and Galloway mentioned so much in a debate since the unhappy days of foot-and-mouth disease perhaps shows why I am so keen to take part in the debate. Anyone who saw the pictures of my constituents queueing in Stranraer last Monday to sign on with a dentist who has opted to leave the NHS could have been forgiven for thinking that they were looking at some scene from the great depression of the 1930s. However, the only thing that they would have had wrong was the date, because a great depression sums up exactly the mood of my constituents in Galloway and Upper Nithsdale when it comes to access to dental services. One has only to scan the excellent research report to see why—no health board area comes out worse than Dumfries and Galloway does.

Perhaps the only mistake that was made by Mr Barr, the Stranraer dentist who opted out on Monday, was that he did so during a general election campaign. Only a couple of months ago, a dentist in Castle Douglas opted out and, although he attracted much local criticism, he avoided the unnecessary and unpleasant political invective that has been rained on Mr Barr—bizarrely, from the very political party whose stewardship of the NHS in the past eight years has brought about the seemingly endless stream of dental practitioners who have had enough of the NHS as delivered by the Executive and who have taken what they feel is the only alternative that is left to them, which is to go private.

**Rhona Brankin:** Does Alex Fergusson support the action that was taken by Mr Barr in Stranraer? Yes or no?

**Alex Fergusson:** I shall come to that in just a second.

Mr Barr was quoted in Tuesday's newspaper as saying:

"We have been squeezed and squeezed by the Government. A steady erosion of funding and a huge increase in bureaucracy has prompted our move away from the NHS."

I agree with Alasdair Morgan, who pointed out—I assume that it was his only reason for coming into the chamber this morning—that it was a shame that the minister had changed her plans to meet Mr Barr and instead visited the one remaining NHS dentist in Castle Douglas, who is very good. She might have learned much more by visiting Stranraer that day, as she planned originally to do.

In answer to the minister's question, I say that I would infinitely prefer to see Mr Barr working in the NHS, but I totally defend his and any other individual's right to exercise their constitutional right. I also feel free to criticise—I do so in this instance—the Executive's stewardship, which has led Mr Barr and others to take that regrettable course of action.

**Rhona Brankin:** Is the member going to answer the question?

**Alex Fergusson:** I have absolutely answered the minister's question. I think that we should move on before the debate gets more heated than it already is. Duncan McNeil is speaking next, so I have no doubt that it will continue to become more heated.

In January, I was contacted by a constituent who sounded really excited to have got an NHS dentist in Dumfries to give her an appointment for a dental check-up at last. She is really looking forward to that appointment—next December. Only last Friday, I was visited in my monthly surgery in Newton Stewart by a constituent who has had open heart surgery and therefore requires regular dental checks to ensure that he is entirely free from infection. Only the chance mention that he was in receipt of pension credit gained him access to an NHS dentist, and that some 40 miles away. A general practitioner told me recently that the state of children's teeth in his practice is as bad as he has ever known it and is deteriorating. That is the reality out there. It takes more than a year to see an NHS dentist, if people can get one to see them, and our youngest generation looks set to increase the problem rather than to decrease it.

I accept and welcome the fact that the minister announced on 17 March actions to try to tackle those problems, however belated that action might

be. However, I would like to quote from an e-mail from another constituent of mine—a former dentist who now acts in a consultative capacity and is highly regarded. Members must believe me when I assure them that he holds no brief for me, politically or otherwise, or for my party. He made that very plain when he came to see me. His e-mail said:

"I have just read the press release by the minister and it does not begin to touch on solving the problem either nationally or our own local problem."

He goes on to dissect the minister's plans dispassionately and logically. I shall forward a copy of the e-mail to the minister as a constructive criticism of her plans by a highly qualified and informed source.

**Mike Rumbles:** First, does the previous Conservative Government bear no responsibility for the dreadful state in which it left the national health service by closing the Edinburgh dental school and leaving us with so few dentists? Secondly, on the point that he has just made to the minister, what initiative can Alex Fergusson come up with that the Executive has not taken on board?

**Alex Fergusson:** Mr Rumbles will get the answer to his second question shortly, when I wind up my speech. In answer to his first question, the Government has had eight years to alter things since the last Conservative Government went out of power. He cannot go on for ever blaming the Conservative Government for all the ills of the current Administration.

My constituent finished his e-mail by saying:

"there is no point appealing to dentists' wallets in this way, the NHS dental service is no longer about money it is about working conditions. This smacks of closing the stable door after the horse has bolted ... Will it have any real effect on the nation's NHS dental provision and public dental health? I hae ma doubts".

If he is proved right—many people agree with him—what is the answer? I believe that we need to consider the Canadian model of dental care, in which far greater use is made of dental assistants and allied professionals, which leaves the dentist free to plan each patient's treatment and to carry out in person only the most complex dental procedures. The minister referred to that, but she needs to go further. Dental assistants could be recruited and trained locally, which would hugely improve retention rates. Above all, they can be recruited and trained quickly.

The minister's intentions are good, but I suspect that a more radical rethink of how rural dental services are delivered will be required. I urge the minister to think outside the box if the dental care of this nation is to be addressed properly and in a way that every member in this chamber would like.

10:43

**Mr Duncan McNeil (Greenock and Inverclyde (Lab)):** I am sorry to disappoint Alex Fergusson, but given the recent debate, the minister's statement and today's subsequent debate, it is hard to generate any heat at all on the issue, which has been well discussed over the past few weeks.

As a member of the Health Committee, I welcome the interesting and well-researched document that has allowed this morning's debate to take place. One interesting factor that should inform us in today's holistic debate is that it is not necessarily true that if we provide more we will get a better result. Where there is a greater number of dentists and where there are increased opportunities for access, the result is poorer rates of dental health.

The report helpfully points out several aspects of that phenomenon. Availability and dentist to population ratios are important, but the proportion of time that dentists spend with patients, disabled and wheelchair access to local dentists and the distance to the surgery are also important factors. I suggest that there is perhaps also a culture of fear, which means that people leave it until the last minute to go to the dentist, rather than seek to prevent problems from arising. The dentist's accommodation is also important, as are waiting times and the availability of dentists in the evenings and at weekends. Easy access to services is high on people's agenda, because there is an expectation that people will not get a dental appointment.

Mike Rumbles, who is dashing back and forward in the chamber to have a conversation with another member while the debate continues, has said that although there is no doubt that the Executive's action plan, which seeks to reward dentists who are loyal to the NHS, is welcome—it certainly is welcome—rewarding dentists alone will not solve the problems that we face. As members have said, we must move the service away from repair to care. The education and training of the wider dental team, including professions complementary to dentistry—a term we had not heard until about six weeks ago—will help us to achieve that objective and will be important in increasing access, as the report's authors said.

The debate has focused on the recruitment and retention of dentists and on dentists' concerns, but there is a bit missing from the report—

**Roseanna Cunningham:** Does Duncan McNeil accept that the researchers did what the Health Committee instructed them to do? The Health Committee did not widen their remit beyond the consideration of dentists.

**Mr McNeil:** Yes, I accept that the researchers' remit was to focus on those concerns. However,

as members have said, we must build on the research and focus on the people whose skills complement those of dentists and who can and will make a difference to the quality of and access to NHS dental services. Dental hygienists can increase the productivity of dentists by 45 per cent, as has been said, and other professions can have an impact on productivity. I highlight the fact that there are 335 vacancies for dental nurses and hygienists, which represents a failure. I leave members with that thought. I hope that we can build on the research and address that serious issue. By raising the status of dental nurses and hygienists, we will make a real difference to the delivery of NHS dental services in Scotland.

10:49

**Stewart Stevenson (Banff and Buchan (SNP)):** I note, as I am sure do other members, that the Scottish Socialist Party, the most toothless party in the Parliament, is again absent from a debate that we would expect to be of particular interest to a party that trumpets its support for the disadvantaged in society. The matter is clearly too difficult for the SSP. However, the rest of us can have a serious debate, as is right.

The Health Committee did an excellent job in commissioning much new information and data. Members know that I always pore over numbers. I am always excited when I have a new source of data on which I will be able to draw for some time.

I received a letter today from the Deputy Minister for Health and Community Care, for which I thank her, which relates to a parliamentary question that I asked about dentists per capita. She says that in certain respects the numbers

"should be treated with caution."

That is probably wise. However, a broader issue is opened up, not just for the Opposition but for the Government, which we must try to discuss. I will return to that issue.

The British Dental Association has come in for a certain amount of stick in the debate. I am not an apologist for the BDA, but the organisation makes important points. Before the minister made her announcement on 17 March, the BDA sent a submission to the Health Committee, which was considered on 22 February. The BDA said:

"The existing dental examination Item 1(a) in the Statement of Dental Remuneration is insufficient to determine the needs of patients and to identify and discuss and agree with them the care regimes they should receive as part of a modern dental service."

I agree with the BDA and I suspect that the minister also agrees with its comment.

We must accept that the minister's announcement represented a move forward.

However, after she made her statement, the BDA said in its press release:

"Today's announcement does little to tackle the fundamental issues facing NHS dentistry in Scotland. The BDA's hope is that this is not the final chapter and that the Executive will continue to look at dentistry as a priority issue."

Helen Eadie highlighted that point.

There are ways in which the Executive can demonstrate its good faith in treating dentistry as a priority. The minister has heard me compare and contrast health boards' obligation to find a general medical practitioner for a patient with the situation in relation to dentists. If a patient cannot find a GP, the health board must do so. Until we place an obligation on health boards to find an NHS general dental practitioner for a patient who cannot do so themselves, the dental profession will remain the poor relation of the medical profession. Of course, currently we cannot realistically deliver on that proposal and I do not suggest that we make such a change next week. However, we must make it our objective to be in a position to be able to do so.

Mike Rumbles talked about training. On 5 September 2002, I said that we supported the

"suggestion of conducting NHS training in the north-east."—[*Official Report*, 5 September 2002; c 13510.]

Mike Rumbles will be rather late if he congratulates the Scottish National Party on accepting that position.

**Mike Rumbles:** The member knows very well that the only occasion on which the SNP's health spokesman has announced the party's support for the establishment of a third dental school in Scotland was this morning.

**Stewart Stevenson:** My comment of three years ago is on the record and I suggest that the member reads it.

There is particular value in training dentists in Scotland. The helpful research report, "Access to Dental Health Services in Scotland", indicates why that is the case: although 72.5 per cent of NHS dentists were born in Scotland, 88.8 per cent were trained in Scotland. The existence of dental training in Scotland is a key contributor to increasing the number of dentists available in Scotland. The 285 dentists who stayed in Scotland because they were trained here represent 16.3 per cent of NHS dentists. That is why training is so vital and why I, like Mike Rumbles, support every effort to provide additional training.

Over a time I have pursued concerns about the apparent inability to measure what is going on in NHS dentistry. There is an old management truism that what cannot be measured cannot be managed. The £150 million will help, but we do not

quite know how it will help, because we are missing the figures. The minister has acknowledged that we do not have enough information on health boards to enable us to plan. That is a fair comment. However, although we pay NHS dentists by item and have statistics about how many dentists are making claims on the NHS and about dentists' activities, we seem unable to analyse the statistics and produce credible information about what is going on. I find that passing strange.

When I was elected as an MSP in 2001, I expected that there would be some privileges. Quite the most unexpected was that, for the first time in a while, I was able to get an NHS dentist, but only because I travel down to the central belt once a week and am able to get one down here. That is excellent for me but not the slightest help to my constituents.

As members know, I am one of the two mathematicians in the Parliament. A neat piece of mathematics describes the present situation: it is called catastrophe maths. It is represented by a folded curve on a graph and is illustrated by this example. If a bullet is fired from a gun, the action cannot be undone by pushing the trigger forward again; an entirely different solution is required. In a similar way, we cannot undo many years of neglect simply with money. Finding a solution will take time however much money is thrown at the problem.

A start has been made and I welcome that. However, more money is not enough. We must make the system more efficient. The Health Committee's report will give us something to chew over for some time to come—that is, for those of us who still have teeth with which to chew.

10:56

**Kate Maclean (Dundee West) (Lab):** I still have all my own teeth, thankfully.

There are advantages and disadvantages to speaking this late in the debate. One of the advantages is being able to write a speech during the debate while listening very carefully to what other members are saying. One of the disadvantages is that everything has already been said. I will try not to be too repetitive.

I welcome the Health Committee's research report. As Duncan McNeil said, it offers us our third opportunity to discuss this issue in as many months. It is a very important health issue. The findings of the report do not surprise me. They are very much in line with evidence that committee members have heard on different pieces of legislation and during different committee inquiries. Some of that evidence has been anecdotal; to an extent, the report legitimises

much of the thinking on the subject of access to dental services.

On one occasion, the situation was so bad in an area that a member of the public asked me to examine their teeth. When the Health Committee visited the Borders to take evidence in the workforce planning inquiry, we held a public forum in a hotel. A strong theme running through the inquiry was the lack of access to dental services and to NHS dentists. When we left the hotel, someone who had heard that the Health Committee was there to take evidence, but who had not been at the public meeting, complained about the lack of dentists and tried to get me to look at his teeth. He then pursued me and a clerk out of the hotel, with his mouth gaping. Discretion being the better part of valour, the clerk and I legged it to the car and drove off at great speed. I do not think that I would have had anything much to tell the man—although, from what I saw, it looked quite bad. I did not want to examine him any more closely. I am a city girl; perhaps what happened is just what men in the Borders do when they are trying to chat people up. I do not know.

We heard from Eleanor Scott about the lack of dentists to fulfil the commitment on free oral health examinations. In evidence on the Smoking, Health and Social Care (Scotland) Bill, the Health Committee heard the same point from some professional organisations. People may have much more to say on the subject when we discuss the stage 1 report on the bill next week.

As Eleanor Scott said—and this proves that I was listening while scribbling away—accessibility should not be judged on the supply of services and physical access to them. In table 1 of the report—which summarises access based on supply—the Borders comes low down or in the worst position on all but one of the indicators. However, children in the Borders have the lowest number of filled, missing or decayed teeth. The situation is reversed in greater Glasgow. It comes high up or in the best position in the table, but has the second-highest number of children with filled, missing or decayed teeth in Scotland.

The figures for access in Tayside are quite good, and the figures for decay are average to good. However, if the figures could be broken down, I think that Dundee would have high access to services but would also have a high number of dental health problems among children.

Understandably, most members have concentrated on the lack of dentists or on the lack of dentists who are prepared to take on NHS patients. I know that that is a real problem in many parts of Scotland, although it is not one that has been particularly brought to my attention in Dundee. However, it is at least as important to concentrate on ensuring that all people—

especially children—use the available services, so that dental health problems are avoided through preventive advice and measures. I welcome the proposals that the minister announced a few weeks ago, although I would like even more effort to be made.

Children are already entitled to free dental services, and we can see from the report that 66 per cent of children in Scotland are registered. That figure is not as high as we would like it to be, but it is reasonably high. However, across Scotland, more than 50 per cent of children have significant levels of tooth decay. Clearly, although 66 per cent of children are registered, they are not all attending the dentist regularly. Those that do attend either are not getting advice or are not taking the advice that the dentist gives. The areas that have the best access to NHS dentists seem to have higher levels of problems with their teeth.

I am fairly satisfied that some of the minister's proposals will, in the medium to long term, improve the supply of NHS dentists. However, I am still concerned that not enough is being done to improve the take-up of services, particularly in deprived areas. I hope that more can be done to ensure that the Scottish Executive's fairly ambitious targets can be met or even exceeded.

**The Deputy Presiding Officer (Murray Tosh):** We come now to closing speeches.

11:02

**Mike Rumbles:** This has been an interesting debate, with a good number of good contributions.

Shona Robison spoke about chronic underfunding and underinvestment in NHS dentistry. However, in the SNP debate on dentistry not so long ago, she said that the SNP planned to increase funding by £40 million to £50 million, an—

**Shona Robison:** A year.

**Mike Rumbles:** Yes—a year. That represents an increase of up to 25 per cent. The Executive plans to invest £150 million, which represents an increase of 75 per cent—three times what the SNP plans to invest. I am glad that Shona has welcomed that investment.

**Shona Robison:** Will the member take an intervention?

**Mike Rumbles:** No. I think that we have said enough on the subject.

Brian Adam made a very constructive contribution, highlighting the real problems in the north-east. He was right to do so, and I also acknowledge Stewart Stevenson's speech. They were both positive and tried to move the debate forward. I am glad that the SNP is now supporting

a third dental school in Scotland. The party's official policy is now aligned with our own.

I was somewhat surprised by Eleanor Scott's speech. She said that it was "almost unethical" to have free dental checks. I find that rather—

**Mary Scanlon:** She did not say that.

**Mike Rumbles:** She did.

**Eleanor Scott:** If the member had been listening, he would know that I said that it was unethical to do a check if we could not then carry out the treatment that the check had revealed to be necessary. That would be similar to screening for a condition that was untreatable. If not unethical, it is certainly a very undesirable state of affairs. There is no point in telling somebody that something is wrong with them if we are not then able to treat them.

**Mike Rumbles:** That is exactly what the Executive has consistently said, and is the whole point of having the action plan. Eleanor Scott gave the impression that the Executive was not addressing the issue, which is far from the truth.

Helen Eadie made some interesting comments on the response of the BDA to the Executive's action plan. She quoted Andrew Lamb as saying that the plan was a

"disappointment and a wasted opportunity",

and that many of the opportunities had "been missed." I take the opportunity to ask the BDA which initiatives it feels have not been taken up. I know that all the initiatives that the BDA asked for are being taken up—every single one of them. The issue is a simple one: it is about investment. I am surprised that the minister's announcement of the biggest-ever investment, which sees an increase of 75 per cent in funding from £200 million a year to £350 million a year, is not enough. Certainly, it seems that it is not enough for the BDA.

Although I am disappointed by the BDA's response, we need constructive engagement with it. The BDA and the Executive need to work together to ensure that the Executive's action plan, which is excellent, is properly implemented. There must be a partnership between the professionals who are involved in NHS dentistry across Scotland and the Executive. I hope that the BDA and the Executive will take that point on board.

I turn to Alex Fergusson's comments—although, unfortunately, he is not in the chamber to hear them. I intervened during his speech on the question of initiatives, but the only one that he came up with is what he calls the Canadian model. Under Alex Fergusson's Canadian model, a dentist gives the patient a comprehensive oral health check, after which the treatment is carried out by the appropriate person to do the work,

whether that is the dentist, a dental hygienist or some other person. I wanted to say to Alex Fergusson that that is exactly what the Executive proposes to do under its action plan.

I return to my earlier point about the BDA's comments on the Executive's initiatives and repeat my request to the BDA to give us an example of an initiative that the Executive is not examining. All I can say is that I have not found any. Clearly, I upset Duncan McNeil in some way, as he did not seem to like my intervention on Alex Fergusson.

Stewart Stevenson alluded to the complete absence of the SSP in the debate; the comment was an appropriate one to make. Kate Maclean gave us details of her professional involvement in oral health assessments. I hope that she is a member of the BDA. If not, perhaps she will discuss it with Andrew Lamb at some future date.

11:07

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

I say at the outset that it is obvious from my interventions on him that Mike Rumbles is totally unaware of the postgraduate centre of excellence in Edinburgh and its responsibilities for postgraduate education and training.

As Duncan McNeil said, there has been no shortage of debates on dentistry in recent months, in addition to which we have also had a ministerial statement on the subject. I welcome the dental hygienists and therapists who are coming through the colleges. I think that the first cohort is due later this year. I welcome it and all those of future years.

The Conservatives are fully aware of the problems in this area, many of which have been highlighted in the debate. People in Nairn can wait up to four years to see an NHS dentist. Many dentists no longer take NHS patients. That means that pregnant women and pensioners have to pay for dental treatment because they cannot find an NHS dentist. For many people, having to pay £250 a year for a private dental plan is simply outwith their financial capability. "Good Morning Scotland" reported that some people in Wick were pulling out their own teeth.

However, today is different. Today, we are debating a report that examines the causes of those problems and confirms why the Executive simply throwing money at the problem is not the full answer and will not work. Unfortunately, instead of examining the problem and focusing expenditure accordingly, the Lib-Lab Executive tends to measure its performance by the millions of pounds that it spends on a problem.

The report by Professor Newton, Professor Williams and Dr Bower that is the subject of



today's debate is thorough and extensive. As other members have said, the bottom line is contained on page 1 of the executive summary, which refers to

"no information on adult oral health ... a lack of information on the numbers of Whole Time Equivalent (WTE) *NHSScotland* dentists working in all fields of dentistry at a Health Board level ... little information at a Health Board level on ... the numbers of dentists accepting new *NHSScotland* patients, distances travelled by patients for primary and secondary dental care, the availability of evening/weekend appointments, and access for groups with special needs etc. This applied to all sectors of dentistry."

It continues:

"More information was also required at a Health Board level on the demand for access to general dental services. Data on the need and demand for community dental services at both a national and a Health Board level was also lacking. In the hospital dental sector, more information was needed on the utilisation and need for services at both a national and a Health Board level. There was a need for data on the recruitment and retention of all dental staff."

I understand that there was one month between publication of the report and the announcement of the Executive action plan. How was it possible for the minister to gather all the information in the report and put it forward in the action plan just one month later?

We know that the average waiting time for routine treatment in Glasgow is the lowest in Scotland, yet Glasgow has the worst record in Scotland of five-year-olds who have missing, decayed and filled teeth. Kate Maclean raised that point when she spoke about the situation in Dundee.

We know that, over the course of their working life, women work on average more than six hours a week less than their male colleagues do. Therefore, having more women in the profession requires more dentists in the profession.

The problem that we are faced with is that the minister has pledged £150 million over three years—not each year for three years as Mike Rumbles suggested—to solve Scotland's dental problems, yet the report confirms that information about the country's dental problems is simply not known.

The report confirms on page 106:

"The pledge of free check-ups for all by 2007 is going to be difficult to fulfil without a significant increase in the number of dentists providing *NHSScotland* treatment, particularly in areas of low access. Furthermore, very few dentists anticipate increasing their *NHSScotland* provision of services."

**Mike Rumbles:** Will the member give way?

**Mary Scanlon:** I will finish the point, because Mike Rumbles did not listen to what Eleanor Scott had to say. I have included the point in my speech

so, with my teacher hat on, I ask Mike Rumbles to listen when I say again that it is not enough to provide a dental check-up when there are not enough dentists to provide the treatment. What is the point of having a dental check-up every six months if people cannot afford treatment and we have an insufficient number of dentists to provide it?

Surely we must learn from this exercise that ministers should work with committees and wait for research and reports to come out before they make decisions. Ministers should make decisions that are based on findings instead of making announcements about spending money when it is obvious that the information to enable them to make rational choices about the optimum allocation of resources was not available. Instead of demonising the dentists who choose to go private, the minister and others should listen to their reasons for not continuing to provide NHS treatment.

11:13

**Christine Grahame (South of Scotland) (SNP):** I commend the report, which is a sound and thorough one. I also praise my former committee. I miss all its members and I suppose that they miss me a little—who knows?

The report was an important piece of work to commission. Indeed, the Health Committee is an important committee and I am pleased to see that it is continuing to hold the Executive to account by pushing forward on this important agenda for the public. All members' in-trays contain many examples of contacts from people who cannot access NHS dental care.

The minister said that we will have an extra 200 dentists by 2008. Is that a net figure? I am concerned about the number of dentists who will have retired by 2008 or who may have quit the NHS. The minister may be able to clarify that point in summing up, because this is an important issue. Mary Scanlon and Eleanor Scott made the point that there is not much point in people having a free dental check if they cannot then have a follow-up, but the report goes even further in saying:

"The pledge of free check-ups for all by 2007 is going to be difficult to fulfil".

There may be too few dentists for people to have a check-up, let alone any treatment thereafter. Recruitment and retention are important.

An important point that Mary Scanlon made about the action plan is the complete lack of national data. That fact thunders through the report. We all have snapshots of what is happening, and the minister, who seems genuinely concerned, wants to turn round the failures within our dental service—I was going to

say the “decay”, but I must avoid such puns. However, we need rigorous data. I hope that that will be acted on. If I may use the horrendous expression “golden handcuffs”—from which Mike Rumbles is backing off—there are in fact no national criteria under the SNP scheme for medical students. The scheme is open to all and, as we have pledged for a while, an e-copy of the information on our consultation is on its way to the minister now. We would be happy if she would respond.

Shona Robison and others raised the issue of the chronic underinvestment in dental services. I am glad to hear that there are negotiations with the profession on fee levels. As Brian Adam said, dental practices are businesses; they have to pay for overheads, staff and equipment, while delivering services to the public. That is where the gap has occurred. I will deal with some instances of fee levels that were recently brought to my attention by Borders dentists. The SNP fully supports the outreach centre in Aberdeen, which gained cross-party support. I will not make party-political capital out of it, as I acknowledge that Mike Rumbles—along with Richard Lochhead, Brian Adam and other members—has long pursued dental issues in the Parliament. The centre was fully supported, locally and nationally, by the SNP, and it is referred to in our general election manifesto, which is on its way to Mike Rumbles. We are very good—everyone is getting information from the SNP.

Mike Rumbles commented on the £40 million to £50 million increase that the SNP proposed. That is an annual increase, which—strangely enough—exactly matches the £150 million that was announced later by the minister. We were ahead of her. I am quite happy to produce the evidence beyond reasonable doubt for Mike Rumbles. Stewart Stevenson’s point was interesting. Dentists have felt isolated from other NHS professionals and do not feel as if they are within the embrace of the integrated national health service that we all want. The fact that bad teeth can affect other areas of health has been brought to my attention by dentists. The Health Committee is considering legislation to integrate dental services—not before time.

I, too, visited dentists in the Borders, and I notice that the report mentions that Dumfries and Galloway and the Borders are the worst off. Not only are 80 per cent of dentists in primary care not taking new patients there; they no longer have waiting lists. That means that people must make a round trip of 100 miles—if they are lucky—to get to an NHS dentist in Edinburgh or over the border in England. That is not easy and I am not surprised that the Borderers, with their usual determination and perhaps desperation, pursued Kate Maclean in the belief that a member of the Health

Committee would do if they could find no one else. Heaven forfend that that is where we end up.

To get back to the business side of the issue, the Borders dentists described to me the effect of changes. Let us take a simple thing such as root implements, which are now to be used only once. Each implement costs between £26 and £28, but the piecework figure is £30. As a result of the rigorous standards—fully supported by dentists—being introduced on decontamination of premises and equipment, dentists are simply not making enough money to keep in business and to keep treating NHS patients, much as they want to. Dentistry is becoming quantity driven, rather than quality driven. It means that someone receiving NHS treatment will not get some of the sophisticated treatment—better for them and better for their teeth—that they would get if they went private, because dentists simply do not have the time. It is a case of in the door, out the door. Dentists have to drill and fill as fast as they can.

There are a lot of data that we require. For instance, I would like to know—this is a point that was put to me by a dentist—how the Scottish Executive communicates with general dental practices in Scotland. The Executive seems to be out on its own most of the time, or lobbying its MSPs.

We have to ask why we are where we are. Heaven forfend that I blame anybody, but we have had 18 years of the Conservatives and eight years under London Labour. For six of those eight years, the Liberal Democrats have been in collusion with Labour, so Mike Rumbles should aim his fire elsewhere. One thing is true: it wasnae us on this side of the chamber.

I conclude on a more conciliatory note and congratulate the Health Committee on the report, which is just a beginning. Duncan McNeil was right—it needs to be taken further and should not now just rest on a shelf.

11:21

**Rhona Brankin:** I have listened with interest to the various points that have been made by all parties in the debate. In my speech, I shall endeavour to answer the questions that were raised.

I acknowledge that there are problems of access to NHS dental services in many parts of Scotland, particularly in rural areas, and attention has been drawn to specific issues today. That is why we announced such a radical shake-up of NHS dentistry in Scotland over the next three years. We believe that that shake-up is ambitious and challenging but that it will reap long-term benefits. Despite steady improvement in the oral health of

adults, the oral health of our children remains a major challenge, as Kate Maclean said. That is why we are investing so heavily in attracting new NHS dentists and encouraging committed practitioners to stay. In fact, some of the allowances that had been developed before the recent announcement are already kicking in. Around 50 new dentists have already been attracted to Scotland, and we hope to be able to attract more.

Brian Adam is worried that it is too late. I am not as pessimistic. We have the information that new dentists are being attracted to Scotland and I am confident that the measures that we put in place will attract more new dentists and encourage young dental graduates to come into the NHS. We very much hope that those measures will encourage people who have private treatment at the moment to come back to the NHS. We are confident that this is a good package for the workforce.

Several members mentioned the need to improve our collection of statistics. I agree, and that is an important issue for us. We already have information from the national dental inspection programme for schoolchildren, which allows us to access information on youngsters and to be able to plan to improve the oral health of children. The oral health inspection that we are in the process of developing will give improved information on the oral health of adults. Boards are now required to collect and use information about availability of dental services. We are looking to extend the registration period for patients. One of the challenges in the past has been when the 15-month registration period has ended and patients have become deregistered. It is also quite a challenge to get information about how many patients are being treated privately. There are particular challenges for us in collecting information, but I agree that we need to get better at it.

Our priority is preventive care for children. Kate Maclean and one of the Conservative members quite rightly drew our attention to health inequalities. Around six out of 10 children in Scotland have dental disease by the age of three. If we consider where that happens, we see that it is closely linked to health inequalities that we are aware of on the broader front. We have introduced a number of key preventive measures. We want to develop a comprehensive child dental service.

Prevention is at the centre of everything that we do. That includes the distribution of free toothbrushes and toothpaste, the supervised toothbrushing scheme that has been mentioned, providing free fruit to children in Scotland, work on nutritional standards and the development of mobile dental units for use not only in deprived

areas but in rural areas. The effectiveness of such measures should not be underestimated, but parents, too, need to play their part in ensuring that children are encouraged to follow a healthy lifestyle and we need to support parents in doing that.

The development of a joint approach to the challenges is the key to improving oral health. The action plan that was launched last month will improve access. I mentioned my visits to NHS boards throughout Scotland, and I will continue to visit more of them to emphasise the fact that access to NHS dental services is a priority issue for ministers.

I recently opened Lothian NHS Board's state-of-the-art dental facility at Chalmers Street in Edinburgh, which will further improve access to NHS services, particularly for those in the Lothians who are not registered. I was impressed by the enthusiasm that all the members of the dental team showed and I have been hugely impressed by the enthusiasm of the dentists whom I have met throughout Scotland. However, other parts of Scotland are also facing major challenges and we have set out specific measures to address them. The committee's report is primarily about the workforce. Scotland will have 200 extra dentists by 2008, which means 200 more than we already have.

**Christine Grahame:** If the minister will let me intervene, I will tell her why that is not so.

**Rhona Brankin:** It is clear that that is a net increase. We are increasing the number of dentists by 50 each year and we are increasing the number of students for professions complementary to dentistry by 30 this year, 35 next year and 45 in 2007.

**Mr McNeil:** I welcome the minister's recruitment plans and her action to recruit professionals complementary to dentistry, but will she acknowledge the point that I made earlier, which is that hygienists and dental nurses are leaving the dental service in great numbers every year? Has the Health Department examined the reasons for that in any detail? If it has not, should it not carry out a study to find out why those people are leaving and consolidate the position before we start recruiting?

**Rhona Brankin:** Absolutely. I want to ensure that we have a comprehensive career path for all professions complementary to dentistry. That has included developing new degree courses. We need to examine closely particular issues with that section of the workforce, and I am more than happy to do that. We need a mixture of independent and salaried posts in the dental profession, complemented by therapists and hygienists, who can hugely improve dental practitioners' output.

As I have already said, by March 2008, an additional 400,000 people will be registered with an NHS dentist.

**Christine Grahame:** Will Rhona Brankin give way?

**Rhona Brankin:** I want to get on, because I have to answer many questions that have been asked.

**Christine Grahame:** It would be helpful if Rhona Brankin took some interventions from Opposition members.

**Rhona Brankin:** If Christine Grahame examines the *Official Report*, she will see that I have taken many interventions from the Opposition.

By March 2008, every child in Scotland will have access to dental care on starting nursery, and we will have the largest supervised toothbrushing scheme in Europe.

The number of item-of-service fees will be simplified from more than 400 items to around 50. That is what the dentists have asked us to do, and we have delivered it. We have also already given NHS boards the authority to appoint directly salaried dentists. By 2010 the total number of dental professionals in training will exceed any previous numbers in Scotland. Such measures develop and support the dental team and will contribute to improved access to NHS dental services.

However, we will not be able to solve all the problems overnight. Our poor oral health stems from generations of neglect in Scotland, and the current shortage in the workforce stems from bad decisions that were made in the past. The action plan sets out a series of measures to address our oral health inequalities with the aim of providing access for all who need dental services. Meeting our objectives will require a genuine partnership approach between the Executive, NHS boards, dental professionals and the public, but I firmly believe that the combination of our measures and unprecedented financial investment will make a real improvement to oral health in Scotland.

11:30

**Janis Hughes (Glasgow Rutherglen) (Lab):** The debate has been good. Although it has not always been consensual, there is agreement throughout the Parliament that we have a duty to act to improve access to Scotland's dental services. As Kate Maclean said, the subject has been discussed on a few occasions over the past few months, and I was sorry to hear of her harrowing experiences in the Borders. The duty to act is the reason why the Health Committee decided to commission the research. I add my thanks to those of other committee members to

the researchers and the Scottish Parliament information centre for their work on the report, which has richly informed recent debate on dentistry.

There is clearly a problem with access to dental services and there is also concern about the standard of oral hygiene in Scotland. It is incumbent on the Executive to work to tackle both those problems. We must not underestimate the scale of the problem. The consultation document "Modernising NHS Dental Services in Scotland" indicated that, by middle age, the average Scottish adult had lost eight teeth and had 10 fillings, but, as we have heard from the minister twice today, the more worrying statistic is that more than 60 per cent of children from areas of social deprivation have some form of dental disease by the age of three. As the minister also said, the nature of treatment is changing as people live longer, which means that they keep their teeth longer. My parents, who are in their late 70s, both have their own teeth, which would have been somewhat unusual a generation ago. In fact, the most recent adult dental health survey, which was carried out in 1998, showed that, in 1972, 44 per cent of adults had no teeth, compared with only 18 per cent in 1998.

Therefore, it is clear that the pressures for change in the delivery of dental services are significant. To judge by the debate, the most obvious pressures are the continued and, in some areas, growing problems of service availability and access. Our report was commissioned to examine that issue specifically and it clearly demonstrated the work that needs to be done.

Although availability and access are problems for many rural communities, we must also acknowledge that those who live in urban areas are affected too. My constituency falls within the Glasgow catchment. Although the catchment's figures on access are good, I have recently been contacted by a constituent who is concerned that his NHS dentist is focusing solely on private work and has left 2,000 patients without support. This experience is replicated throughout Scotland—we have heard much about Grampian and about Dumfries and Galloway from Alex Fergusson and others. If patients can find another NHS dentist who is willing to accommodate them, they are often placed on long patient lists.

However, as we heard from Duncan McNeil, access is not only about geography. When I was four, my mother took me on a mysterious visit up a close, as we say in Glasgow, which resulted in my being taken into a dentist's surgery and having a tooth extracted, which has led to a lifelong fear of dentists. The point that I am making is that in inner-city areas, where tenemental properties are prevalent, many dentists' surgeries are up closes

and we must consider how to improve access for the elderly, the infirm and those with disabilities.

The report highlights the demonstrable variations in the provision of dental services throughout Scotland's health board areas and clearly shows that the problems that are faced in delivering services vary between health boards, rural and urban areas and primary and secondary care services. That has led the researchers to conclude:

"Solutions to the problems of access ... are likely to be required ... at two levels. While local commissioning of services should be sufficiently flexible to allow services to correct problems of access at the local level, a broader national strategy is required to ensure that practitioners receive adequate incentives to commit"

to the NHS. Part of the problem is that NHS dentists are becoming dissatisfied with the nature of their work within the current framework—we heard from Nanette Milne about the treadmill effect. We need to consider how much we are doing to encourage more dentists to promote dental health, as Richard Baker said. The action plan focuses on that area.

The remuneration system for dentists has been largely unchanged since the advent of the NHS and reforming it is vital if we are to encourage more people to take up careers in dentistry and improve access to services. As with any profession, dentists need to feel that a career in the NHS offers them professional development, job satisfaction and a fair reward for their skills. The report concludes that addressing recruitment and retention problems for GPs and dental nurses is a priority. I fully agree with that. We must strive to ensure that we have a skilled workforce that is enjoying job satisfaction and is encouraged to develop its skills.

Another significant issue is the changing demography of Scotland. As we have heard, an increasingly elderly population presents challenges for the dental industry that impact on service delivery in other areas. Good oral health is important in the prevention and management of oral cancer. It is therefore imperative that we work closely with dentists to promote better dental hygiene.

I accept that many of the problems stem from decisions that were taken some time ago—although I will not rehearse that debate again—and are the result of decades of neglect, but the committee was clearly of the view that the Executive had to take action. Therefore, I was most reassured on 17 March, when the Deputy Minister for Health and Community Care announced in the chamber a huge and unprecedented investment in NHS dentistry over the next three years. As we have heard again today, the minister told Parliament that, thanks to

that investment, an additional 400,000 people would be registered with an NHS dentist by 2008, through the recruitment of 200 extra dentists. By that year, every child in Scotland will be guaranteed access to dental care on starting nursery.

I was also particularly pleased to note the introduction of the largest supervised toothbrushing programme in Europe, with 120,000 children brushing at school each day. As we have heard a number of times today, prevention is much better than cure.

**Alex Fergusson:** Does Janis Hughes agree with the point that I made when I intervened on the minister, which was that the secret of the success of such a programme of supervised brushing is the proper training of the supervisors?

**Janis Hughes:** Absolutely. If Mr Fergusson is patient, I will soon deal with some of the issues that he raised.

The Executive has previously put in place some short-term measures to tackle recruitment and retention. However, with the publication of the action plan, the Executive has taken more of a long-term view. As we heard from Shona Robison, it has introduced a new bursary scheme for dental services, subject to a commitment to NHS dentistry for a period of five years after graduation, and has given NHS boards the authority to appoint directly salaried dentists. I hope that those initiatives will ensure that the NHS is able to ensure a steady supply of dentists who will continue to work in the NHS in the coming years.

Similarly, it is important to make more use of professions that are complementary to dentistry, such as dental therapists, hygienists and nurses. As Duncan McNeil said, dental therapists can increase a dentist's output by 45 per cent and a dental hygienist can do the same by 33 per cent.

Alex Fergusson talked about the Canadian model and I agree with Mike Rumbles that that is what is being proposed in the Executive's action plan. It is important that we make as much use as possible of professions complementary to dentistry. They have a huge role to play not only in prevention but in providing on-going care for all patients.

The action plan also highlights the Executive's commitment to cutting red tape and offers dental practices access to a rental reimbursement scheme. The plan has been warmly welcomed in the chamber and throughout the country as evidence that the Executive is serious about improving dental health and access to dental services. We now have to ensure that the reality matches the rhetoric.

In the context of the professions that are complementary to dentistry, I should say that I am

pleased that new dental therapist schools have opened in Glasgow and Dundee and that a further training facility is due to open in Edinburgh this year.

This is a vital issue and I am pleased that the Parliament has allowed the committee the opportunity to bring the debate to the chamber this morning.

I believe that, in commissioning the research, the committee had a role to play. That was done in the context of the action plan, which had been consulted on and was being produced by the Executive. The committee felt that the issue was important and we are pleased that the action plan has been outlined in the chamber.

I sincerely hope that the publication of the action plan has answered many of the questions that were raised by the report. I believe that the initial signs are encouraging. As always, however, only time will tell. A lot has been done, but there is a lot more still to do.

I commend the report to the Parliament.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:40

#### Concessionary Travel (Pensioners and Disabled People)

**1. Irene Oldfather (Cunninghame South) (Lab):** To ask the Scottish Executive what action it is taking to encourage pensioners and disabled people to use the concessionary travel scheme. (S2O-6463)

**The Minister for Transport (Nicol Stephen):** I am sure that Irene Oldfather would agree that one of the landmark achievements of our two parties working together in the Executive will be the introduction of free, Scotland-wide, all-day bus travel for older people and people with disabilities. With those benefits, I think that most people will not need to be encouraged to make use of the scheme. However, we will be promoting awareness of the scheme in the months up to its introduction on 1 April next year.

**Irene Oldfather:** While I warmly welcome the measures that the minister has outlined, I would like to draw to his attention the plight of the most vulnerable elderly and disabled people, who are required to pay for companion bus passes. Does he agree that that anomaly should be addressed? As he is rolling out the new scheme, will he take the opportunity to consider how the matter could be rectified in a way that will ensure that our most vulnerable elderly citizens can take full advantage of the scheme without payment?

**Nicol Stephen:** I agree with Irene Oldfather that we need to tackle this issue and have a consistent approach across Scotland. I was frustrated when I discovered that some councils give people who are disabled the option of choosing either a taxicard scheme, which is a demand-responsive scheme that offers a service to the person's doorstep, or a bus scheme. I have taken steps to ensure that that choice is no longer forced on individuals and that people will always have the option of using the free bus travel scheme. Some people with particularly serious disabilities who make use of the free bus travel scheme will require a companion for support. I do not think that that support should be at the expense of the individual.

**Christine Grahame (South of Scotland) (SNP):** I am glad to hear the minister's words because, several times, I have raised in the chamber the possibility of extending the scheme to

carers or companions. I hope that he will provide us with a timescale in relation to this issue. I know that his heart is in it and that he said that he is supportive of the idea that carers or companions should also have access to the free travel scheme. However, I ask him to assure me that some progress will be made to ensure that we no longer have a postcode lottery in relation to the issue.

**Nicol Stephen:** Christine Grahame is correct to say that we need to make early progress on the issue. I have announced that the Scotland-wide free bus travel scheme for the elderly and disabled will be active from 1 April 2006. In parallel with that, we are conducting a review of all of the issues facing disabled passengers in particular. I will ensure that that review, which is examining all forms of public transport, addresses the issue that we are discussing and that we have a sensible timescale that will tie in with the new national scheme.

#### **Antisocial Behaviour (Aberdeen)**

**The Presiding Officer (Mr George Reid):** Before calling question 2, I remind the Executive and members that they should not, in answer to the questions or in any supplementary questions, refer to any current court proceedings.

**2. Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** To ask the Scottish Executive whether it considers that the powers of dispersal contained in the Antisocial Behaviour etc (Scotland) Act 2004 have been applied correctly to the Beach Boulevard area of Aberdeen. (S2O-6331)

**The Lord Advocate (Colin Boyd):** There are currently summary prosecutions in Aberdeen sheriff court arising out of the use of dispersal powers in the Beach Boulevard area. Given that those cases are sub judice, it would be inappropriate for me to comment further.

**Mike Rumbles:** I have not been able to find anywhere in the legislation, the policy memorandum, the explanatory notes accompanying the act or the *Official Reports* of the passage of the bill anything that allows the 2004 act to be applied to motorists. Could the Lord Advocate point out exactly where the provisions in the act that apply to motorists can be found? Surely motorists who contravene road traffic legislation deserve to be prosecuted under that legislation.

**The Lord Advocate:** The interpretation of the 2004 act will ultimately be a matter for the courts. As I indicated, it would be inappropriate for me to comment on that. Clearly, the police will have to interpret the act subject to such guidance as they get from the Executive. They have gone through a consultation process in order to arrive at their

position on the serving of dispersal orders. It would be inappropriate for me to comment any further on the matter.

#### **Community Recycling**

**3. Eleanor Scott (Highlands and Islands) (Green):** To ask the Scottish Executive how it is supporting community recycling groups. (S2O-6277)

**The Minister for Environment and Rural Development (Ross Finnie):** Through the investment in community recycling and social enterprise—INCREASE—programme, we have allocated £5 million for community recycling groups until March 2006. I also recently announced a further commitment of £2.5 million in each of 2006-07 and 2007-08 for community recycling initiatives.

**Eleanor Scott:** Why may groups such as Lochaber Environmental Group, which I know met the Executive recently, not receive the money that they were promised from the strategic waste fund unless they reach fixed waste tonnage targets, even if any shortfalls are due to changes that are outwith a group's control? Why is the allocation of the fund rigidly fixed to tonnage targets, rather than the fund recognising that community groups, which provide a range of local benefits, have core costs to which it should contribute?

**Ross Finnie:** I am aware that difficulties have arisen in Lochaber Environmental Group and that among those was the tonnage issue. I hope that the member is aware that Executive officials met HomeAid Caithness, which manages groups, to discuss Lochaber Environmental Group's financial situation. The outcome of that meeting was an agreement that the Executive would give the group direct support for a further six months, during which the group would attempt to deliver a more robust plan for future activities. We are still finalising the details of that, but we will communicate those to the group in the near future.

#### **Inverness College**

**4. Maureen Macmillan (Highlands and Islands) (Lab):** To ask the Scottish Executive whether the Minister for Enterprise and Lifelong Learning will meet the principal of Inverness College to discuss the college's financial situation. (S2O-6427)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** The principal has not sought such a meeting. It is the Scottish Further Education Funding Council's responsibility to fund Scotland's further education colleges and to promote their efficiency and financial stability. I am encouraged that the funding council is arranging to meet the

principal and the chair of Inverness College to discuss the college's financial position.

**Maureen Macmillan:** I thank the minister for that helpful reply and declare that I am a member of the Educational Institute of Scotland. Does he appreciate the effect of paying off historic debt on Inverness College's ability to invest in its future and the knock-on effect on the UHI Millennium Institute, particularly as the college may find it necessary to make about 20 staff redundant? Does he agree that the situation is serious and needs a serious solution from the Executive?

**Mr Wallace:** I am aware of the background and of the position that faces Inverness College. I am sure that Maureen Macmillan agrees that we never like to see compulsory redundancies in any situation. It is fair to point out that funding decisions are for the Scottish Further Education Funding Council's independent judgment without political interference, but to support its recovery plan, Inverness College has received a long-term advance of £1.5 million on top of its normal grant. The funding council reprofiled the college's grant payments in 2004-05 and in previous years.

Many colleges have had to take tough decisions to support their financial security—members may know of such colleges in their constituencies. Such decisions have rarely involved compulsory redundancies. I very much hope that the talks between the college and the funding council will encourage any necessary boost to efficiency without the need for compulsory redundancy.

**Alex Neil (Central Scotland) (SNP):** Will the minister examine the impact of such measures on educational input? Like Inverness College, too many colleges are having to take decisions that are driven by historic debt problems rather than by their areas' educational needs.

**Mr Wallace:** It is important to note that, although at the end of 2002-03 16 colleges were in debt, by the end of 2003-04 that number had reduced to nine, so several colleges have managed to achieve financial security. I accept that important educational provision issues arise. However, some colleges have taken tough but necessary decisions to secure their financial viability, which ensures that the students and communities that they serve have access to high-quality training and skills opportunities. It would be wrong to send a message to them by taking money away from them—giving money to some colleges would mean taking it away from other colleges.

The background is that the Executive will fund further education by £620 million per annum by the end of the spending review period, which is a 45 per cent cash increase over 2003-04. Substantial resources are being put into further education.

**Mary Scanlon (Highlands and Islands) (Con):** If the threat that 20 lecturers will be made redundant were realised, does the minister agree that that could reduce Inverness College's ability to gain additional income in future? Will he consider abolishing capping for students of construction and health and social care, for which demand is exceptionally high? Will he examine the funding of UHI courses by colleges in the network?

**Mr Wallace:** Mary Scanlon mentions construction training. It is important that colleges identify the main priorities that will address needs in their local economies. We expect every college to deliver courses to meet those priorities.

Colleges can enrol as many students as they wish but, in the interests of stability and manageable change, SFEFC can fund only the student activity that it has agreed with a college. It does that against the backdrop of substantially increasing resources for further education.

## Zero Waste

**5. Shiona Baird (North East Scotland) (Green):** To ask the Scottish Executive how it defines zero waste and what action would be needed for a zero waste policy to be put into practice. (S2O-6259)

**The Minister for Environment and Rural Development (Ross Finnie):** Chapter 7 of the national waste plan includes a description of zero waste. We are taking several measures to improve recycling and reuse and to promote waste prevention.

**Shiona Baird:** I still have the feeling that the minister does not understand fully what zero waste means. One of the most important elements that he did not mention is the redesign of goods. Is he willing to meet me to discuss zero waste further? The main question is that, if he is not willing to progress a zero waste policy for Scotland that will reduce dramatically the amount of waste that is produced, and if he is not for zero waste, how much waste is he for?

**Ross Finnie:** I assure the member that she does not have to wait for question time on Thursday to request a meeting with me. I am happy to meet her at any time to discuss the important issues.

The member accused me of not understanding the definition of waste, but when I said that we were interested in waste prevention, that encompassed the design of packaging for waste. I am sorry that she does not understand the definition to be so inclusive.

As I said in my previous answer, we make clear and acknowledge the description of zero waste. I



say with all due respect that simply saying “zero waste” is an interesting proclamation but, as everyone in the chamber knows, that will not happen instantly. That is why the Scottish Executive—unlike the Greens, who want to shout slogans—is interested in putting in place measures that will increase recycling and reuse and reduce waste.

### **Economy (Families)**

**6. Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the Scottish Executive whether its policies reflect the view that hard-working families are the cornerstone of a successful economy. (S2O-6304)

**The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson):** The refreshed “Framework for Economic Development in Scotland” contains a long-term strategy to secure long-term employment, and hard-working families are critical to realising that ambition. United Kingdom tax credits and Scottish initiatives such as the working for families fund and the child care strategy have already helped many families. The Executive will continue to work with the UK Government to ensure that all families have the opportunity to contribute to growth and prosperity.

**Mr McNeil:** Does the minister agree that to hammer with a local income tax hard-working families, who already pay their fair share, is unfair and poses risks to the economy, of which they are the backbone? Does he agree that excluding one major source of wealth—property—from taxation would unbalance the tax system and create nothing but a big pay-day for tax lawyers?

**Allan Wilson:** I thank the member for that question. He knows that I have a deal of sympathy with his position. The council tax—

**Mr John Swinney (North Tayside) (SNP)—**is unfair.

**Allan Wilson:** The council tax is the subject of independent review. One factor that will have to be taken into account in that review is that, because of rising child tax credits, 3 million of Britain’s 7 million families with children now receive more in tax credits and child benefit than they pay in income tax—effectively, their income tax liability is wiped out. I say to Mr Swinney that what would be unfair is adversely to affect that tax liability by adding to the tax burden on those families, as he proposes.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Is the minister aware that the Institute for Fiscal Studies showed that 75 per cent of people would either pay the same or less with a local income tax? Does he agree that a taxation system should be progressive? Does he further agree that the Prime Minister is right not to rule out

a Labour Government introducing a local income tax?

**Allan Wilson:** The point that I make in response to Jeremy Purvis is the point that I made to Mr Swinney: the independent review will require to examine the impact on the lowest-paid and poorest families in our community, their child care credits and their tax credits before it comes to any conclusion on whether a local income tax would be beneficial to them or otherwise.

### **Health Care-acquired Infections**

**7. Dr Elaine Murray (Dumfries) (Lab):** To ask the Scottish Executive what actions it is taking to tackle health care-acquired infections. (S2O-6460)

**The Minister for Health and Community Care (Mr Andy Kerr):** We recently announced our new campaign to protect patients from hospital infections and to ensure that we have clean wards. It will be a thorough, relentless and systematic campaign. It is one of the most comprehensive in Europe and is backed by £15 million of investment over three years.

The key elements include sisters and charge nurses being accountable for ward cleanliness, and the availability of alcohol hand rubs near every front-line bed since the beginning of this month. I am expecting confirmation from chief executives in the next week that the policy to provide alcohol hand rubs has been fully implemented. There is also reinforcement of management accountabilities and responsibilities with regard to HAI and there are further developments in education and training for cleaning, nursing and medical staff. However, cleanliness is everyone’s responsibility. Staff and visitors alike can do their bit to save patients from infection.

**Dr Murray:** I am pleased to hear about the steps that the Executive is taking to combat this serious issue, although it is unfortunate that some prominent Opposition politicians have sought to exaggerate the problem for political purposes.

The minister referred to the role that hospital visitors can play in combating HAI. Can he advise whether the HAI task force is looking at the problems that may be caused by open-ended visiting arrangements, such as extended hours or unlimited numbers of visitors at beds, which may cause difficulties for hospitals in controlling infections that are brought in from the outside community?

**Mr Kerr:** Clearly, we must regain patients’ confidence with regard to the matter, which is not helped by inappropriate reporting by some national media outlets or by Opposition politicians on the make. However, the guidance that we have set out must be implemented. Alcohol hand rubs

will make a substantial difference and our prevalence study will ensure that we monitor the situation. Of course, at this very minute in our health service we are training cleanliness champions. Those who have been trained are making a radical difference. On visiting and the conduct of visitors, sisters and charge nurses are now in charge. It is their responsibility to make the decisions.

### **BBC Scotland (Job Losses)**

**8. Pauline McNeill (Glasgow Kelvin) (Lab):** To ask the Scottish Executive what assessment it has made of the economic and social impact of job cuts at BBC Scotland. (S2O-6445)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** No formal assessment has been made of the economic and social impact of job cuts at BBC Scotland. However, the Executive recognises the importance to Scotland of having vibrant broadcasting and creative industry sectors and continues to support those sectors through the enterprise networks, the Scottish Arts Council and Scottish Screen.

**Pauline McNeill:** The minister will be aware of the news that 195 jobs are to be cut at BBC Scotland, possibly rising to 240. Notwithstanding my concerns about the inevitable drop in quality of output and the impact on Scottish culture, does he share my view that the BBC has been the skills base of the broadcasting industry and has provided excellent training, which has benefited private and public industry, and that the cuts will impact on the whole industry? Will he therefore raise the issue in the Cabinet and do whatever he can to protect skills and jobs, for the benefit of public broadcasting and the private industry?

**Mr Wallace:** I agree that the BBC has played an important role in securing the skills base for many people throughout the creative industries. I will do as Pauline McNeill says. Along with Patricia Ferguson, I am sure that we will want to raise the issue with colleagues in the Department for Culture, Media and Sport at Westminster. It is also important to recognise and support the BBC's intention to increase production outside London and deepen its commitment to nations, regions and local communities in the United Kingdom. I assure Pauline McNeill that we will try to attract to Scotland as much as possible of the work that is to be outsourced from London.

## **First Minister's Question Time**

12:00

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

**1. Nicola Sturgeon (Glasgow) (SNP):** To ask the First Minister when he will next meet the Prime Minister and what issues will be discussed. (S2F-1581)

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

**Nicola Sturgeon:** Does the First Minister recall that a few weeks ago I revealed damning information about national health service waiting times? That information was obtained from ISD Scotland, which is the First Minister's statistics department. ISD has always released information quickly and without question—that is, until now. Will the First Minister explain why the rules have suddenly changed? Why does any politician or journalist who wants information about the NHS now have to go through a lengthy five-step process with no guarantee that any information will be released at the end? What is the First Minister trying to hide?

**The First Minister:** I am not aware of any change in the rules whatsoever.

**Nicola Sturgeon:** The First Minister can plead innocence, but is it not a coincidence that he is embarrassed in the chamber by information from ISD then, within weeks, rules that have lasted for 31 years are changed to make it nigh on impossible to get information from ISD? That change is a blatant attempt to cover up his failure on health, and it is not the only one. Is the First Minister aware of the rule that parliamentary questions should normally be answered within two weeks? If so, will he explain why four questions about the number of patients who are waiting for treatment have not been answered seven weeks after they were lodged by one of my colleagues? Again, what is the First Minister trying to hide?

**The First Minister:** We are, of course, all aware of the targets that are set for the answering of parliamentary questions. In the vast majority of cases, those targets are met. In some cases it takes longer to provide the information, but in all cases questions are eventually properly answered.

**Nicola Sturgeon:** Is the First Minister aware that the answers to the questions to which I referred have been on the Minister for Health and Community Care's desk for two weeks? On Monday, his office told the Scottish Parliament information centre—and this is a quote—

"that the minister is not happy with the figures and he is not prepared to release them".

Half an hour ago, the health minister's office told SPICe that the information will be released, but not until after First Minister's question time. Will the First Minister tell his health minister that concealing information while he fiddles the figures is not on? Will the First Minister stop treating the Parliament and the public with contempt to cover up his failures?

**The First Minister:** That allegation is absolutely untrue. It contains no basis in truth whatsoever. The questions will be answered properly with accurate information that is independently provided to the Executive. The questions will be answered by the health minister as soon as that information is ready.

**Nicola Sturgeon:** If the allegation is untrue, I expect the First Minister to instruct his health minister to release the information immediately. Is it not the case that the First Minister will go to any lengths to cover up his failure on health? He will use English statistics, he will pretend that Scottish patients do not have to wait twice as long, and now he is suppressing information and keeping it secret from the public. Is it not the case that when the facts do not suit—whether on war or on waiting times—Labour's instinct is to distort or suppress them? Is it not time that the First Minister stopped hiding the truth and came clean about his woeful record on the national health service?

**The First Minister:** Nothing could be further from the truth. I remind Ms Sturgeon of the facts about the health service here in Scotland. The number of people waiting 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 one waits more than nine months for in-patient treatment after that treatment has been agreed. The median wait in Scotland is shorter than anywhere else in the United Kingdom. Out-patient waiting, which was not even measured by the Tories, was reduced by 15 per cent in the last quarter of last year. Those and other statistics are the statistics that Ms Sturgeon does not want to debate in the chamber. No amount of Scottish National Party spin on the matter can detract from those statistics and the achievements of doctors, nurses and other professionals in the Scottish health service. We will continue to defend and improve the achievements of the health service in Scotland. The SNP can spin all it likes, but that will not change the facts of the matter.

### **Cabinet (Meetings)**

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

discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-1582)

**The First Minister (Mr Jack McConnell):** The Cabinet will meet again next week and it will discuss issues of importance to the people of Scotland.

**David McLetchie:** I suggest that an important issue that the Cabinet should consider is the one highlighted in the remarks of Sergeant Malcolm Gibbs of Tayside police, who told the Scottish Police Federation conference earlier this week:

"It is absolutely scandalous that criminals are released before their sentence is up and it causes immense frustration for officers."

When will the First Minister start listening to the people who have to deal with the problems that are caused by his policy? When will he stop the practice of handing get-out-of-jail-free cards to criminals?

**The First Minister:** As I have said before, it is wrong of Mr McLetchie to describe our policy in that way and to exaggerate it with the use of inflammatory language. However, as I have stated clearly on a number of occasions—in advance of the most recent Scottish Parliament elections, in our partnership agreement and in our evidence to the Sentencing Commission—my view is that automatic release halfway through a sentence is also wrong. If we are to change that policy, we should change it in the way that is most effective in terms of punishing offenders and in terms of their rehabilitation. The automatic release policy will change, but it will do so following recommendations from a judicially led committee. That is the right way to bring about a change that is sustainable in the long term rather than one that is about party-political point scoring.

**David McLetchie:** I remind the First Minister that there was no commission when the Labour Government introduced automatic early release seven years ago. Nearly two years have passed since he said that automatic early release would be a first priority for his Sentencing Commission, but we know perfectly well that that was not the case. Meanwhile, the list of crimes that could have been prevented grows longer. The First Minister will be aware of this week's report into the case of James Campbell, who attempted a disgusting rape on a two-year-old child after his release only halfway through a three-year sentence. Will the First Minister take the opportunity to apologise to the family concerned, and to all others in that situation, for the failures of a Scottish Executive policy that, I repeat, is more concerned with emptying our prisons than with protecting the public?

**The First Minister:** It is absolutely untrue to suggest that there is a policy to empty prisons or

that the current policy on automatic early release will be maintained. We will change the policy on automatic early release, but we will do so in a sustainable way that can build support and be effective across Scotland. Not only do we need more effective sentences, with tougher sentences for those who are most dangerous and most violent, but we need effective rehabilitation to cut reoffending. Scotland's rehabilitation rates have been too low for far too long. That is why the system needs to change.

On the James Campbell case, the Minister for Justice has made it perfectly clear that the failure of the agencies involved in monitoring James Campbell in the community is unacceptable and that such failures would be unacceptable anywhere in Scotland. That is why she has sought an urgent report on the management of every sex offender who has been released on licence in Scotland to be completed by September to ensure that such information is available. That is also why North Lanarkshire Council—which, I understand, was the agency responsible in this case—has not only publicly apologised following this week's Social Work Inspection Agency report but agreed to implement the report's recommendations immediately.

**David McLetchie:** However, the fundamental failure was not in monitoring but in the fact that the man got out of jail early because of the First Minister's policy. If the man had still been in jail, he would not have needed any monitoring. That is only common sense. How can the First Minister say, on the one hand, that he will change the policy on automatic early release and, on the other hand, that he will await the report of the Sentencing Commission? That is a completely inconsistent position. If he is determined to change the policy regardless of what the Sentencing Commission says, he can introduce his proposals now. Why will he not do so? Surely the First Minister does not need a Sentencing Commission in order to correct what is self-evidently a blatant and disgraceful injustice.

**The First Minister:** Not at all. It makes perfect sense for the policy to be changed following proper advice from the judicially led Sentencing Commission, which has on it the experts who will be responsible not only for sentencing but for the implementation of rehabilitation programmes and the monitoring of people in the community once they are out.

Whether James Campbell was out after 18 months or three years, he still required to be monitored in the community. That is why the procedures that we have put in place to monitor sex offenders in the community must be implemented by every agency involved. That is also why, as we move towards ending automatic

release, we must do that in the most effective way so that those who are released—whenever they are released—are not more likely than they have been in the past to be involved in offending again.

**The Presiding Officer (Mr George Reid):** There will be one constituency supplementary.

**Elaine Smith (Coatbridge and Chryston) (Lab):** As the First Minister is aware, the report of the Social Work Inspection Agency's investigation into the events surrounding the horrific crime perpetrated by James Campbell in Coatbridge last July was published this week. The report highlighted a number of issues, some of which have been mentioned in response to the previous question. Among the issues that were highlighted was the fact that when he was in prison James Campbell did not receive any treatment to address his sexual offending. Although I welcome the swift action taken by the Minister for Justice to initiate a national audit of sex offender cases, can the First Minister tell me what action will be taken to ensure that all sex offenders receive assessment and treatment that is appropriate to their needs and to the risk that they pose? Also, at what stage is the Scottish Executive with regard to developing a national strategy on the housing of sex offenders?

**The First Minister:** Both matters are currently being worked on, but both are reliant on clear procedures being in place and on there being an expectation that following those procedures will be the norm, rather than the exception. We are bringing in those changes—which were not previously brought in—to ensure that sex offenders are less likely to offend again.

It is also important that we ensure, in relation to the ending of automatic early release, that sex offenders are treated with more immediate priority than other offenders. That is why we have said that we will move to end automatic early release for sex offenders more quickly than for all other categories of prisoner. That is the clear demand from the public throughout Scotland. It is the clear necessity in relation to the provision of the treatments that are required and it is a clear necessity for the protection of the public.

### **National Health Service (Entrepreneurial Spirit)**

**3. Colin Fox (Lothians) (SSP):** To ask the First Minister what the Scottish Executive's position is on United Kingdom Secretary of State for Health Dr John Reid's emphasis on the health service's need for greater entrepreneurial spirit. (S2F-1596)

**The First Minister (Mr Jack McConnell):** Dr Reid has always been known for entrepreneurial spirit. We are committed to creating a patient-centred national health service in Scotland, which is available to all according to clinical need and is free at the point of use. I certainly support a

greater entrepreneurial spirit when that means vigorously searching for and pursuing new ways of doing things that improve services for patients and ensure that they get the best and quickest treatment possible from the NHS in Scotland.

**Colin Fox:** John Reid's rebuke of doctors and dentists for their lack of entrepreneurial spirit surely exposes to the core new Labour's values on health. How many students has the First Minister met who went to dental college or medical school because they wanted to be entrepreneurs? Is it not the case that most people want general practitioners and dentists to become salaried employees of the national health service? Is it not also the case that the national health service has for 50 years been fending off entrepreneurial spirits, in the shape of pharmaceutical companies that rip off the NHS every year and financiers who build new hospitals, such as the new royal infirmary in Edinburgh, for £300 million and charge double that amount? In the past Labour used to fend off entrepreneurs—

**The Presiding Officer:** That is enough. You will get another cut in a minute.

**The First Minister:** One of the pleasures that I have had this week was that of addressing the annual congress in Dundee of the Scottish Trades Union Congress. I was able to welcome the STUC's involvement in "Determined to Succeed", our enterprise in education programme. The core principles of "Determined to Succeed"—creativity and encouraging entrepreneurial spirit among Scottish children—should run through our public services, not only our private sector. We need public services in Scotland that employ people's imaginations and their creativity, which is not the same as exploiting those services for private profit. One reason why Colin Fox and the Scottish Socialist Party will never be in Government in this country is that they do not understand the difference between creativity, flair and imagination on the one hand and an end to exploitation on the other.

**Colin Fox:** The First Minister has avoided the issue. He knows that the state of the NHS is people's biggest bugbear in the general election campaign. Is that because finding an NHS dentist in Scotland is harder than finding weapons of mass destruction in Iraq? Will people take Labour's demand for more entrepreneurial spirit to mean that it is abandoning the bedrock on which the NHS was built: that if a person is ill, they will be treated? Finally, is it true that there can be a universally free health care system that is based on need, or a system that is driven by entrepreneurial spirit, but there cannot be both?

**The First Minister:** That is not true. There can be an NHS in Scotland that is driven by need and free at the point of need, as well as a service that

has a spirit of creativity and imagination and that looks for new ways to deliver services in the 21<sup>st</sup> century. The Scottish Socialist Party does not understand that, which shows how out of date and old fashioned its form of socialism is and why that party will again be rejected by the people of Scotland in the election on 5 May. Its members ask questions about dental services at First Minister's question time, but they could not be bothered even to turn up to take part in this morning's debate. People will waste their votes if they vote for that crowd; they should not vote for members of that party again.

### NHS Argyll and Clyde

**4. Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the First Minister whether all options need to be considered to ensure that safe, sustainable services are delivered for the patients of NHS Argyll and Clyde. (S2F-1585)

**The First Minister (Mr Jack McConnell):** We expect all national health service boards to sustain a sound financial footing in order to deliver high-quality services from the Executive's record levels of funding. We are all aware of the significant financial difficulties that NHS Argyll and Clyde has experienced and the Minister for Health and Community Care has been consistently clear that no options will be ruled out in order to preserve high-quality, safe and sustainable health care services for local people in that area.

**Mr McNeil:** I welcome the First Minister's response. Is it in the best interests of patients to allow a health board to soldier on if, over a period of years and under a succession of management regimes, it has pushed forward a string of ill-thought-out reorganisation plans, its accounts are in a mess and it has lost the trust of those whom it serves? Does the First Minister agree that although structures are not the solution, they can be part of the problem? Will he give an assurance that he and his ministers will not shirk from taking the toughest action when it is required?

**The First Minister:** It is clear that there are continuing problems in NHS Argyll and Clyde, but there have also been successes over the years. I am keen to build on those successes as well as to tackle the difficulties. As I have already said in the chamber, one issue that must be considered is the structure of the health boards in the west of Scotland. The Minister for Health and Community Care is considering that matter and will make a statement to the Parliament in due course.

**Mr Stewart Maxwell (West of Scotland) (SNP):** Obviously, the First Minister will be aware of last weekend's stories about leaks from the Executive on the possibility of scrapping Argyll and Clyde NHS Board. Will scrapping that board lead to

services being returned to hospitals in the Inverclyde and—in particular—the Vale of Leven areas for the benefit of patients, or will it make no difference whatsoever? Will the Executive write off the massive multimillion pound debt, estimated to be up to £100 million, for the benefit of patients in the west of Scotland? What will be the effect of scrapping Argyll and Clyde NHS Board on patients in the Greater Glasgow NHS Board area? The acute services review in Glasgow has led to changes at the Victoria infirmary and at Stobhill and there will be accident and emergency department closures in the future. Will those changes be put on hold, because the premise on which the acute services review was based will be changed if Argyll and Clyde NHS Board is scrapped and the boundaries are changed?

**The First Minister:** Here we go again. There have been hundreds of millions of pounds of investment in new hospital services in Glasgow and all that Stewart Maxwell can do is complain and wish that such investment was not happening. The Parliament was not set up to do that—it was set up to improve the health service in Scotland, not simply to complain about it and about additional investment.

There was no leak about the position in Argyll and Clyde, no decisions have been made and every decision that is made will be made by putting patients first, rather than ideology or privatisation.

**Miss Annabel Goldie (West of Scotland) (Con):** Does the First Minister accept that the patients in Argyll and Clyde do not have the remotest idea what he is talking about? The patients in that health board area are overdue a specific ministerial assurance from the Parliament as to precisely what the Scottish Executive intends to do in relation to that health board.

**The First Minister:** If the Minister for Health and Community Care did not consider carefully the report of the Audit Committee of this Parliament and consult properly all the health boards that might be involved in any change, Miss Goldie would be one of the first to criticise him. It is right and proper that a considered decision is made in this case, and that it is made in the interests not of structures or of ideology, but of patients. It is also right and proper that the decision is announced to Parliament as soon as it is made.

**Jackie Baillie (Dumbarton) (Lab):** I would not expect the First Minister to comment on speculation about the break-up of Argyll and Clyde NHS Board, although many of my constituents would welcome that action from the Minister for Health and Community Care. Will the First Minister affirm that we will always put the needs of patients very much at the top of the agenda? Equally, will he affirm the importance of the Vale of Leven and

Gartnavel hospitals to delivering services for my constituents in the future?

**The First Minister:** I am happy to acknowledge the considerable efforts made by Jackie Baillie to ensure that the needs of her constituents are taken on board in any review of the current position. However, they make at least as much use of facilities in the Glasgow NHS Board area as in the Argyll and Clyde NHS Board area, as Jackie Baillie has consistently said in the chamber. That is an important factor in this discussion.

No decisions have been made or will be made until there is a proper series of discussions with the boards, the medical representatives and, obviously, within the Executive among ministers, so that all the implications are taken on board. When a decision has been made, the Parliament will be the first to know.

### **G8 Summit (Impact on Edinburgh)**

**5. Stewart Stevenson (Banff and Buchan) (SNP):** To ask the First Minister what impact the G8 summit will have on access to public facilities in Edinburgh and what the effects of any restrictions may be. (S2F-1584)

**The First Minister (Mr Jack McConnell):** The plans for dealing with a large number of people in Edinburgh, as elsewhere, will be a matter for the chief constable in consultation with the local authorities and other relevant agencies. They will be based on the most up-to-date assessment of risks at that time. As ever, the chief constable will have our full support.

**Stewart Stevenson:** I thank the First Minister for his reply. Would he share my concern if people such as us in public life, and their facilities, were in light of an assessed threat to have protection that was denied to people elsewhere in Edinburgh, including commercial premises and ordinary individuals? Does he agree that we should make every effort to ensure that the Parliament building and other public buildings remain open for business as usual during the G8 summit?

**The First Minister:** The Presiding Officer would be the first to pick me up if I tried to interfere with his role or that of the parliamentary authorities in deciding the opening hours of the Parliament and the arrangements that apply in that regard.

I would not wish to see unnecessarily preferential treatment from the security services for anybody in our society. However, the chief constable and others must make a proper assessment of risk, not just to buildings but to people throughout Edinburgh as well as in the parliamentary complex. When they make that assessment, they must make the decisions that are required. I hope that the Parliament will follow their advice.

**Sarah Boyack (Edinburgh Central) (Lab):** I wish to make the First Minister aware of the genuine concerns of local businesses, community representatives and shopkeepers in the area around the Parliament and throughout the city centre about the potential disruption to their lives and the potential damage to property that they read about in the newspapers on a regular basis. We have already had lessons in disruption to people's lives in this area, including, for example, to pensioners who were not able to access local services, and to bus services when Canongate is closed. Will the First Minister meet me to discuss what we can do to reassure local people that their needs and concerns will be taken into account in the important planning that he has talked about being done by all the authorities? We need to ensure not only that the agencies talk to each other, but that local people also know what is happening.

**The First Minister:** I want to reassure the people of Edinburgh that the agencies are not only now talking to each other but have been for some considerable time. A considerable amount of planning, not all of which can be made public, is going into ensuring that security in Edinburgh is as strong as it can be around the dates of the summit.

I would be happy to arrange for the Minister for Justice to talk to Sarah Boyack about those plans in more detail than can currently be provided. However, I make it clear that Scotland has one of the best-trained, most highly skilled police forces in the world. On this occasion, we have the benefit of operating jointly with the British security forces. We are well prepared for the summit. We cannot assess every possible outcome, but we can assess the level of risk and are doing so, partly so that we can also concentrate on exploiting the opportunities that the summit gives us. Those opportunities will deliver hundreds of millions of pounds of benefit to the Scottish economy now and in the future. We are preparing for the G8 summit in July by seizing the opportunities at the same time as we assess and deal with the risks.

**Lord James Douglas-Hamilton (Lothians) (Con):** Will the First Minister ensure that the police have the necessary back-up support, so that if offensive weapons are accumulated beforehand, as has happened at other summits, preventive action can and will be taken?

**The First Minister:** The police are planning for all eventualities and are working with others to ensure that they have the resources, facilities and back-up support that may be required to deal with whatever may transpire.

**Mark Ballard (Lothians) (Green):** The First Minister has indicated his support for the police and local authorities. Does he agree that the City

of Edinburgh Council should be supported financially to allow it to provide public facilities for those who, at the invitation of Gordon Brown, among others, are coming to Edinburgh to exercise their right to peaceful protest, and that the provision of proper public facilities is the best way of avoiding any confrontation in Edinburgh or across Scotland during the G8 summit?

**The First Minister:** Discussions are taking place on this issue at the moment. We have made it clear that, as well as providing additional finance for the police authorities in Scotland that will be most affected, we will ensure that additional finance is available for local authorities in Scotland that may be affected. The details of that finance must be negotiated—there is no blank cheque to any authority or other organisation. However, we will ensure that resources are provided and that Scotland is prepared.

### Barnett Formula

**6. George Lyon (Argyll and Bute) (LD):** To ask the First Minister whether the Scottish Executive is aware of any plans to review the operation of the Barnett formula. (S2F-1592)

**The First Minister (Mr Jack McConnell):** We are not aware of any such plans.

**George Lyon:** I wonder whether the First Minister is thinking what Liberal Democrat members are thinking—that the only thing that a Tory Government at Westminster would deliver for Scotland would be massive cuts to front-line public services. Does the First Minister have any information on why the Scottish National Party has failed to publish detailed costings of its spending plans? Could it be that it is trying to cover up a financial black hole in the plans? Does he welcome the fact that a Liberal Democrat Government at Westminster will deliver not cuts or financial black holes, but an additional £1.8 billion for the Executive to invest in public services?

**The First Minister:** I am sure that George Lyon and the Liberal Democrats as a whole will be happy to outline their plans to the good voters of Edinburgh, Aberdeen and elsewhere, and that they will also spell out the tax increases that will pay for them. However, at least those plans are accurately thought out, unlike the nonsense that we have heard over recent weeks from the two main Opposition parties in the Parliament. On 20 January, we had a clear promise from the Conservatives that they would publish their plans for savings in the Scottish budget in advance of the Scottish election, but just a few weeks later we had a clear promise that they would not. The Scottish Conservatives have hidden, secret plans for cuts in the Scottish budget that we have yet to see.

However, at least the Conservatives have some plans, unlike the Scottish nationalist party, which cannot even add up what it will spend, never mind what it will save. It is about time that the Scottish National Party published not only the savings that Alex Salmond promised this week, but the costings of all the many promises that are included in its manifesto.

**Jim Mather (Highlands and Islands) (SNP):** We will give the First Minister a chance to do some arithmetic of his own. To what extent will the forecast by the United Kingdom Government Actuary's Department that the Scottish population will decline to 3.6 million by 2073 and our having the lowest life expectancy of the 24 Organisation for Economic Co-operation and Development countries force changes to the Executive's revenue-generating strategies and other Government policies?

**Margo MacDonald (Lothians) (Ind):** On a point of order, Presiding Officer.

**The Presiding Officer:** Let me get the First Minister's answer out of the way, then I will come to you.

**Margo MacDonald:** I should live so long.

**The First Minister:** I was waiting for Mr Mather to get to the point. There has been a bit of talk in the chamber today about people publishing information that they have. Mr Mather published a document on Tuesday, but he did not publish the introductory comment that he was given by those in the Government Actuary's Department who provided him with that document. That comment said:

"the long-term figures should be treated with great caution. Population projections become increasingly uncertain the further they are carried forward, and particularly so for smaller geographic areas."

Mr Mather did it last week and he is doing it again—he is running Scotland down and saying that it is not the kind of country that people want to come to. He described our country as being in recession three years ago when it was not. He described our population as decreasing when it is not. He described young people disappearing and running out of Scotland when they do not and when we have higher net in-migration than out-migration. When will the SNP stand up for Scotland, stand up for our country and promote its many attributes and its great future? *[Interruption.]* When will it do that for Scotland and stop running Scotland down?

**The Presiding Officer:** Ms MacDonald, you are still with us.

**Margo MacDonald:** If I wanted to go to a pantomime, I would book in at the King's.

I think that we might have transgressed our own rules in the previous question. As I recall, the question referred to the Barnett formula. By the time we got to Mr Mather, even though what he contributed might have been interesting, it was not relevant.

**The Presiding Officer:** That is hardly the point. I judged it to be relevant—just.

**Alasdair Morgan (South of Scotland) (SNP):** On a point of order, Presiding Officer. Although I am sure that you are aware of this, I tell the chamber that the Barnett formula is based on population.

**The Presiding Officer:** Indeed, that is why I judged the question to be relevant.

12:32

*Meeting suspended until 14:15.*



14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

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

##### Mainstreaming

##### 1. Mr Brian Monteith (Mid Scotland and Fife)

**(Con):** To ask the Scottish Executive what guidance it has issued to local authority education departments on the management of the school estate in light of its mainstreaming policy. (S2O-6290)

**The Deputy Minister for Education and Young People (Euan Robson):** Although the Scottish Executive has published guidance on school estate strategy issues on three occasions, the detailed management of the school estate, including appropriate provision for pupils with additional support needs, is the responsibility of the local authorities.

**Mr Monteith:** I had trouble hearing the minister's answer, as the audio was not entirely clear, but I do not think that it would have enlightened me anyway.

Does the minister agree that the figures in the independent schools census that was published on Tuesday, which show that there has been an 8 per cent increase in the number of pupils who attend independent special schools, suggest that many parents want to have the option of sending their child to a special school? However, given the presumption in favour of mainstreaming in the state sector, they are having to pay to make that choice.

**Euan Robson:** I do not accept any of that. I agree that there has been an 8 per cent increase in the number of pupils who attend independent special schools, as Mr Monteith said, but he does not seem to be aware of the fact that the number of special schools increased from 158 in 1996 to 190 in 2004. Between 2003 and 2004, the proportion of pupils in special schools in the state sector went down by only 0.03 per cent, even though there was a 4 per cent decline in the number of special school children in those two years.

I do not think that there is a connection of the kind that Brian Monteith suggested. There is a continuing place for special schools in our education system. Peter Peacock and I visited such a school in Edinburgh recently. We believe in

the presumption in favour of mainstreaming, but only when mainstreaming is in the child's interests and the school and the circumstances into which the child will go have been taken into account.

**Richard Lochhead (North East Scotland) (SNP):** The minister mentioned that he had visited a school. I invite him to visit St Andrew's School, which is a special needs school in Inverurie in Aberdeenshire. There is a huge amount of concern about the proposal to close that school and split it between two sites. Will he put it on record that the needs of children should be paramount and that education policy should not be driven by estates management, especially in the case of special needs schools? Will he look into the situation affecting St Andrew's School, which is causing great concern among parents?

**Euan Robson:** The Executive is well aware of what are simply outline proposals. Similar proposals have been made in relation to Carronhill special school in Stonehaven. Although Aberdeenshire Council might consider closing those schools, it would do so only in order to open a new special learner base—there might be more than one such base—which would be attached to other schools. If the council takes that decision—I do not believe that it has yet taken it—it will have to consult parents on the details of the proposals. The decisions will be taken locally, in line with local requirements.

**Sarah Boyack (Edinburgh Central) (Lab):** I welcome the minister's commitment to local investment. I invite him to ensure that local authorities consider the use of the public-private partnership process to streamline existing schools and build new schools that are of high standards, particularly for pupils who have different physical needs. I ask him to ensure that we have modern accessible schools and that, when local authorities review their school estates, they are committed to investigating the opportunities that exist to improve buildings, as well as to examining crucial staff issues.

**Euan Robson:** I agree with Sarah Boyack. Our guidance to local authorities is of a broad and strategic nature. It encompasses "Building Our Future: Scotland's School Estate", "The 21<sup>st</sup> Century School" and guidance from the Education Department's additional support needs division, which was published in 2002. Considerable investment has gone into helping local authorities to provide access. For example, in the financial year, 2005-06, £25 million will be provided through the inclusion programme to support the inclusion of additional support needs pupils in mainstream schools. There will be £17 million for accessibility strategies and £9.5 million for local authorities to help to prepare for the implementation of the

Education (Additional Support for Learning) (Scotland) Act 2004 at the end of the year.

**The Presiding Officer (Mr George Reid):** Question 2 has been withdrawn.

### After-school Activities

**3. Iain Smith (North East Fife) (LD):** To ask the Scottish Executive how it plans to develop activities such as learning, play, sport, art, music, drama and homework clubs for children after the school day ends. (S2O-6335)

**The Deputy Minister for Education and Young People (Euan Robson):** Scotland has a diverse and comprehensive programme of out-of-school-hours learning, which is facilitated through a network of local authority lead officers and co-ordinators. The Scottish Executive funds the Scottish study support network to provide information and advice and disseminate best practice throughout the network. The Executive provided £37 million between 1999 and 2003 and has committed £34 million for the period 2003-04 to 2005-06 for study support and out-of-school-hours learning, to provide a range of study-related and other physical activity, cultural development and health activities.

**Iain Smith:** Does the minister agree that such out-of-school-hours activities are important for the development of children both mentally and in terms of their health? Does he agree that the Letlose guarantee that the Conservatives will cut the community schools programme by £175 million a year would seriously put at risk some of those projects in our schools throughout Scotland?

**Euan Robson:** I agree with Mr Smith's comments about the purposes and benefits of study support and out-of-school-hours learning, which are wide and numerous and include building young people's confidence, self-esteem and motivation to learn. I confess that I have no idea where the Conservatives' figure of £175 million cuts has come from. That sum might be at least double our current budget and I fail to understand how one can cut that amount from a budget that is half the sum to begin with. The cuts that are now emerging in the Conservatives' figures after a lot of prompting on our part would significantly damage school-based learning and study support, as well as out-of-school-hours learning.

**Lord James Douglas-Hamilton (Lothians) (Con):** Does the minister agree that the role of the active schools co-ordinators could be extended to include their undertaking activities to increase volunteer participation and to encourage parents and volunteers to develop a range of after-school clubs and activities? Will he be reassured to know that we do not propose to cut a penny from education in schools in Scotland?

**Euan Robson:** Not a penny, but £175 million, apparently. I welcome the first part of Lord James Douglas-Hamilton's comments. The role of the co-ordinators will develop and I will ensure that his remarks are fed back to officials in the Education Department. When the co-ordinators were established, there was an assumption that their use, purpose and role would be developed over time, which I welcome. I accept Lord James Douglas-Hamilton's assurance and wish him well in arguing against the £175 million cuts in his party's proposals.

### Tourism (Independent Retail Sector)

**4. Chris Ballance (South of Scotland) (Green):** To ask the Scottish Executive what assessment it has made of the impact on tourism revenue of a thriving and diverse independent retail sector. (S2O-6266)

**The Minister for Tourism, Culture and Sport (Patricia Ferguson):** A thriving and attractive retail sector is part of what makes Scotland a must-visit destination for our United Kingdom and overseas guests, who spend nearly £400 million every year in Scotland—considerably more than that when day visitors are counted. VisitScotland's Scottish retail study of 2004 identified retail areas that are particularly appealing to our visitors and ways in which that appeal can be further increased. One important outcome of the study is the accreditation of retail outlets under VisitScotland's quality assurance scheme.

**Chris Ballance:** I thank the minister for that interesting and useful reply. She will be aware that Castle Douglas is marketing itself to tourists as a food town on account of its thriving locally owned business sector. Does she agree that the tourism industries require a public local inquiry into the recent granting of planning permission for a Tesco megastore, especially as the independent assessment that was commissioned by the council was performed by a company that works for several supermarket chains, including Tesco?

**Patricia Ferguson:** The planning of any supermarket is a matter for the local authority and the local communities involved. I am aware of Castle Douglas's great efforts to establish itself in the way that Mr Ballance has outlined—last summer, I was fortunate to experience that for myself. Castle Douglas and other areas can take some comfort from the fact that there are now 107 retail outlets that are accredited by VisitScotland, which are the kind of places that visitors will want to come to see. The specific Tesco proposal is, however, a matter for others.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I turn the minister's attention to retail sales of food. Will the assessment include what quantities of salmon meat and so on—even,

dare I say it, dairy products—are sold as a result of tourism? Will she also look at the situation the other way round and see how really excellent foods and cuisine can tempt tourists and promote areas such as my constituency?

**Patricia Ferguson:** I will take the hint—as Mr Stone does not want to mention cheese directly, I will do it on his behalf. Our indigenous food products are important to us. Food outlets are also accredited and many of our restaurants are now making a virtue of the fact that they use local produce—indeed, they are marketing themselves in that way. That is something that visitors to our country want to see. One of the popular features of the Scotland village that we had in Grand Central station during tartan week was a culinary exhibition at which people were able to sample some of the best Scottish produce. Our indigenous food products are an area that we are keen to see grow.

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

### Teachers

**6. Ms Rosemary Byrne (South of Scotland) (SSP):** To ask the Scottish Executive what measures it is taking to increase teacher numbers, for example by encouraging graduates to access postgraduate teacher training. (S2O-6479)

**The Minister for Education and Young People (Peter Peacock):** We have increased the number of teacher training places dramatically and have successfully recruited several hundred additional postgraduate teachers into training.

**Ms Byrne:** Does the minister agree that many graduates who are in other jobs—some of them are classroom assistants—would benefit from being able to enter their postgraduate teacher training with pay, so that they do not have to get into debt? What are his views on that?

**Peter Peacock:** As I said, we are successfully attracting graduates into training; we are actively encouraging graduates from other professions to think about entering teacher training. Indeed, we are changing entry qualifications to allow that to happen. For example, we have enabled students with a high proportion of maths in their first degree to enter training as maths teachers. We are also offering access to top-up qualifications to people's degrees so that they can enter teacher training.

On the specific point about classroom assistants, I agree that any potential source of teachers is good. In the Highlands, I have come across classroom assistants who are graduates and who are now, on a part-time basis over two years, undertaking teacher training. That is contributing to the vastly increased number of

teachers that we are recruiting and training to reduce class sizes throughout Scotland.

**Fiona Hyslop (Lothians) (SNP):** Yesterday, the minister may have heard Jim Wallace commit to reassessing fee issues in relation to part-time and second-degree students. If we are to attract people from other careers to teaching—especially to become maths teachers—what input will he have to that revaluation of the fee regime for people who seek to study for second degrees or to shift vocation to become maths teachers, for example?

**Peter Peacock:** As always, ministers are closely in touch on those matters. Jim Wallace and I have had communication about those issues in the past, partly because of the course to which I referred in my answer to Rosemary Byrne's question—the part-time two-year teacher training course that is now being offered in the Highlands, linked to the University of Aberdeen, and that is producing a new generation of teachers who would not otherwise be able to enter teaching. As a consequence, we have discovered some anomalies in the current funding regimes, which are exactly the type of issues that we are trying to address.

**Donald Gorrie (Central Scotland) (LD):** What is the minister doing to attract into teaching the many people who nowadays change their career in their 30s, 40s or 50s and can bring to teaching not only their academic knowledge, but their knowledge of the world outside the classroom? Such people could make very good teachers. Will he assist them in changing careers?

**Peter Peacock:** Absolutely. A great stimulus to that has been the way in which, over recent years, we have made teachers' pay and conditions more attractive and made teaching much more competitive with other professions. We are also increasing professional development to allow teachers to develop throughout their whole career. Moreover, we have introduced the chartered teacher grade, which allows more to be earned in the profession.

On Donald Gorrie's specific question, we are anxious to encourage people to transfer careers into teaching. For the variety of reasons that he mentioned, we want more mature entrants into teaching, which is partly why we have looked at entry qualifications for teachers and have offered top-up qualifications for existing degrees. We are also advertising extensively in Scotland and beyond to attract more people into teaching and to supply extra teachers to our classrooms at a time when school rolls are falling. By doing so, we will make major reductions in class sizes over time.

### Pupil Attainment

**7. Paul Martin (Glasgow Springburn) (Lab):** To ask the Scottish Executive what progress is being made in increasing pupil attainment. (S2O-6431)

**The Minister for Education and Young People (Peter Peacock):** Good progress is being made. There are consistent trends of improved performance in primary school and of pupils who leave school with good qualifications.

**Paul Martin:** Does the minister accept that the public-private partnership programme, which, in my constituency, has developed five brand-new secondary schools, has led to a significant increase in pupil attainment? Will he extend that programme to Glasgow primary schools? I believe that Glasgow City Council has submitted proposals for such a programme to the Scottish Executive.

**Peter Peacock:** Paul Martin is correct to point to the great success of our investment in education in Scotland and our attempts to rectify previous huge underinvestment and the crumbling schools that we inherited the length and breadth of the country. Glasgow is a particularly good example of a council that is facing up to tough decisions and making the necessary investments. I have visited a number of schools in Glasgow that have experienced the benefits of PPP expenditure. Indeed, before question time started, I was discussing with Patricia Ferguson the investments that have been made particularly in primary schools in her constituency not just by PPPs, but by a wider range of sources. As a result of such investment in a school in the heart of Paul Martin's constituency, more pupils are returning to and staying in education in that community. Attainment in Glasgow is improving, although I should point out that it lags behind attainment in other parts of Scotland. Nevertheless, the trend is in the right direction and that is partly down to the creation of the proper learning environment for our pupils in the 21<sup>st</sup> century.

**Alex Fergusson (Galloway and Upper Nithsdale) (Con):** I am sure that the minister will join me in congratulating the pupils of Kells Primary School in New Galloway in my constituency on their recent incredible achievement in coming second out of more than 600 entrants in the recent United Kingdom-wide BBC "Songs of Praise" junior school choir competition. The school has traditionally had a very strong musical ethos. Does he agree that it is more than just a coincidence that the pupils of that school also regularly exceed every academic target that they are set and that perhaps a stronger musical ethos throughout Scotland's schools might point a way towards better pupil achievement?

**Peter Peacock:** I take this rare opportunity to agree with my parliamentary colleague. First, I congratulate the school on the achievement to which he has drawn attention. Secondly, he is absolutely right to say that a school benefits from having a good ethos and good school leadership that promotes music, sport, languages or whatever the school chooses as a particular strength. As a result, there are improvements not only in achievements in that subject, but in pupils' motivation. If pupils are better motivated, they stick with all the learning that is available, not just with that subject specialism. It is a thoroughly good thing for schools to develop that level of expertise and to enhance themselves in such a way. In fact, that is one of the features of our new schools of ambition programme. Such an approach is not universally taken, but we want it to be taken more and more and we will increase investment to ensure that that happens.

### Community Schools

**8. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** To ask the Scottish Executive how it is supporting the development of community schools. (S2O-6326)

**The Minister for Education and Young People (Peter Peacock):** We are supporting the roll-out of integrated community schooling across Scotland by providing £77.9 million over the next four years and are working closely with Her Majesty's Inspectorate of Education to develop self-evaluation tools to help to guide schools and other local partners to improve integrated working.

**Jeremy Purvis:** Does the minister agree that the sustainability of rural schools is vital to an area such as the Borders and that developing community schools would be an excellent way of securing that sustainability? Does he also agree that such sustainability could be put at risk if the community schools programme is cut by a Conservative Government—something that seems to have dawned on Lord James Douglas-Hamilton after discussion with his finance spokesman, who is sitting next to him on the Tory front bench?

**Peter Peacock:** Jeremy Purvis is right to point out the damage that would be done by the cuts that the Conservatives clearly plan to make not just to that programme, but to education in general. They are talking not just about straight cuts in expenditure, but about the transfer of money from the state sector into the private sector through the virtual voucher scheme that they are promoting. Those cuts will be thoroughly damaging.

Jeremy Purvis is also right to point out the importance of rural schools to their communities. Throughout Scotland, we have a large network of rural schools that are doing a great job in serving

their communities. Those communities are changing and population trends are changing. One of the ways in which schools can adapt to that is by embracing the principle of integrated working with other services. Such an approach will ensure that our schools are stronger.

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

### **Fresh Talent Initiative**

#### **1. Sarah Boyack (Edinburgh Central) (Lab):**

To ask the Scottish Executive what steps are being taken under the fresh talent initiative to maximise the number of international students remaining in Scotland after graduation. (S2O-06384)

**The Deputy Minister for Finance and Public Service Reform (Tavish Scott):** We have identified students as a target group for the fresh talent initiative and are working on a number of strands of activity to encourage international students to come and study in Scotland, and to remain here at the end of their studies. Significantly, the fresh talent working in Scotland scheme, which will be introduced in the summer, will enable international students who graduate with a higher national diploma or an undergraduate, masters or PhD degree from a Scottish university or college, to apply to remain in the country for up to two years following their graduation.

**Sarah Boyack:** I welcome the minister's commitment and ask him to ensure that the new scheme is marketed properly through universities and local enterprise companies, so that students and employers know what opportunities the fresh talent initiative will bring.

I ask the minister to redouble his efforts with the United Kingdom Government in respect of visa costs. The scheme was free to students two years ago but now costs £500. We must tackle that because we have to get international students here in the first place.

**Tavish Scott:** I agree with Sarah Boyack's points and assure her that there have been discussions with the Home Office about visa matters. Those discussions will continue, although they are on hold at the moment.

On the point about marketing the fresh talent initiative and the elements of it that are happening now, I can only agree about its importance and about the need to ensure that employers, the universities sector and the rest of the academic sector are aware of the advantages that the fresh talent initiative can bring. We recently launched a challenge fund for activities to support international students during their studies and we

are, of course, funding a new international postgraduate scholarship programme. Those are all elements of the fresh talent initiative that we hope will build on its success.

#### **Murdo Fraser (Mid Scotland and Fife) (Con):**

Of course, graduates will remain in Scotland after graduation only if we have an economy that offers them the opportunities that they seek. At the moment we export graduates because we do not offer sufficient economic opportunities. What is the Executive doing to encourage an increase in spending on research and development in the Scottish economy, which might provide some of the graduate-level jobs that we require?

**Tavish Scott:** That question strikes me as being rather wide of the fresh talent initiative mark. Of course, as in so many things, Mr Fraser is quite wrong. In 1999-2000, 79 per cent of students stayed to work in Scotland after graduation. In 2002-03, that figure went up to 89 per cent, so the Scottish Executive is making demonstrable progress. Parliament and I would have a lot more time for the Tory position on fresh talent and attracting new people to Scotland if we did not see that Murdo Fraser's party is currently conflating immigration and asylum. That is an utterly barbaric policy, which means that under the Tories, the 10,000<sup>th</sup> refugee from Darfur would get into the UK, but the 10,001<sup>st</sup> would not. We are talking about a party that has turned its back on the 1951 United Nations "Convention relating to the Status of Refugees".

The Executive believes in addressing and promoting the interests and future aspirations of people, not in conducting a despicable campaign that is based on pandering to people's fears.

### **Pensioner Poverty**

#### **2. Cathie Craigie (Cumbernauld and Kilsyth) (Lab):**

To ask the Scottish Executive what action is being taken to relieve pensioner poverty. (S2O-06390)

#### **The Minister for Communities (Malcolm Chisholm):**

The Executive is committed to tackling pensioner poverty; for example, the Executive provides a number of free measures that help to maximise pensioners' disposable income, including the central heating programme and free local off-peak bus travel. Since 1997, 190,000 pensioners—almost three quarters—have been taken out of absolute poverty.

**Cathie Craigie:** I appreciate the efforts that are being made by the Executive and the Labour Government in supporting our pensioners. The central heating programme has benefited many of my constituents in Cumbernauld and Kilsyth and pensioners from Westfield pensioners club who

have benefited from the scheme are in the public gallery.

However, I am concerned by the number of extras that are being charged to pensioners by contractors. Will the minister instruct an investigation into that practice, which represents a worrying trend? We must ensure that our pensioners are not exploited by greedy contractors.

**Malcolm Chisholm:** I welcome Cathie Craigie's comments about the central heating programme, which has been very successful. Some 48,000 systems have been installed and the targets have been exceeded by 1,000 in the latest year.

I am concerned about the other points that were raised by Cathie Craigie—perhaps she could write to me with details. The EAGA Partnership is involved in quality control and we will ensure that it pursues that role with vigour. There will be a re-tender for the contract later this year, when we will examine the specifications. We will also examine the rules and regulations that have been written down, with a view to their possible revision. If Cathie Craigie would provide me with more detail, I would be happy to look into the matter.

**John Swinburne (Central Scotland) (SSCUP):** Further to Cathie Craigie's question, does the minister agree that the Executive and all preceding Governments have abjectly failed this country's senior citizens when they complacently admit to the existence of pensioner poverty in this, the fourth richest economy of the 21<sup>st</sup> century? Should not the question that was posed have been to ask what action is being taken to eliminate pensioner poverty, rather than "to relieve" it?

How does the minister reconcile his answer with a Pensions Policy Institute document that I received this morning, which states that under continuation of the current policy, the number of pensioners who receive means-tested benefits will increase by 650,000, from 2.7 million to 3.35 million, over the next five years? We are heading in the wrong direction.

**Malcolm Chisholm:** Nobody is saying that the task is complete, but it is undoubted that we are heading in the right direction. The headline figure that I gave for the large number of pensioners who have been removed from absolute poverty since 1997 indicates that. Some £10 billion more is spent on pensions now than was spent in 1997, with half of that going to the poorest third of pensioners. Although it is controversial for other parties, it is the choice that the Government at Westminster made and it has borne fruit for a very large number of pensioners in Scotland.

**Alasdair Morgan (South of Scotland) (SNP):** Does the minister agree that a useful step to assist many pensioners would be to abolish the council

tax—which bears heavily on people on fixed incomes, including many pensioners—and to replace it with a tax that is based on ability to pay?

**Malcolm Chisholm:** I have been talking to many pensioners in recent times. They all welcome the major budget announcement that £200 will go to everyone aged over 65 years, which represents recognition that there are issues in this regard. As the member knows, we will have our own review of local government finance. However, we accept that all local government systems are fraught with difficulties. We have seen examples of that in recent times.

### Housing (Dundee)

**3. Marlyn Glen (North East Scotland) (Lab):** To ask the Scottish Executive what action is being taken to reduce homelessness and increase the provision of affordable housing in Dundee. (S20-06402)

**The Minister for Communities (Malcolm Chisholm):** This financial year, the Executive will provide funding of £10.7 million to Dundee to ensure that homelessness is prevented and tackled and to provide affordable housing. That funding will be spent in accordance with the agreed local housing and homelessness strategies.

**Marlyn Glen:** I thank the minister for his reply. While I recognise and applaud the work of the Executive so far, and Dundee's homelessness strategy—in particular, the 200 new affordable homes in Stobswell, Kirkton and Whitfield—will the minister give serious consideration to allowing pressured area status for city authorities, such as Dundee, which are still so short of family-sized homes?

**Malcolm Chisholm:** Great progress is being made in Dundee. I was pleased to see quite recently some of the new housing to which the member referred. The sum of £10 million that I announced is a 44 per cent increase on the allocation at the start of the previous financial year. More people will have rights under our progressive homelessness legislation, but Dundee is doing well on housing. For example, it is managing to house a large number of people who do not have priority as being homeless. Obviously, consideration needs to be given to the quality standard and to the strategy that Dundee wants to have in place for 2015. I know that there are still issues to be resolved in Dundee, but overall good progress is being made there.

### Lennoxtown Initiative

**4. Dr Jean Turner (Strathkelvin and Bearsden) (Ind):** To ask the Scottish Executive what its justification was for choosing the model of

a company limited by guarantee for the Lennoxtown Initiative as the vehicle for spending public money in the regeneration of the village. (S2O-6351)

**The Minister for Communities (Malcolm Chisholm):** The Lennoxtown Initiative is a community-led initiative, the aim of which is to regenerate the Lennoxtown area by achieving sustainable economic health and community well-being. The decision to progress that through the model of a company limited by guarantee was taken by the three partner organisations that are involved: East Dunbartonshire Council, Scottish Enterprise Dunbartonshire and the then Greater Glasgow Primary Care NHS Trust.

**Dr Turner:** I accept that all the residents of Lennoxtown welcome regeneration. Anyone who drives through the village can see that it is badly needed, as most of the shops on the main street are boarded up. I hope that the minister will agree that it is worth re-examining the issue in detail, because in my view the majority of residents in Lennoxtown do not believe that the model that has been chosen is democratic or transparent and do not feel at all involved in the regeneration of the village. It seems that the people who have been appointed to the board of the company can almost reappoint themselves when their period of office terminates, if they are up for re-election, but the people of the village cannot elect anyone to the board, which is a great bone of contention.

**The Presiding Officer:** Please ask a question.

**Dr Turner:** Does the minister agree that we need to examine the model that has been chosen in more detail? I hope that he will do so.

**Malcolm Chisholm:** The decision about the model was taken by the three local partners: East Dunbartonshire Council, Scottish Enterprise Dunbartonshire and the then Greater Glasgow Primary Care NHS Trust, which is now part of NHS Greater Glasgow. I am told that the partners said at a recent meeting that they would take on board the concerns that have been raised and that they would consider the current governance arrangements to see whether they are appropriate. Decisions about those arrangements are a matter for the three local partners. I understand that the process is taking some time, but we should acknowledge the imaginative use that is being made of the capital receipts from the Lennox castle site, all of which will be reinvested in the Lennoxtown Initiative. I am confident that progress will be made before too long.

### Opencast Mining

**5. Karen Gillon (Clydesdale) (Lab):** To ask the Scottish Executive when it will announce the

content of its revised planning guidance on opencast mining. (S2O-6399)

**The Deputy Minister for Communities (Johann Lamont):** The Executive currently plans to issue finalised guidance in June.

**Karen Gillon:** The minister will be aware that the revised guidance will come too late for three applications in my constituency. Will she investigate whether those applications can be considered in relation to the criteria that are set out in the new guidance, which relate to environmental impact, employment and community benefit? Will she consider the applications in that light?

**Johann Lamont:** It is not possible for me to comment on the applications to which the member referred because they have been notified to the Executive under the current rules and regulations. However, it should be clear that councils must take account of all relevant material considerations, such as the policies in development plans, national planning guidance and the views of statutory consultees and the public. We are already in a position in which there must be recognition of the environmental consequences of a development, but we must establish whether there is community benefit.

**Mr Adam Ingram (South of Scotland) (SNP):** Will the minister confirm that the Executive will not bow to the scaremongering campaign of opencast companies about the introduction of a general presumption against opencasting and a fixing of minimum separation distances between opencast sites and communities that would be affected by them? In addition, will she commit to funding research into the long-term health impacts on communities of airborne particulate matter from opencast sites, given that the independent review of national planning policy guideline 16, which was commissioned by the Executive, recommended just that?

**Johann Lamont:** On the question about revised Scottish planning policy guideline 16, and the presumption against opencast mining in particular, there has been some misrepresentation and lack of understanding of the changes. It is understandable that we still recognise the economic benefits and local job opportunities that come with opencast coal mining, but we also recognise that there might be consequences for communities from developments and their cumulative impact.

A major shift has not been proposed; I clarify that there is no presumption against opencast coal mining in toto, but against proposals that are not environmentally acceptable or which would not provide local benefits. I hope that all concerned on both sides recognise that we seek to strike a

balance and that even when the proposal is finalised, it will be open to regular scrutiny and review and we will be aware of the consequences for both sides.

I note what the member said about health issues; we are always open in respect of the health consequences to communities of any developments and I will ensure that that is kept on the agenda.

**Patrick Harvie (Glasgow) (Green):** The minister will be aware that opencast mining is precisely the kind of development that creates deep resentment because of the unfairness that is built into the appeals stage of the planning process, which is why such an overwhelming majority of consultees supported the third-party right of appeal. Does the minister accept that widening of appeal rights will be necessary if the Executive is to take what its advisers have called

“a once in a generation opportunity to effect radical change of the planning system in Scotland.”?

If the minister cannot accept that, will she tell us when the Executive expects to reach a view on this matter of environmental justice?

**Johann Lamont:** It is true that some people are frustrated about the opencast coal industry and that some people in the industry are frustrated by some organisations' bad practice in working with communities. It is my view that where there has not been appropriate consultation, and where people have not lived up to the conditions to which they committed themselves, frustration has been created that is sometimes captured in the idea of extending the right of appeal.

The Executive remains committed to maintaining a balance between increasing inclusion of communities in the planning process in order to build confidence, and speeding up the planning process so that it gets to grips with some of the beneficial developments in our communities.

**Mrs Mary Mulligan (Linlithgow) (Lab):** I am pleased to hear that an announcement will be made in June, but will the minister reassure me and people in communities such as Fauldhouse and Blackridge in my constituency that after the guidance is issued, more emphasis will be given to monitoring planning permission for opencast mining as well as to enforcing any planning conditions that are set?

**Johann Lamont:** I commend the people in the industry who have already voluntarily developed compliance projects, who have worked with communities and who have committed themselves to working with them. I am sure that people in the industry who are committed to its success want to separate themselves from some of the more unacceptable practices of the past.

I agree with the member about compliance. It is generally true of planning that people have faith in a system if the conditions that are imposed are seen to be enforced and monitoring is done properly. That is clearly recognised across the board and the Executive is committed to it.

### **Tenant Rights (Private Sector)**

**6. Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Executive what action is being taken to increase the rights of private sector tenants. (S2O-6375)

**The Deputy Minister for Communities (Johann Lamont):** The Housing (Scotland) Bill will improve the right of private sector tenants to homes that are properly maintained. It will also give them the right to adapt their homes to suit disabled occupants. We are increasing the protections that are available to private sector tenants by introducing mandatory registration of landlords and by improving the licensing system for houses in multiple occupation.

**Jackie Baillie:** The minister will be aware that some private sector tenants live in properties that are desperately in need of improvement; I am thinking in particular of tenemental properties in Dumbarton and Helensburgh in my constituency. What mechanisms are in place to encourage private sector landlords to invest in their properties so that all of us, irrespective of tenure, can enjoy 21<sup>st</sup> century housing?

**Johann Lamont:** Jackie Baillie will be aware of my personal commitment to, and belief in, the importance of demanding high standards from the private sector. We all know about the consequences for the sector as a whole of the few landlords who do not meet those standards. We have proposals for registration of landlords, which means that there exists the possibility that there will be proper dialogue with them.

I draw the member's attention to other proposals in the Housing (Scotland) Bill. I do not have enough time to list all those proposals, but a key commitment in the bill is that we will ensure that landlords are required to comply with a letting contract, that there are statutory repair obligations and that there are gas and fire safety requirements. We are addressing the tolerable standard and there is recognition that landlords in the sector have rights and that tenants have obligations, although tenants have rights, too. It is in the interests of everyone in the sector—and people outwith it—that we ensure that the quality of housing that is provided by the private sector is, as Jackie Baillie says, fit for the 21<sup>st</sup> century.



## Gaelic Language (Scotland) Bill: Stage 3

14:56

**The Presiding Officer (Mr George Reid):** For the next item of business, there will be contributions in Gaelic. Members who wish to hear an interpretation in English should ensure that the channel on their console is switched to number 1. The volume should be set to a comfortable minimum in order to reduce any possibility of interference.

Tha sinn a-nis a' gluasad air adhart gu ìre 3 de Bhile na Gàidhlig (Alba).

*Following is the simultaneous interpretation:*

We now come to stage 3 proceedings for the Gaelic Language (Scotland) Bill.

*The member continued in English.*

As usual, we shall deal first with amendments to the bill and then move on to the debate on the motion to pass the bill. Members should have copies of the bill as amended at stage 2, the marshalled list containing all the amendments that I have selected for debate and the groupings that I have agreed. In addition, I ask members to note that, under rule 9.10.6, I have decided to allow amendment 49, in the name of Peter Peacock, to be moved today. Amendment 49 was lodged yesterday as a manuscript amendment, and a supplement to the marshalled list on members' desks sets out the text of the amendment. It will be debated with the other amendments in group 5 and will be disposed of after amendment 28, which is on page 3 of the marshalled list.

### Section 1—Constitution and functions of Bòrd na Gàidhlig

**The Presiding Officer:** Group 1 is on the status of Gaelic. Amendment 5, in the name of Alex Neil, is grouped with amendments 6, 7, 43 and 46.

**Alex Neil (Central Scotland) (SNP):** I do not anticipate a great deal of controversy in this afternoon's debate, but my amendments in this group address one of the areas in which there will perhaps be a difference between my party and the Scottish Executive.

My amendments are designed to strengthen the bill. A clear message has to go out from the Parliament about the importance of the Gaelic language, not just in terms of what we are trying to do for the language itself but in regenerating the language as a key part of regenerating the culture, traditions and heritage of all of Scotland. One of the great myths is that Gaelic is relevant only to people in the Highlands and Islands but, as many

people in the chamber will know, there are actually more speakers of Gaelic in Glasgow than there are still in the Highlands and Islands.

The purpose of amendment 5 is to incorporate the aspiration of the Executive to build into the bill the terminology of equal respect for Gaelic, but to strengthen that further by giving Gaelic equal validity, as recommended in evidence to the Education Committee by Bòrd na Gàidhlig. The purpose of doing that is so that, when Gaelic is used, it will have the same meaning in law, the same validity and the same level of importance as the English language.

We do not suggest—no one suggests—that Gaelic should be used as a second language in every instance. The amendments in my name do not propose such an approach; they propose that in situations in which Gaelic is used, the language should have equal validity with English. If the amendments are agreed to, they will send a clear signal about how important Parliament considers Gaelic to be and ensure that the validity with which Gaelic is treated is built into the bill, as is the concept of respect.

At this late stage, I ask the minister to reconsider the matter and to agree to reasonable amendments. Such unity in the Parliament would be the first sign that we can approach the bill on a consensual basis. Let us ensure that we treat Gaelic and English on the basis of equal validity, as well as with equal respect.

I move amendment 5.

15:00

**The Minister for Education and Young People (Peter Peacock):** Alex Neil is unconscionably reasonable, as he has been throughout the consideration of the bill, but his arguments are not terribly persuasive. I want to take time to set out clearly why that is, because his amendments would create complications.

The status of Gaelic has properly been a recurrent theme throughout discussions before and after the introduction of the bill. At stage 2 we debated concepts of status at some length. We considered equal validity, which is the concept that Alex Neil proposes again, and equal respect. My proposals in relation to equal respect were accepted by the Education Committee. As I said during the stage 2 debate, on one level the two concepts are very close to each other, but there are important, material differences between them, which I am glad to explain to the full Parliament.

Throughout the passage of the bill, I have made clear my strong desire to do what I can to enhance the status of Gaelic, which the bill will significantly move forward. The language should not suffer

from any lack of respect at individual or corporate level. There should be a generosity of spirit towards the language. In fairness, I think that all the parties in the Parliament share that objective.

As a result of amendments in my name at stage 2, the bill gives clear recognition to the language

“as an official language of Scotland commanding equal respect to the English language”.

Those amendments ensured that the Gaelic language would not suffer from a lack of respect, while ensuring that the bill remained sufficiently flexible to be able to take account of the differing use of Gaelic across Scotland. Bòrd na Gàidhlig has explained that it wants the language to have a status that requires public bodies to treat it with a generosity of spirit and good will. That aspiration, which the Education Committee supports, can be achieved by requiring the Gaelic language and English to be treated with equal respect, for which the bill provides.

There would be a real danger that, if Alex Neil's amendments were agreed to, the courts could interpret the new provisions as giving the language a status that Parliament does not intend and which could not be delivered. As I said clearly at stage 2, the phrase “equal validity” carries a significant risk that a court might rule that the legislation conferred the right to demand the use of the language in a wider range of circumstances than is intended. Bòrd na Gàidhlig itself has expressed little sympathy with the view that, in the current circumstances, all public services should be made available in Gaelic in all places, to anyone who requests that. Alex Neil said that he did not believe that his amendments would carry that force. However the interpretation that I have set out would be a real possible consequence of his amendments being agreed to.

The Education Committee supported the position that I have set out and said that any formulation of status should not confer rights on individuals. Indeed, Alex Neil said at stage 2—and has repeated today—that he does not think that anyone is asking for a provision that would require Gaelic to be able to be used on every occasion on which English is used. He said that he wanted the language to have equal validity, but he did not explain what he meant by that. As Fiona Hyslop said at stage 2, if an amendment that uses the phrase “equal validity” were agreed to, the bill would need to contain a definition of “validity”. However, Alex Neil has not supplied the Parliament with such a definition. I suspect that that is because he is unable to come up with a definition that encapsulates the principle that he supports without conferring unintended rights.

All parties agree that we do not want a formulation that could create expectations of an

approach that would be undeliverable or which could change the priorities to develop the language in order to address rights that might flow from legal interpretations. As I said at stage 2, the courts normally refer to the normal usage of phrases such as “equal validity”. Alex Neil wants Gaelic and English to be treated on a basis of equal validity and with equal respect, as he indicated, but he has not lodged an amendment that provides an interpretation of the phrase that would explain what is intended to readers of the bill. If amendment 5 were agreed to, the courts would have to find a definition for “equal validity and respect”.

Alex Neil may not like the following definitions, but it is critical that Parliament should hear them. The Oxford English Dictionary—which is the dictionary to which the courts would refer—defines “validity”, among other things, as the

“quality of being valid in law; legal authority, force, or strength”.

In contrast, to “respect” means, among other things, to

“treat ... with ... esteem, or honour; to feel or show respect for”.

At stage 2, Alex Neil said that he treated ministers' views with respect; but he also said

“I do not think that those opinions have any validity.”—  
[Official Report, Education Committee, 2 March 2005; col 2239.]

If Alex Neil were legally obliged to recognise the validity of my views, it would clearly undermine the flexibility and independence of his position and would deprive us of his very considerable wit. I therefore ask Alex Neil to think logically about this. If the Gaelic language were to have equal validity in its strict sense—

“legal authority, force, or strength”—

one logical result would be that any public authority would be obliged to make Gaelic provision available for any service on demand and to be in a position to respond to such demand. I ask him to concede that that risk would be a logical consequence of his proposals.

**Alex Neil:** Will the minister take an intervention?

**Peter Peacock:** Yes, of course.

**The Deputy Presiding Officer (Trish Godman):** Before the intervention, I ask members not to hold conversations while the minister is on his feet.

**Alex Neil:** The legal advice from the Executive on the Food Standards Agency was entirely wrong, so how can we have any faith in its legal advice on this matter?

**Peter Peacock:** I ask Alex Neil to wait until we have a debate on the Food Standards Agency. He will have to work very hard to convince me, but he knows that I am a reasonable man and that I will listen to his arguments.

We may all aspire to the use of the Gaelic language across Scotland in all situations, but it is patently clear that not enough resources are available to allow that.

I return to the normal usage of the word “respect”, which is to

“treat ... with ... esteem, or honour; to feel or show respect for”.

I believe that those terms accurately capture the sentiments of what we have all tried to aim for in the bill. They offer a sound basis for the future development and expansion of the use of the Gaelic language.

I acknowledge the spirit in which Alex Neil has lodged his amendments—and, indeed, the spirit in which he has approached the bill in general. However, I ask him not to press amendments 5 to 7 and 46. Today, we have a bill that recognises Gaelic as an official language of Scotland, commanding equal respect with the English language. That is reflected in my amendment—amendment 43—to the long title of the bill. As it stands, section 1 will provide Gaelic with the status that it so richly deserves while leaving intact a bill that is capable of implementation Scotland-wide and of targeting the activity that is needed to develop Gaelic.

**Lord James Douglas-Hamilton (Lothians) (Con):** All of us want to give the maximum encouragement to Gaelic, but we must do so in a way that is not oppressive and which will command the support and good will of Scotland’s population. I therefore believe that the minister is right to demand that Gaelic should have equal respect to English, but I am concerned that including the words “equal validity” could have unintended legal consequences. The issue that we are discussing is of a kind that could lead to test cases.

Support for the minister on this group of amendments should not be interpreted as a blank cheque. After the bill is enacted, we would all wish it to be reviewed in the light of experience, because we are anxious that Gaelic should be effectively promoted and safeguarded.

**Robert Brown (Glasgow) (LD):** I would like to pay tribute to Alex Neil’s contribution to the Gaelic Language (Scotland) Bill, which was considerable and restrained throughout stage 2. However, with this group of amendments, he has gone a little bit off track, which is unfortunate.

The Education Committee was given guidance from the Welsh Language Board, whose practical experience was obviously considerable. The phraseology that it used, oddly enough, was less precise and less favourable than the wording that the minister is presently arguing for.

The chamber should pay heed to the wording of the bill. When talking about the constitution and functions of the Gaelic board, the bill says:

“The functions conferred on the Bòrd by this Act are to be exercised with a view to securing the status of the Gaelic language”—

there is no issue about that—

“as an official language of Scotland”—

there is no issue about that either—

“commanding equal respect to the English language”.

It will do that through

“increasing the number of persons who are able to use and understand the Gaelic language”

and

“encouraging the use and understanding of the Gaelic language”.

All of that seems to me to express exactly what the committee, in its stage 1 report and its stage 2 considerations, wanted.

I must confess that I am somewhat at a loss to understand what additional standing or status would be created by Alex Neil’s formulation. The minister has got it right; his is an elegant formulation. The provision is widely welcomed across the Gaelic community. I hope that Alex Neil will not press amendment 5. He should leave the bill as it stands in this important respect; that is the unanimous view of the chamber.

It is important to note that, so far, the bill has the support of members of the Education Committee and, at the stage 1 debate, it had the support of parties right across the chamber. That support should guide people well; it should also entrench the future of the Gaelic language, which, at the end of the day, is the substantial and central issue in this debate. I support the minister’s position on amendment 5.

**Mr Kenneth Macintosh (Eastwood) (Lab):** I too ask Alex Neil to reflect on the point that he is making in amendment 5.

The Education Committee debated the question of the status of the Gaelic language exhaustively. It is fair to say that we agreed that we want the most bold and comprehensive assertion and expression of the future of the Gaelic language. In doing so, we took a planning-based approach to the language, which is the one that is adopted by the bill, and not a rights-based approach.

It is misleading for Mr Neil to suggest that he wants to go further than members of the committee or the Executive wanted to go. It is also misleading to suggest that the use of the term "validity" is somehow stronger than the present wording of the bill. Unlike Mr Neil, the majority of committee members feared that the term "validity" did not add anything to the bill and that it could lead to problems of interpretation.

I ask Mr Neil to accept the consensus on the point and not to create artificial division. I also ask him not to press amendment 5. The Parliament wants to send a strong message to the Gaelic community that we are united in our respect for the Gaelic language and that we are unanimous on the equal status that the Gaelic language should enjoy.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** As I have said before in the Parliament, the Conservative party has always shown its support for Gaelic-speaking people, the Gaelic language and Gaelic culture. We have done so ever since we tried to stop the Liberal Whig peers and their supporters perpetrating the Highland clearances. That was one of their first so-called social experiments. The Tories have always supported rural communities and we are as intent on keeping people in the Highland glens today as we were in the past.

In fact, we are the only party with a Gaelic name and the only party that was present in the old Scottish Parliament before the act of union of 1707. We are the true national party of Scotland. It makes us happy that, at least on Gaelic, the other parties in the chamber are obviously thinking what we are thinking.

It would be a sad day for devolution if Scotland did not bring renewed hope for Gaelic. Let us hope that the bill will provide a framework within which Gaelic is reinvigorated in the same way that the Conservative party reinvigorated it with incentives and injections of cash in the early 1980s.

**The Deputy Presiding Officer:** That was very good, Mr McGrigor, but you did not speak to the amendment.

I ask Mr Neil to wind up and to say whether he will press or seek agreement to withdraw amendment 5.

**Alex Neil:** I press amendment 5.

**The Deputy Presiding Officer:** The question is, that amendment 5 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

## FOR

Adam, Brian (Aberdeen North) (SNP)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 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)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Swinburne, John (Central Scotland) (SSCUP)  
 White, Ms Sandra (Glasgow) (SNP)

## AGAINST

Aitken, Bill (Glasgow) (Con)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)

McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 27, Against 70, Abstentions 0.

*Amendment 5 disagreed to.*

*Amendments 6 and 7 not moved.*

## Section 2—National Gaelic language plan

**The Deputy Presiding Officer:** Amendment 9, in the name of the minister, is grouped with amendments 10, 12, 15 and 22.

15:15

**Peter Peacock:** At the request of the Education Committee, I lodged an amendment at stage 2 that would require the national Gaelic language plan to be updated regularly. Provision is in place to ensure that the national plan will be updated at least every five years, or earlier if requested by ministers. Amendment 9 ensures that the five-yearly update applies from the date of approval of the most recent plan rather than every five years from the date on which the first plan is approved.

Amendments 10 and 12 are tidying-up provisions that remove the duplication of a provision enabling ministers to require Bòrd na Gàidhlig to prepare a new national Gaelic language plan at any time. The Education Committee accepted an amendment that I lodged at stage 2 that adds the national Gaelic language plan to the list of matters Bòrd na Gàidhlig must have regard to when determining whether to issue a notice to a public authority requiring the preparation of a Gaelic language plan. An

unintended consequence of that amendment is that the bòrd cannot issue a notice until the first national plan is in place.

It is theoretically possible that there could be a delay between the commencement of the act and approval of the first national plan, although I do not expect there to be any such delay. However, it would not be right to leave the bòrd unable to issue a notice once the bill has been enacted. Amendment 15 is designed to take account of that theoretical situation by enabling the bòrd to issue a notice in the period between the commencement of the act and approval of the first national plan. That ceases to be an issue once the first national plan has been approved.

Amendment 22 is a tidying-up provision that introduces consistency between the matters that Bòrd na Gàidhlig must have regard to when determining whether to request a public authority to develop a language plan and the grounds on which a public authority may appeal the bòrd's decision to the Scottish ministers as being unreasonable.

I move amendment 9.

**Lord James Douglas-Hamilton:** We support the amendments. Provision exists for the national language plan to be reviewed on a five-yearly basis. That will allow Bòrd na Gàidhlig to plan both for the longer term and within its five-yearly cycle without the threat of constant restructuring and refocusing of priorities. The provisions are sensible and will make for effective long-term planning, with sustained delivery, which is one of the bill's purposes.

*Amendment 9 agreed to.*

*Amendment 10 moved—[Peter Peacock]—and agreed to.*

**The Deputy Presiding Officer:** Group 3 is on Gaelic education. Amendment 11, in the name of the minister, is grouped with amendments 1, 4, 47, 40 and 48.

**Peter Peacock:** Education has been central to the debate on the bill as it has progressed through Parliament. I have made clear on a number of occasions my firm belief that Gaelic education is critical to the future prospects of the language. The Education Committee's stage 1 report clearly demonstrates that it is of the same opinion. As I have demonstrated on a number of occasions, where action needs to be taken on Gaelic education matters, I am prepared to take it. Shortly before the bill was introduced to Parliament, I issued guidance to education authorities on Gaelic-medium education, which requires education authorities to set out what constitutes "reasonable demand" for Gaelic education in their

area and how they will respond to reasonable demand where it exists.

In May 2004, I announced financial assistance of £2.75 million to Glasgow City Council to assist its development of the first-ever, all-through Gaelic-medium school in Scotland. I also established a working group under the chairmanship of Bruce Robertson, Highland Council's director of education, to progress the development of a virtual Gaelic-medium secondary curriculum. I have established a short-life action group on Gaelic teacher recruitment to make recommendations to me before the summer of this year. I fully intend to remain active on all those fronts—and wider fronts—and for the Executive to continue to provide a lead in the ongoing development of Gaelic education.

The bill as introduced to the Parliament contained provisions for Bòrd na Gàidhlig to issue guidance, which must be approved by ministers, on matters relating to Gaelic education. That provides Bòrd na Gàidhlig, as expert ministerial advisers on Gaelic education matters, with a clear, strategic education advisory role. At stage 2, I amended that provision to require the bòrd to issue a draft of its guidance for public consultation prior to its being submitted to ministers for approval, to ensure that all necessary interests could be put into the guidance. Those initiatives will ensure that the critical areas of Gaelic education that need to be addressed will be.

I have lodged two further amendments that will further enhance the development of Gaelic education. Amendment 40 will create linkages between any Gaelic language plan that an education authority produces under the bill and the discharge of its Gaelic-medium education duties under the Standards in Scotland's Schools etc Act 2000. Amendment 11 will make explicit in the bill the fact that Bòrd na Gàidhlig, in developing a national Gaelic language plan, must—I stress that—include a strategy for the development of Gaelic education.

I am of the view that an education strategy should be placed in the national plan, which is a centrepiece of the bill. That strategy will allow the various strands of development activity that I have listed today to be pulled together and will provide an agreed national approach for the future development of Gaelic education in tandem with other aspects of Gaelic development that will be contained in the national plan.

It is my firmly held view that the education strategy that Bòrd na Gàidhlig is to develop within the national plan must be the product of discussion among the bòrd, the Executive, local authorities and other education interests, such as Her Majesty's Inspectorate of Education. Only as a result of such partnership working will a strategy

for the future development of Gaelic education be agreed, be fully mainstreamed and, ultimately, receive ministerial approval.

One of the clear benefits of having the national strategy for Gaelic education as a clear component of the bòrd's national plan is that, as a result of an amendment that I lodged at stage 2, all public bodies that develop Gaelic language plans under the bill must do so having regard to the national plan. That makes provision for individual language plans to be developed with a view to contributing to the implementation of the national language plan and, for bodies that are education authorities or have education responsibilities, to the implementation of the national Gaelic education strategy, which will be part of the national plan.

That is a neat and complete way of meeting the requests for a national education strategy. First, it ensures that such a strategy will exist. Secondly, it places that strategy firmly within the context of wider Gaelic development. Thirdly, it binds any body with an education function to ensure that its plan contributes to the national education strategy—that provision catches the Executive itself in its Gaelic language plan. Fourthly, it ensures that, as part of the national plan, the Gaelic education strategy will have to obtain ministerial approval, which ties ministers directly into the national education strategy and will ensure that they are satisfied with it.

That addresses all the points on which Highland Council in particular has been lobbying and which lie behind Fiona Hyslop's amendment 1 and John Farquhar Munro's amendment 47, which supports amendment 1. However, amendment 11 is stronger than Highland Council's suggestions, because it will ensure that the national education strategy fits within the national language plan while fulfilling everything else that Highland Council sought. In the light of that, I ask Fiona Hyslop not to move amendment 1 in the knowledge that what she seeks to achieve will be achieved far more powerfully. If she did that, John Farquhar Munro's amendment 47 would not be necessary.

One of the bill's key features is flexibility. I stated clearly during the stage 1 debate that the bill is not about imposing the Gaelic language plan on anyone where there is patently no demand for it. On Gaelic education in particular, I want resources to be targeted and deployed where they can have most impact. That means doing so where there is reasonable and sustainable demand for provision.

It was agreed at stage 2 that, while the bòrd should monitor and report on the implementation of the European Charter for Regional or Minority Languages in Scotland, the charter should not take the place of the bòrd's national Gaelic

language plan as the key document for implementing the intentions of the bill. The same arguments apply to John Farquhar Munro's amendment 4.

If implemented, amendment 4 could have the effect of requiring all local authorities to provide pre-school, primary and secondary education through the medium of Gaelic. That is the force of the charter obligations. I have spoken to John Farquhar Munro and am aware that he did not intend his amendment to have that effect but seeks reassurance about the importance of the charter beyond the important reporting arrangements that were agreed at stage 2. I give him that reassurance. When issuing ministerial guidance to Bòrd na Gàidhlig on the exercise of its functions, I will require it to include in its guidance on language plans advice to education authorities on how they can act within the spirit of article 8 of the charter—which is what John Farquhar Munro is concerned about—while remaining consistent with the directions that are set out in the bòrd's national plan. In the light of what I have said, I ask John Farquhar Munro not to move amendment 4.

Fiona Hyslop's amendment 48 partly duplicates my amendment 40, which will require an education authority to discharge its Gaelic-medium education duties having regard to any Gaelic language plan that it has in place. I consider such provision to be entirely sensible, which is why at stage 2 I agreed to lodge such an amendment. However, there is a danger that the other part of Fiona Hyslop's amendment, which would delete the ability for an education authority to set out the circumstances in which it will deliver Gaelic-medium education, goes too far. Deleting that provision could have the result of requiring all education authorities, regardless of demand in their area, to make Gaelic-medium education available. Given what I have said about the need for flexible implementation of the bill and given the scarcity of resources, particularly teachers, I do not believe that it would be helpful to remove the provision that enables education authorities to set out the circumstances in which they will make Gaelic-medium education available.

As Dr Elaine Murray pointed out at stage 2, there are situations in which education authorities should be able to access provision from a neighbouring education authority rather than having to make provision themselves. With the development of a virtual curriculum and the new all-through school in Glasgow, such flexibility should be retained. I ask Fiona Hyslop not to move amendment 48, in the knowledge that Gaelic education provision will be made where there is demand for it and the potential for growth.

Both my amendments in this group relate to education. Amendment 11 stresses the need for an education strategy as part of the bòrd's national plan and amendment 40 establishes a link between the Standards in Scotland's Schools Act 2000, reporting requirements and any language plan that an education authority has in place.

I resist amendments 1, 4, 47 and 48, which would introduce an unwelcome measure of duplication and would significantly reduce the flexibility that has characterised the bill and the debate on it.

I move amendment 11.

**Fiona Hyslop (Lothians) (SNP):** I, too, make reference to the tenor of the debate that we have had as the bill has progressed through Parliament. The process has been constructive and I thank the minister for the responsive manner in which he has dealt with the queries and concerns of the committee and members, particularly in relation to education. During the progress of the bill, we have seen a gradual knitting together of the education measures that have been introduced in the bill and those in the Standards in Scotland's Schools Act 2000.

The minister made an important reference to the mainstreaming of Gaelic. I propose to ensure that we mainstream Gaelic-medium education in the education system. Education will be a vital part of the preservation and promotion of Gaelic.

The purpose of amendment 1 is to identify the Scottish Executive as having the lead responsibility in setting out a national strategy for promoting and developing Gaelic education. That position was supported by the committee at stage 1 and is supported by Highland Council, which has made constructive proposals and is, perhaps, the lead authority in the promotion of Gaelic-medium education. It should be congratulated on that.

15:30

The reasons why the Scottish Executive rather than the bòrd should take the lead on Gaelic education are practical. The bòrd should produce advice in the context of wider Gaelic issues. However, we should remember that the bòrd as described in the bill will have only between five and 11 members. It will not have responsibility for the Scottish Executive Education Department's budgets, the funding that is available to local authorities or the provision of education generally. It cannot advance changes to legislation or to statutory regulation. The bòrd will not have the same number of staff or the same knowledge or experience as the Executive has. It will advise on devising a plan or strategy, but resources should be mainstreamed in the Education Department.

The bòrd will not have responsibility for organisations such as the careers service or for co-ordinating among the Executive's departments policies on training, workforce planning, economic development, equal opportunities, culture, transport, lifelong learning, colleges or universities. Why is that important? It is important because the promotion of Gaelic-medium education is not just about advice and guidance on aspects of implementing legislation. In Edinburgh, it is about school transport. That is why the Enterprise, Transport and Lifelong Learning Department is important.

Universities, colleges and training are also relevant. We had questions today and a debate yesterday about the involvement of part-time and second-degree teachers. We have a shortage of Gaelic teachers. I recognise that the minister has produced a national action group on teacher recruitment, which is welcomed, but nationally, we need at least 30 primary GME teachers and we are about to have only 20 this year. We need at least 10 secondary GME teachers, but only two will graduate this year. We also need at least 10 secondary Gaelic teachers nationally, whereas a maximum of five will graduate in 2005.

The bòrd may recognise the scale of what is required, but there is no way that it will have the power or influence to deliver on the strategy, so the Scottish Executive is the right place for the responsibility to lie. The Executive's national strategy could feed into the bòrd's provision and national plan as set out in the bill, but the bòrd should not take the lead responsibility for Gaelic-medium education or Gaelic education generally. That must lie with the Executive.

I appreciate the minister's amendments, but they and my amendment 48 are not mutually exclusive. He is right to add the promotion of Gaelic education—its absence from section 2 was notable—to what must be in the national Gaelic language plan, so we will support amendment 11. I welcome the minister's movement on that. However, the central issue is whether we expect every local authority at some point to be able to provide Gaelic-medium education and Gaelic education. I think that the Parliament's message is that it does expect that. I accept the minister's argument that that must be practical and deliverable, and I do not expect every local authority to have to provide that from day one. Any provision would be in the context of an authority's language plan as provided to Bòrd na Gàidhlig for approval by the minister.

I argue for planned obsolescence for a provision in the Standards in Scotland's Schools etc Act 2000 that sets out the circumstances in which a local authority provides Gaelic-medium education. That would not disappear overnight. Amendment

48 says that, when each local authority has provided Bòrd na Gàidhlig with a plan on the provision of Gaelic-medium education, the opt-out in the 2000 act, which discusses the circumstances in which local authorities provide Gaelic-medium education, will disappear over time. Eventually, the provision in the 2000 act would no longer be relevant.

Amendment 48 would send out a strong message. It is practical and sits in the context of Peter Peacock's amendments. The shift in the course of the bill's consideration towards putting education more centre stage in the bill is welcome. In that frame of mind, I also accept John Farquhar Munro's point about how we manage the national strategy. His points are well made.

If the Parliament wants to send out the clear message that Gaelic-medium education will not just be preserved in the few local authorities that can provide it now but will continue and will develop, my amendments would allow us to take a step further towards making that commitment.

I speak in favour of amendments 1 and 48.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** Tha mi toilichte dha-rìridh a bhith an-diugh a-staigh an seo, far a bheil cothrom againn a bhith a' deasbad ghnòthaichean timcheall air Gàidhlig agus fàilte a chur air a' bhile Ghàidhlig ùir a tha a' dol tro Phàrlamaid Dhùn Èideann.

Nise, mar a tha fhios aig a h-uile, bha mi a' dol a thogail puing no dhà gus adhartas no neartachadh a chur anns a' bhile. Ach bhon a thàinig mi a-staigh an seo, dh'èist mi ris na thuirt am ministear mu dheidhinn dè cho math 's a tha e air a bhith a' dèanamh agus an ùidh a tha air a bhith aige anns a' bhile, tha mi a-nis dhen bheachd gum biodh e mòran nas freagarraiche nan seasainn air ais agus na puingean sin fhàgail sin leis a' mhinistear.

Bhon a thàinig am bile a-staigh an toiseach chun na Pàrlamaid, bha feadhainn ann an saoghal na Gàidhlig a' gearain gun robh ghnòthaichean anns am bile car lag. Ach bhon uair sin, tha sinn air èisteachd fhaighinn bhon mhinistear, is sluagh bhon Ghaidhealtachd is bho Alba air fad air tighinn a-staigh a chur beachdan air a bheulaibh agus air beulaibh nam ball Pàrlamaid. Tha an èisteachd a fhuair iad follaiseach anns a' bhile a tha air beulaibh Pàrlamaid an-diugh. Leis an sin, tha mi toilichte na h-atharrachaidhean 4 agus 47 a tharraing air ais. Fàgaidh mi e aig a' mhinistear airson neartachadh a thoirt dhan bhile a bheir toileachas dhan h-uile duine aig a bheil ùidh ann an Gàidhlig.

*Following is the simultaneous interpretation:*

I am pleased that today the Parliament has the opportunity to debate Gaelic matters and, in



particular, to welcome the new Gaelic Language (Scotland) Bill that is to be passed by the Parliament.

As members know, I had intended to make a few points about strengthening the bill, but having listened to how well the minister is doing, it would be much more appropriate to stand back and to leave that to him.

There have been complaints in the Gaelic world that the bill is somewhat weak, but since its introduction, people from all over Scotland, including the Highlands, have come to the Parliament to speak to members and the minister. The Executive's amendments to the bill make it quite clear that the minister has listened to what they said. I am pleased not to move amendments 4 and 47 and to leave the strengthening of the bill to the minister.

**The Deputy Presiding Officer:** A considerable number of members want to speak, so I will restrict them to a tight two minutes.

**Eleanor Scott (Highlands and Islands) (Green):** I support the amendments of John Farquhar Munro—which I had thought would be moved—and Fiona Hyslop. I echo what Highland Council says. It is closely engaged with some of the Executive's working groups, which are looking into a range of issues that should be covered by a national plan, such as those to do with teacher supply and Gaelic teaching. The council is encouraged that the Minister for Education and Young People is considering how to tackle some of the challenges that face Gaelic education and, by establishing those groups, is acknowledging that he rather than Bòrd na Gàidhlig is ultimately responsible for education provision. The council feels that ministerial oversight is essential to ensure that Gaelic is not developed in a vacuum, but operates on a cross-sectoral, cross-departmental level. I very much agree, and that is why I support the amendments of John Farquhar Munro and Fiona Hyslop.

The bill seeks to put Gaelic into the main stream of Scottish society, so I do not want even part of it to be hived off. Like education, Gaelic education should be the responsibility of the Minister for Education and Young People. I do not think that the bill is bad without amendments 1, 4, 47 and 48, but they would make it better.

**Robert Brown:** It has been recognised from the outset that education must form one of the central planks of what must be achieved in Gaelic. It is acknowledged across the board that the administrative and strategic responsibilities must lie with Scottish ministers, who are accountable to the Parliament. It is important to recognise that democratic link to ministers' powers and I do not think that Fiona Hyslop's amendments do that.

The device that she has used is rather clumsy and her proposal would not work in the right way.

What ought to happen is what the minister suggests: proposals from the bòrd should be considered and approved by the Executive and should then feed into progress on mainstream education. On issues such as teacher supply, it is vital that the Minister for Education and Young People and the local authorities have the lead role and the operational responsibility.

John Farquhar Munro's amendment 4 mentions the European charter. At stage 2, I suggested that a requirement should be inserted in the bill that would mean that, in its reports to the Parliament, the bòrd should make reference to the extent to which the European charter is being dealt with. It is important that the matter is dealt with in that way, because I do not think that the provisions of such international arrangements—which have been designed more generally—can be incorporated by by-blow and applied to the particulars of the Gaelic situation, which has peculiarities of its own. In that regard, it is appropriate that the minister's amendments should be supported. They fit very well with the views of the Education Committee.

**Dr Elaine Murray (Dumfries) (Lab):** I welcome amendment 11 and John Farquhar Munro's comments. I say in response to one of the points that Fiona Hyslop made that although the plan is the responsibility of the bòrd, its implementation is the responsibility of Scottish ministers. Therefore if the bill is amended in the way that the minister suggests, the national plan will require ministers to plan for not just the preservation and promotion of the Gaelic language but the promotion of Gaelic education in its widest sense, which includes, as well as Gaelic-medium education, learning Gaelic as a second language in schools and in adult education. In areas such as Dumfries and Galloway, the second and third aspects might be a more important part of the plan than GME.

The bill will also require ministers to promote Gaelic culture, which we all know is important to Scotland's cultural heritage and international image. I see the Minister for Tourism, Culture and Sport sitting in front of me and I am sure that she would confirm that Gaelic culture makes a valuable contribution to all three parts of her portfolio.

I urge members to resist any amendments that would restrict the way in which authorities such as Dumfries and Galloway Council and Scottish Borders Council can make provision to meet parents' demands for Gaelic-medium education. Members will know that in areas of the south of Scotland, there is concern about the structure in the bill being too rigid. We have tried to make the bill as flexible as possible so that the local plans

can reflect the needs and aspirations of each community. I urge members to resist amendments that would restrict local authorities in the south of Scotland in developing those plans.

**Lord James Douglas-Hamilton:** I have great respect for Mr John Farquhar Munro and I thought that his amendments had considerably more merit than he thought they had. However, given that he is not moving them, I will leave it at that.

On amendment 11, the Executive has made it explicit in the bill that Gaelic education should form a distinct part of the national Gaelic language plan. We welcome that and believe that it makes amendment 1 unnecessary. Executive amendment 40 is in conflict with amendment 48. The first part of amendment 48 would delete section 5(2)(c) of the Standards in Scotland's Schools etc Act 2000, which would remove education authorities' ability to give an account of the circumstances in which they will provide Gaelic-medium education, in a way that could result in all education authorities being required to make provision for Gaelic-medium education. That might be called the Dumfries and Galloway question, which Elaine Murray has spoken about. That requirement would apply regardless of whether there was demand for such provision or whether Gaelic-medium education provision might be accessed more appropriately through a neighbouring education authority provider. We do not want to remove education authorities' ability to determine how best education in their locality should be provided.

**Fiona Hyslop:** I agree with those points and the points that Elaine Murray made. I do not expect that the guidance that the bòrd produces will say that, as of day one, every single authority will have to provide Gaelic-medium education. There will be flexibility, in which case there would not be a conflict between amendments 40 and 48.

**Lord James Douglas-Hamilton:** The point to remember is that we can always revisit the issue. If there is any question of the bòrd not coming up to scratch and doing its job professionally and properly, of course Parliament will be able to consider that. However, I am confident that the bòrd will do a good job, and I believe that the minister should be supported, because he has got it right. We do not hesitate to say when we do not think that he has got it right so, in fairness, we should be objective on the matter. My recommendation is that we support the minister's amendments.

**Mr Macintosh:** During the course of the Education Committee's deliberation on the bill, we came to acknowledge and accept the central role of education, in particular Gaelic-medium education, in the survival and future growth of the Gaelic language. It is worth reminding the

Parliament that it is on education that the Executive has travelled furthest and has done most to create and build the consensus in the Gaelic community and in Parliament that now surrounds the bill. We should give the minister due credit for that.

To my mind, amendments 11 and 40 address the residual concerns that the committee raised at stage 2. The minister has outlined the importance of and need for the education strategy and I welcome his comments. However, we should acknowledge that there are complications when it comes to discussing education, in particular Gaelic education. There is a role for the Executive, local authorities, the General Teaching Council for Scotland, teacher training colleges and Bòrd na Gàidhlig. Those matters will have to be given due consideration and deliberation.

There was some confusion at stage 2 about the implications of Ms Hyslop's amendment 48, which was felt to be over-prescriptive. Nevertheless, we accept the central thrust of the amendment, which is to make the connection between the Standards in Scotland's Schools etc Act 2000 and the Gaelic (Scotland) Bill. Amendment 40 does that. I urge Ms Hyslop to follow the example of John Farquhar Munro and not to move her amendments 1 and 48.

15:45

**Peter Peacock:** I welcome members' support for the amendments that the Executive has lodged and I welcome the arguments that they have made. Robert Brown is correct in saying that we have tried to get the right balance. I acknowledge the points that Lord James Douglas-Hamilton and Elaine Murray made about the Dumfries and Galloway question, which is the reason for section 5(2)(c) of the Standards in Scotland's Schools etc Act 2000. As Lord James said—and as, I think, Ken Macintosh said at stage 2—there will be further moves or legislation on Gaelic in the future. If things are not working properly, the situation can be rectified at that point.

I also welcome the statesmanlike way in which John Farquhar Munro has handled the matter. He and I go back a long way. We were both members of the former Highland Regional Council and then the Highland Council. I pay tribute to the work that he did over many years in those organisations and when he led Skye and Lochalsh District Council. John Farquhar also worked with a group of politicians from Western Isles Council, including the Rev Jack MacArthur, and from Highland Council, including Duncan Grant from Lochalsh and latterly Dunvegan, James Henderson from Lochaber, and Neil McKechnie from Dingwall, who made a colossal difference to all that we are doing today. In fact, they are the origins of much of what

we are doing on Gaelic-medium education. But for the contributions of John Farquhar Munro, the people I have mentioned and many others, we would not be having this debate.

We all share the same objective—to strengthen Gaelic education strategy—we simply choose different paths. As a former leader of Highland Council, I do not like to disagree with it; however, what lies behind its amendment is simply mistaken. It would be wrong to establish the powers of the bòrd, which we have strengthened throughout the bill, and then excise Gaelic education from the centre of its work and the national plan, which is where the Executive envisages that it should be. It would be wrong to have a minister acting apart from the national plan on a matter that is clearly integral to the whole development of the national plan and Gaelic development.

Nevertheless, I agree with Highland Council, Fiona Hyslop and others that ministers need to be tied into the strategy and must provide a lead in Gaelic-medium education. I have indicated the ways in which I have been trying to ensure that, and my intention is to continue to do that. I believe that my formulation, which is in the Executive's amendments, genuinely achieves that and links the education strategy into the national plan, ensuring that there will be a national education strategy after full consultation. It also ensures that the arguments that Fiona Hyslop made about ensuring that education relates to transport and further education will be covered in the national language plan, which will be an all-embracing document.

My formulation will place education in that context and will bind every public body that has an education responsibility to complement the strategy through its own strategy. It also binds in the Executive, which will produce its own language plan within which there will be an education strategy. Ultimately, it will also require ministerial approval, which ties ministers into considering the national language plan and its education strategy and giving ministerial authority to that plan. Ministers are clearly tied in.

There is one small contradiction in Highland Council's position, which I do not want to pick up unduly. One of the arguments that the council makes—which I find flattering, although I do not hold it to be true—is that it can trust me because I have a record of trying to do things for Gaelic. The implication is that all my successors cannot be trusted. I simply do not believe that. However, if that were to be true, it would surely be in everybody's interest to ensure that the bòrd, which sits apart from ministers, carries the responsibility for ensuring that there is a Gaelic education strategy.

**Fiona Hyslop:** The minister will recall that I, too, complimented him on his actions on Gaelic in general and in relation to the bill. Does he not agree that, if the Executive's responsibility for producing a national strategy was prescribed in the bill, even if the scenario that he has mentioned came about and a minister followed him who was not as acutely responsible, that minister would still have to provide the strategy to comply with the legislation, regardless of his personal preferences?

**Peter Peacock:** With respect, I think that that is in the bill. Amendment 11 seeks to insert in the bill a requirement for the national plan to include a clear education strategy. Because other public bodies, including the Executive, will have to follow or have regard to the national plan in producing their own strategies, we are caught by that provision. That strong, interlocking approach achieves all that Highland Council wants and indeed does so more powerfully than the approaches outlined in the other amendments that have been lodged. As a result, I commend amendment 11 to the chamber.

*Amendment 11 agreed to.*

*Amendment 12 moved—[Peter Peacock]—and agreed to.*

### Section 3—Gaelic language plans

**The Deputy Presiding Officer:** Group 4 is on the definition of public authorities. Amendment 13, in the name of the minister, is grouped with amendments 14, 16 to 20, 21, 23, 24, 26 to 29, 32 to 39, 41, 45, 42, 8 and 44.

**Peter Peacock:** Amendment 41 discharges the commitment that I gave in response to an amendment that was lodged by Alex Neil at stage 2 to make it clear in the bill that all cross-border public authorities are included in it in so far as they exercise devolved functions. A series of consequential amendments alters "Scottish public authority" to "relevant authority".

On amendment 45, in the name of Alex Neil, which concerns the Food Standards Agency, I have received a letter from the FSA in which it commits to approaching Bòrd na Gàidhlig voluntarily to develop Gaelic language provision. Such an approach will benefit Gaelic language speakers and is the sort of action that I want as a result of the bill. Indeed, I believe that no matter whether amendment 45 is agreed to, that represents the best way of proceeding with the FSA. I want public bodies to approach the bill's passing in the spirit in which it is intended, to take full account of their local circumstances and to consider the action that they can take to support the Gaelic language. I encourage them to consider proactively how their work could benefit Gaelic

speakers and how to build on the clear spirit of generosity and good will that has developed as a result of the bill's passage.

As I explained, Bòrd na Gàidhlig wished a spirit of generosity and good will to be taken towards the Gaelic language, and I will approach amendment 45 in that very spirit. I am content to accept the amendment, which would provide for the FSA to be treated as a cross-border public authority for the purposes of the bill. I am perhaps astonished to find that Alex Neil's drafting of the amendment is not unhelpful.

I move amendment 13, and am happy to accept amendment 45.

**Alex Neil:** I have nearly been knocked off my chair.

I thank the minister for the ultimate sacrifice and his generosity in accepting amendment 45. Perhaps I should give the chamber a brief history behind the amendment. The FSA holds a unique position in the United Kingdom constitution as the only non-ministerial Government department. Ironically, the legal advice that the Executive gave us at stage 2 ran contrary to the advice that the committee received from the Parliament's legal people, who said that the FSA was not technically a cross-border agency. I am glad that the minister has now recognised that the Parliament's legal advice was bang on and that the Executive's advice was, to say the least, slightly wrong.

It is right to build the provision into the bill. I accept that, in any case, the FSA has given in writing its commitment to co-operate. However, the acceptance of amendment 45 means that if there are any problems with any future Administration, including the FSA, the bòrd or the Scottish Executive, we will not need to revisit primary legislation.

I thank the minister for accepting amendment 45. He will be glad to know that we will vote for all his other amendments.

**Lord James Douglas-Hamilton:** I congratulate Alex Neil. His amendment 45 will be remembered because it confirms what we always suspected: lawyers are far from being infallible. Like Alex Neil, we are very glad to support all 27 amendments.

*Amendment 13 agreed to.*

*Amendments 14 to 16 moved—[Peter Peacock]—and agreed to.*

*Amendment 1 moved—[Fiona Hyslop].*

**The Deputy Presiding Officer:** The question is, that amendment 1 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Baird, Shiona (North East Scotland) (Green)  
Ballance, Chris (South of Scotland) (Green)  
Ballard, Mark (Lothians) (Green)  
Byrne, Ms Rosemary (South of Scotland) (SSP)  
Crawford, Bruce (Mid Scotland and Fife) (SNP)  
Curran, Frances (West of Scotland) (SSP)  
Fabiani, Linda (Central Scotland) (SNP)  
Fox, Colin (Lothians) (SSP)  
Gibson, Rob (Highlands and Islands) (SNP)  
Harper, Robin (Lothians) (Green)  
Harvie, Patrick (Glasgow) (Green)  
Hyslop, Fiona (Lothians) (SNP)  
Leckie, Carolyn (Central Scotland) (SSP)  
Lochhead, Richard (North East Scotland) (SNP)  
MacAskill, Mr Kenny (Lothians) (SNP)  
Mather, Jim (Highlands and Islands) (SNP)  
Maxwell, Mr Stewart (West of Scotland) (SNP)  
McFee, Mr Bruce (West of Scotland) (SNP)  
Morgan, Alasdair (South of Scotland) (SNP)  
Neil, Alex (Central Scotland) (SNP)  
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
Scott, Eleanor (Highlands and Islands) (Green)  
Sturgeon, Nicola (Glasgow) (SNP)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
Alexander, Ms Wendy (Paisley North) (Lab)  
Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
Baillie, Jackie (Dumbarton) (Lab)  
Baker, Richard (North East Scotland) (Lab)  
Barrie, Scott (Dunfermline West) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brankin, Rhona (Midlothian) (Lab)  
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
Brown, Robert (Glasgow) (LD)  
Butler, Bill (Glasgow Anniesland) (Lab)  
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Eadie, Helen (Dunfermline East) (Lab)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
Finnie, Ross (West of Scotland) (LD)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallie, Phil (South of Scotland) (Con)  
Gillon, Karen (Clydesdale) (Lab)  
Glen, Marlyn (North East Scotland) (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)  
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
Kerr, Mr Andy (East Kilbride) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lyon, George (Argyll and Bute) (LD)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
Macintosh, Mr Kenneth (Eastwood) (Lab)  
Maclean, Kate (Dundee West) (Lab)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)  
May, Christine (Central Fife) (Lab)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
McGrigor, Mr Jamie (Highlands and Islands) (Con)  
McMahon, Michael (Hamilton North and Bellshill) (Lab)  
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 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)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Tosh, Murray (West of Scotland) (Con)  
 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)

**The Deputy Presiding Officer:** The result of the division is: For 23, Against 73, Abstentions 0.

*Amendment 1 disagreed to.*

*Amendment 4 not moved.*

**Peter Peacock:** Is it possible for me to move amendments 17 to 21 inclusive?

**The Deputy Presiding Officer:** It is not. I am sorry about that.

*Amendments 17 and 18 moved—[Peter Peacock] and agreed to.*

*Amendment 47 not moved.*

*Amendment 19 moved—[Peter Peacock]—and agreed to.*

#### **Section 4—Review of, and appeal against, notices**

*Amendments 20 to 23 moved—[Peter Peacock]—and agreed to.*

#### **Section 5—Approval of plans**

*Amendment 24 moved—[Peter Peacock]—and agreed to.*

**The Deputy Presiding Officer:** Group 5 is on approval of plans. Amendment 25, in the name of the minister, is grouped with amendments 49, 30 and 31.

I draw members' attention to amendment 49, which was lodged as a manuscript amendment

and published in the supplement to the marshalled list.

16:00

**Peter Peacock:** Section 5(1) makes provision for Bòrd na Gàidhlig to approve or propose modifications to a Gaelic language plan that is submitted to it. At stage 2, the Education Committee accepted an amendment that introduced certain criteria at subsection 5(1A) to which the bòrd must have regard when considering whether to approve the plan or propose modifications under section 5(1). Amendment 25 is a tidying-up amendment that makes that linkage explicit.

I apologise to members for the fact that amendment 49 was submitted in manuscript form after the deadline for lodging amendments, but it is a necessary technical amendment to correct a minor drafting error that has come to light. At stage 2, I accepted an amendment that introduced a timescale for ministers to make a decision on the final content of a Gaelic language plan where agreement cannot be reached between Bòrd na Gàidhlig and a public authority. A cross-reference between the new provision that was introduced at stage 2 and the subsection of the bill as originally drafted was made incorrectly. Amendment 49 corrects that mistake; no substantive policy issue is involved.

The bill has been developed to ensure that Gaelic development can be approached in a flexible and proportionate manner, according to local circumstances. With that principle in mind, amendment 30 provides flexibility for a public authority to publish its Gaelic language plan in such manner as it thinks fit, having regard to any guidance that is given by the bòrd. The provision provides for publication according to local circumstances while retaining a strategic overview role for Bòrd na Gàidhlig in the process of the publication of language plans.

Amendment 31 is a tidying-up provision. It makes clear that the requirement for a relevant authority to implement its plan, once it has been approved by Bòrd na Gàidhlig or Scottish ministers, must be in accordance with its plan and, therefore, the timescales that the relevant authority has set out in its plan under section 3(4)(b).

I move amendment 25.

**Lord James Douglas-Hamilton:** The amendments improve the bill considerably and we welcome them.

**The Deputy Presiding Officer (Murray Tosh):** I take it that the minister does not need to sum up.

*Amendment 25 agreed to.*

*Amendments 26 to 28, 49 and 29 to 31 moved—[Peter Peacock]—and agreed to.*

### **Section 6—Monitoring of implementation**

*Amendments 32 to 35 moved—[Peter Peacock]—and agreed to.*

### **Section 7—Review of plans**

*Amendments 36 and 37 moved—[Peter Peacock]—and agreed to.*

### **Section 8—Guidance, assistance, etc by the Bòrd**

*Amendments 38 and 39 moved—[Peter Peacock]—and agreed to.*

### **Section 9—Guidance on Gaelic education**

*Amendment 40 moved—[Peter Peacock]—and agreed to.*

*Amendment 48 moved—[Fiona Hyslop].*

**The Deputy Presiding Officer:** The question is, that amendment 48 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### **FOR**

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Sturgeon, Nicola (Glasgow) (SNP)

#### **AGAINST**

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (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)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 23, Against 70, Abstentions 0.

*Amendment 48 disagreed to.*

### **Section 10—Interpretation**

*Amendment 41 moved—[Peter Peacock]—and agreed to.*

*Amendment 45 moved—[Alex Neil]—and agreed to.*

*Amendment 42 moved—[Peter Peacock]—and agreed to.*

### Schedule 1

#### BÒRD NA GÀIDHLIG

**The Deputy Presiding Officer:** Group 6 is on members of Bòrd na Gàidhlig. Amendment 2, in the name of John Farquhar Munro, is grouped with amendment 3.

**John Farquhar Munro:** Tha mi toilichte a dh'èirigh a bhruidhinn a-rithist ann an Gàidhlig air an latha mòr seo ann an eachdraidh nan Gaidheal. Tha mi toilichte leis mar a chaidh cùisean suas chun an seo.

Tha na puingean a tha mi airson togail an-dràsta a' bualadh air na buill a bhios a' suidhe air Bòrd na Gàidhlig. Tha mi dhen bheachd gum biodh e gu math freagarrach nam biodh buill a' bhùird fileanta ann an Gàidhlig. Chan eil sin a' ciallachadh gu bheil mi an aghaidh duine sam bith eile aig nach eil Gàidhlig a' tighinn faisg air a' bhòrd. Tha mi airson cothrom a bhith aig a' bhòrd duine sam bith a thaghadh aig a bheil sgilean proifeiseanta a nì feum dhan bhòrd. Leis an sin, chan eil mi a' faicinn gun dèanadh na h-atharrachaidhean milleadh mòr air obair a' bhùird. Tha am bile ag ràdh gum bi ballrachd a' bhùird air a dhèanamh suas de

“gun a bhith nas lugha na 5, no nas motha na 11, buill chumanta”.

Tha sin freagarrach gu leòr. Ach chan eil mi a' faicinn carson gu bheil sin a' ciallachadh nach biodh cothrom aig a' bhòrd a tharraing duine sam bith a dhèanadh feum no cuideachadh dha.

Tha mi dhen bheachd gum biodh e gu math freagarrach dà phuing a chur còmhla ann an atharrachadh 2 agus atharrachadh 3, a tha a' bualadh air fear-cathrach a' bhùird. Tha mi dhen bheachd gur còir an neach-cathrach a bhith fileanta ann an Gàidhlig. Leis an sin, tha mi a' cur air beulaibh na Pàrlamaid gur còir buill Bòrd na Gàidhlig, agus gu h-àraid fear-cathrach a' bhùird, a bhith fileanta ann an Gàidhlig.

Tha mi a' gluasad atharrachadh 2.

*Following is the simultaneous interpretation:*

Again, I am pleased to stand here and speak in the Gaelic language. This is a historic day for the Gaels and I am very pleased with matters up to now. The points that I wish to raise relate to the members who will sit on Bòrd na Gàidhlig. I think that it would be very appropriate if the members of the bòrd were fluent Gaelic speakers. That does not mean that we would want to prevent anyone who does not have Gaelic from coming anywhere near the bòrd. I want the bòrd to have the

opportunity to select people who have professional skills that would be useful to it. I do not think that the amendments will create any great difficulty for the bòrd's work. The bill states that the bòrd should have

“no fewer than 5, nor more than 11”

members, which is appropriate. However, I do not see why the bòrd should not have the opportunity to attract people who it believes could be useful to it.

I thought that it would be useful to bring together two points in amendments 2 and 3. Amendment 3 relates to the chair of the bòrd. I am of the opinion that the chair should be a fluent Gaelic speaker. I suggest to the Parliament that the members and, in particular, the chair of Bòrd na Gàidhlig should be fluent Gaelic speakers.

I move amendment 2.

**Lord James Douglas-Hamilton:** Amendments 2 and 3 are very much the work of John Farquhar Munro. As one would expect on a subject of this nature, his wise counsel should be heeded. He is saying that members of the bòrd should be able to speak the Gaelic language. His amendments go far deeper than just the issue of Gaelic. If we are to pursue excellence, we must have highly qualified individuals who know what they are talking about and what they are saying.

John Farquhar Munro speaks Gaelic extremely well. I have no doubt that, if a poll were taken of all others who speak Gaelic, they would agree almost unanimously that the bòrd, which is to spearhead the promotion and encouragement of Gaelic in Scotland, should include people with a range of different experiences and expertise, but that it would not be unreasonable to insist that they should all have the Gaelic. One would invariably find that members of boards for the promotion of French, German or Italian would have a basic knowledge of the subject concerned. I understand that the bòrd's proceedings will be conducted mainly in Gaelic, so a working knowledge of Gaelic should be a prerequisite of membership. We should not shrink from the promotion of minimum standards. It will be a dark day when the Parliament is afraid of recognising merit or the pursuit of excellence. It cannot be suggested that it is unreasonable for members of the bòrd to have the Gaelic.

**The Deputy Presiding Officer:** One or two names have popped on and off my screen. If members wish to speak, they should be clear that their request-to-speak buttons are on.

**Alex Neil:** I support the amendments in the name of John Farquhar Munro. We think that it is sensible that the members and, in particular, the chair of a board that is appointed with the express

purpose of promoting Gaelic should be Gaelic-speaking people. For the reasons that Lord James Douglas-Hamilton outlined, it would be a perfectly sensible proposition to have Gaelic speakers running the show as far as the promotion of the Gaelic language is concerned. The Scottish National Party is happy to support—in English, unfortunately—amendments 2 and 3.

**Peter Peacock:** I understand clearly what drives John Farquhar Munro on this issue and have some sympathy with the sentiments behind his amendments. I expect that the working language of Bòrd na Gàidhlig will always be Gaelic. If not all the members of the bòrd are fluent speakers, a clear majority of them always should be. I cannot envisage circumstances in which the chair of the bòrd would not be a Gaelic speaker.

The make-up of the current bòrd demonstrates that a potential candidate's mastery of the language will be a matter to which ministers will have regard when making appointments. However, as John Farquhar Munro said at stage 1, the bòrd must welcome support from people who do not speak Gaelic, but who have special skills and interests. For absolute clarity, in case I did not understand properly what John Farquhar Munro said, the bòrd has no power under the bill to co-opt members who are non-Gaelic speakers on to the bòrd, and although it can create committees on to which members can be co-opted, those members would have no voting rights. So it is not possible to co-opt a non-Gaelic speaker on to the main bòrd in the way that I think John Farquhar Munro suggested.

I agree with the point that was made in the Education Committee's stage 1 report that the ability to speak Gaelic should not be prescribed in statute as a prerequisite for bòrd membership. The committee recognised that there might be benefit in ministers having flexibility to appoint members with, for example, experience of the development of another minority language. I can also envisage a circumstance in which people who have empathy with the language, who understand the threats that it faces, who are experienced in public policy development in education, for example, could make a positive contribution to the work of the bòrd.

Without wanting to be pedantic, I do not wish to get into circumstances in which any minister has to make fine judgments about an individual's level of language skill in order to make an appointment to the bòrd. I can think of a number of people—some of whom sat in the past where Alex Neil sits today—who might not be regarded as fluent Gaelic speakers, but who I would not want to be prevented from making a contribution to the bòrd if they were otherwise suitable.

That said, I repeat that I cannot envisage a circumstance in which the clear majority of bòrd

members will not be fluent Gaelic speakers and further, I make it clear that I expect that Gaelic will always be the working language of the bòrd. I cannot envisage a circumstance ever when the chair would not be a Gaelic speaker.

With those assurances, I ask John Farquhar Munro not to press amendment 2.

**John Farquhar Munro:** I clarify that I suggested that anybody who had an expertise or professionalism from whom the bòrd wanted to take advice could be taken not on to the bòrd, but into a committee meeting where the bòrd could make use of their expertise and professionalism, even though they were not a Gaelic speaker. I suggested clearly that all members of the bòrd should be Gaelic speakers.

With those few words, I press amendment 2.

**The Deputy Presiding Officer:** The question is, that amendment 2 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### For

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 White, Ms Sandra (Glasgow) (SNP)

#### AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)



Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Murray, Dr Elaine (Dumfries) (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)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

Curran, Frances (West of Scotland) (SSP)  
 Gorrie, Donald (Central Scotland) (LD)  
 Leckie, Carolyn (Central Scotland) (SSP)

**The Deputy Presiding Officer:** The result of the division is: For 37, Against 57, Abstentions 3.

*Amendment 2 disagreed to.*

*Amendment 3 not moved.*

*Amendment 8 moved—[Peter Peacock]—and agreed to.*

#### Long Title

*Amendment 43 moved—[Peter Peacock]—and agreed to.*

*Amendment 46 not moved.*

*Amendment 44 moved—[Peter Peacock]—and agreed to.*

## Gaelic Language (Scotland) Bill

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

The next item of business is a debate on motion S2M-2665, in the name of Peter Peacock, that the Gaelic Language (Scotland) Bill be passed.

16:15

### **The Minister for Education and Young People**

**(Peter Peacock):** It is my privilege to open this debate on what is, as John Farquhar Munro and others have said, an historic day for Gaelic and for Scotland as a whole. We have come a long way from the 1616 act that decreed that Gaelic should be “abolished and removed” from Scotland. We have also come a long way from the first support that was given to An Comann Gaidhealach by the Government back in the 1960s, which was a grant of the princely sum of £500, and from the first Gaelic-medium education classes in the 1980s. Indeed, we have also come a long way since the Comunn na Gàidhlig working group began promoting secure status during the 1990s.

I am conscious, as I said during our consideration of the amendments, that we are building on the efforts of many groups and individuals down the years. I cannot hope to mention them all, but I would like to thank those who have contributed to the development of the bill. In particular, I thank John Alick Macpherson for the work that he did, and I thank Professor Donald Meek and all those involved in the ministerial advisory group on Gaelic, which was established by Alasdair Morrison, a distinguished former minister with responsibility for Gaelic, who did all the early work in preparation for the bill. The central recommendation of the ministerial advisory group was for the development of a Gaelic language act, and today we shall deliver on that recommendation.

I thank the 3,000 people who responded to the consultation on the draft bill and those who gave evidence to the Education Committee. I also acknowledge the work of the members of the Education Committee itself, and the work of Alex Neil and John Farquhar Munro, who, although not members of the committee, contributed to many of the committee debates. I thank the many people who gave evidence to the committee for the constructive consideration that they gave to the bill and to wider Gaelic issues. The bill is stronger as a result of parliamentary scrutiny and debate, and I think that it has been a particularly good example of the Executive and Parliament working constructively together.

I thank the committee clerks, who have ensured that events have progressed smoothly. I also sincerely thank my own bill team, who have

worked hard on the bill and who have liaised not just with members of the committee and with the clerks but with many organisations beyond Parliament in constructing the bill. Finally, I thank the members and staff of Bòrd na Gàidhlig, who have provided a steady stream of helpful advice as the bill has developed over the past two years.

There has been a clear consensus that action should be taken to secure the status of Gaelic, and Parliament today has the opportunity to send a clear signal that it is serious about the survival of Gaelic. It is imperative that we act now. Gaelic is a precious asset for all of Scotland and it is our responsibility to provide the means by which the Gaelic language will not only survive but thrive into the future. Sorley MacLean said:

“if Gaelic dies, Scotland will lose something of inexpressible worth, and the Gaels will lose almost everything”.

It is our duty to ensure that that does not happen, and the bill will make a significant contribution to ensuring that.

The bill creates a flexible framework to secure the future of the Gaelic language. It gives clear and official recognition to Gaelic. Gaelic is an official language of Scotland commanding equal respect to English. The bill establishes a body in law with responsibility to develop Gaelic language and culture and to bring about a sustainable recovery by increasing the usage and acquisition of the language. It provides for the creation of a national Gaelic language plan by Bòrd na Gàidhlig, which will set out in an holistic way the development of Gaelic across Scotland. Because of today's events, that national plan will have a clear strategy at its heart for Gaelic education—the key to the future success of the language—and it will ensure that public bodies with education responsibilities, including the Executive, also have clear strategies. The bill provides for public bodies to play their part in future development and builds on the undoubted success of Gaelic-medium education and encourages its future development.

I have promoted and accepted a number of changes during the passage of the bill. I agreed to an amendment at stage 2 that makes it clear that the bill is about the potential for the development of Gaelic language into the future, and it is now absolutely clear that the bill is not about Gaelic as it stands but about its potential to move forward. I also agreed to an amendment at stage 2 that enhances the status of the Gaelic language by recognising that Gaelic and English command equal respect.

Parliament agreed today to an amendment that creates new links between the bill and the Gaelic-medium education provisions of the Standards in Scotland's Schools etc Act 2000. That will ensure

that a strategic, joined-up approach can be taken to the development of Gaelic education.

Those changes and the other amendments to which Parliament agreed will ensure that the bill is an efficient and effective tool to secure the status of the Gaelic language.

I have listed the provisions of the bill and some of the important changes that we have made to strengthen it. It will have important effects that will go beyond its provisions. It makes an important statement that the Gaelic language and culture are very important aspects of Scottish life. It will add welcome momentum to other areas of Gaelic development and enterprise and I expect it to undermine any residual ill will towards Gaelic in Scotland and to encourage greater trust between Gaels and Government.

A clear message that came out of the consultation on the bill was the need to emphasise the Scottish Executive's responsibility for the well-being of Gaelic. Through the bill and other measures, Parliament acknowledges its obligations and seeks to discharge its duty in a manner that will ensure a sustainable future for Gaelic in Scotland.

It gives me great pleasure to move,

That the Parliament agrees that the Gaelic Language (Scotland) Bill be passed.

**The Deputy Presiding Officer:** Time is very tight in the debate.

16:21

**Alex Neil (Central Scotland) (SNP):** I echo the sentiments that the minister expressed. This is a day on which the Gaelic language is going forward, not back—to coin a phrase. I congratulate the minister on the role that he has played in working with members of the committee and others, such as me, to take the bill forward. As a result of that co-operation, we have ended up with what will be a much better act than would have been achieved through the draft bill with which we started out.

I thank Robert Brown, the convener of the Education Committee, for allowing me to participate so actively in the committee's proceedings, even though I am not a member. I also mention Mike Russell, who introduced his Gaelic language bill, which was on similar lines to the bill that we are considering, during the first session of Parliament.

The bill represents not the end of the story but the end of the beginning of the story of the regeneration of Gaelic. During the bill's passage we have recognised a number of areas in relation to the promotion of the language that are not covered by the bill and remain to be addressed.

For example, I think that we all agree that there needs to be a clear strategy for the future of Gaelic broadcasting, which will use new, digital technology to spread knowledge and uptake of the Gaelic language.

We still face a major challenge. It is estimated that there is a net loss of about 1,500 Gaelic speakers every year. We also have a dire shortage of Gaelic-speaking teachers. The passing of the bill will not address or solve those problems, but it will send a clear message about the serious intent of the Parliament to address all the problems that Gaelic faces, including the language's status and the need for public agencies to promote the language as part and parcel of their remit.

It is important that the bill acknowledges the role of the European Charter for Regional or Minority Languages and I hope that the next report on the progress of the Gaelic language against the charter will be more complimentary than the last one was. Robert Brown said that we learned a great deal from the Welsh experience, but the Welsh language started from a much higher base than does Gaelic in Scotland, which faces much more widespread and severe challenges than were faced by Welsh.

Like our colleagues in other parties, we will take pride in the passing of the Gaelic Language (Scotland) Bill. We are glad that we have been able to contribute to the bill's progress and we look forward to progress being made in broadcasting, in education, in the work of Bòrd na Gàidhlig and in the promotion of the language throughout Scotland. I hope that after we pass the bill at decision time at 5 o'clock, there will be coverage, not just in the northern parts of Scotland but throughout the land, of the fact that the Scottish Parliament has rectified decades, if not centuries, of neglect of a key part of Scotland's past and heritage.

16:25

**Lord James Douglas-Hamilton (Lothians) (Con):** I am very glad to share in the support for the bill on what is a landmark day for Gaelic. If Tony Blair were here, he would no doubt say that we feel the "hand of history" on our shoulders. If he did, he might—on this occasion—be entirely correct.

As I mentioned before, the Gaelic language and its culture have been subject to persecution in the past—especially after Culloden and during the clearances, which many of us regard as a dark period in our history. I have to mention an interest in what followed. My ancestor Selkirk of Red River—one of the less well-known figures of the Scottish enlightenment—chartered ships and went

with nearly 1,000 struggling, Gaelic-speaking highlanders from Skye and Raasay to Prince Edward Island in Canada, where they started a new life. Gaelic still flourishes there, as do the descendants of those highlanders. He also inaugurated the settlement at Red River in Manitoba which, notwithstanding its trials and tribulations, was the beginning of Winnipeg.

We have no power to amend the wrongdoings of bygone centuries that led to emigration. We do not need to dwell "On the Other Side of Sorrow" but we can at the very least give strong support and encouragement to those who speak our country's largest indigenous language after English. We have a golden opportunity to demonstrate our good will and to develop the linguistic and cultural diversity of Scotland, which has contributed so much to enriching our way of life.

It would be of value if certain thoughts could be kept in mind. We wish the bòrd every success in co-operating with United Kingdom bodies, in developing a Gaelic language dictionary and in ensuring that there are sufficient Gaelic-medium teachers in local authorities.

We hope that the use of high technology will be harnessed, and we hope that the excellent counsel of Sabhal Mòr Ostaig—the Gaelic college on Skye—will be heeded. Going there was a great highlight for the Education Committee. The college is undoubtedly a centre of educational excellence. Its staff's views, experience, expertise and aspirations should be addressed with care and sympathy.

I end by saying that the bill will be a landmark for Gaels and their culture, which is a rich inheritance for Scotland. It has been a privilege for us to have taken part in the bill's progress.

There is a great deal to be said for the argument that history should be left to the historians. However, in this case, I rather fancy that, as Tony Blair might say, history will not judge us harshly.

16:27

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** Tha mise cuideachd toilichte a bhith ann an seo an-diugh, mar a thuirt mi, air latha mòr ann an eachdraidh nan Gaidheal. Bho chionn iomadach bliadhna a-nis, tha sinn air a bhith a' strì airson taic agus cuideachadh a chur ri Gàidhlig agus ri ceòl is cultar nan Gaidheal.

Air a' chiad trup a thàinig mi sìos dhan Phàrlamaid ùir, bha an deasbad ann an Dùn Èideann dìreach a' tòiseachadh an uair sin. Ron sin, bha gu leòr a' dol ann an Glaschu agus suas ann an Inbhir Nis is àiteachan eile air a' Ghaidhealtachd, ach cha robh sinn a' cluinntinn mòran a' tachairt ann an Dùn Èideann. Ach an-

diugh, tha Bòrd na Gàidhlig gu bhith air a stèidheachadh fo bile ùr an seo an teis-mheadhan Dhùn Èideann ann am Pàrlamaid ùr na h-Alba. Mar a thuirt am Morair Seumas Dùbhghlas-Hamilton beagan mhionaidean air ais, tha còir againn a bhith gu math pròiseil an-diugh gu bheil cothrom againn taic agus cuideachadh a chur gu cànan is cultar nan Gaidheal.

Tha sinn air adhartas mòr a dhèanamh anns na bliadhnaichean a chaidh seachad. O chionn 30 bliadhna air ais, cha robh mòran a' tachairt ann an saoghal na Gàidhlig. Is dòcha gun robh beagan mhionaidean againn air rèidio, ach cha robh fiù 's telebhisean a' dol an uair sin agus cha robh cothrom againn a bhith a' faicinn dad sam bith de Ghàidhlig air a chraobh-sgaoileadh. An-diugh, bheir am bile taic dhan chànan is dhan chultar agus bheir e taic dha Bòrd na Gàidhlig.

Tha ceumannan eile ri gabhail, ged a ghabh sinn ceumannan mòra mar-thà. Tha sinn a' coimhead air adhart ri seanaile telebhisein airson cànan is cultar nan Gaidheal a phutadh a-mach. Bhiodh barrachd a' tachairt nan robh an cothrom againn a bhith a' faicinn Gàidhlig air a chraobh-sgaoileadh air telebhisean a h-uile latha mar a tha sinn a' faicinn Beurla. Ach, le feadhainn a' bruidhinn timcheall air sin agus an argamaid a' faighinn taic, is dòcha gum bi cothrom againn sin a stèidheachadh ann an ùine nach bi uabhasach fada.

Ach air an latha mhòr seo an-diugh, tha mi toilichte a bhith ann a sheo. Tha mi a' toirt taing mhòr dhan mhinistear, a rinn obair mhòr thairis air dhà no trì bhliadhnaichean airson am bile a dhèanamh na lagh ann an dòigh a tha freagarrach agus comasach airson a' chànan. Tha mi cinnteach gu bheil a' Phàrlamaid agus muinntir na Gaidhealtachd a' coimhead dhan mhinistear agus a' toirt taic dha airson na h-obrach mòire a rinn e. Mòran taing.

*Following is the simultaneous interpretation:*

I am pleased to be here on this historic day for the Gaels. We have been struggling for many years to support the Gaelic language and the music and culture of the Gaels.

When I first came to the new Parliament, the debate had just started in Edinburgh. Before that, I am sure that plenty was happening in Glasgow and Inverness and in other places throughout the Highlands, but we did not hear much about what was happening in Edinburgh. However, today we are in the new Scottish Parliament building in the middle of Edinburgh considering a bill to establish Bòrd na Gàidhlig. As Lord James Douglas-Hamilton suggested a couple of minutes ago, we should be extremely proud that we have an opportunity to support the language and culture of the Gaels.

When we look back over the past few years, we can see that we have made huge progress. Thirty years ago, nothing much was happening in the Gaelic world. We had some Gaelic broadcasting on radio, but we had no opportunity to see any Gaelic broadcasting on television. Now, the bill is supporting the language and culture and supporting Bòrd na Gàidhlig.

We have taken huge steps, but there are still more to be taken. We look forward to a Gaelic television channel. When we are able to see Gaelic programmes on television every day—as we can see English programmes—it will promote the language and culture of the Gaels. The argument for a Gaelic channel is receiving support in discussions that are under way on that subject. Perhaps we may have the opportunity to get the service established before too long.

Today is an historic day. I thank the minister for all the hard work that he has done over the past few years to get the bill established in a way that not only suits the language but will help it to develop. I am sure that the Parliament and particularly those in the Highlands who are looking on will want to support the minister. All of us want to thank him for the hard work that he has done.

**The Deputy Presiding Officer:** In order to get in as many members as possible, I ask members to keep their speeches to three minutes.

16:30

**Mr Alasdair Morrison (Western Isles) (Lab):** Tha mi toilichte dha-rìridh a bhith a' gabhail pàirt anns an deasbad crìochnachaidh seo. Bidh deagh chuimhne aig a' mhinistear—duine a tha air a bhith an sàs ann am poileataigs na Gaidhealtachd cha mhòr 25 bliadhna—air an adhartas a tha sinn air fhaicinn thairis air na bliadhnaichean, mar a dh'ainmich mo charaid Iain Fearchar Rothach.

An-diugh, ge-tà, tha sinn a' tighinn gu ceann-uidhe eachdraidheil—a' chiad achd cànan airson na Gàidhlig. Dh'fhaodadh sinn a ràdh gu bheil sinn a' coilionadh an-diugh na h-amasan a bha aig na land leaguers aig deireadh an 19<sup>mh</sup> linn agus toiseach na 20<sup>mh</sup> linn. Bha e sgrìobhte ann an suaicheantas aca: “An Tìr, an Canan, 'sna Daoine.” An dèidh Achd Ath-Leasachaidh an Fhearainn (Alba) 2003—achd a tha a' dèanamh an t-uabhas feum—tha achd cànan gu bhith againn an dèidh an-diugh. Air latha eachdraidheil mar seo, bu chòir dhuinn a bhith foireil agus a bhith a' dèanamh uail orrasan a bha, thairis air iomadach bliadhna, a' strì airson nan nithean sin. Gu dearbh, tha na briathran sin rim faicinn air bratach pàipear beag an Eilein Sgitheanaich, a tha chun an latha an-diugh, mar a tha e air a bhith a' dèanamh bhon a chaidh a stèidheachadh o chionn 30 bliadhna, gu dìleas a' seasamh chòirichean na cànan agus ath-leasachadh an fhearainn.

Bu toigh leam dhà no trì puingeann a dhèanamh anns an ùine bheag a tha agam. Is ann mu Bhòrd na Gàidhlig a tha a' chiad tè. Nuair a chaidh am bòrd a stèidheachadh mar quango aig toiseach 2003, is iad prìomh dhleastanasan a' bhùird ùghdarras a ghabhail thairis airson sgaoileadh maoin Gàidhlig agus comhairle a thoirt do mhinistearan. Fon bhile an-diugh, bidh dleastanasan a' bhùird ag atharrachadh gu mòr. Tha mi toilichte da-rìribh gu bheil am ministear air èisteachd ri tagraidhean coimhearsnachd na Gàidhlig agus ris na puingeann a rinn Comataidh an Fhoghlaim. Tha mi ag iarraidh gum bi barrachd ùghdarras agus smachd aig a' bhòrd agus gun tèid barrachd leasachaidhean a dhèanamh. Gu sònraichte, an coimhead am ministear air dhà no trì phuingeann a thaobh maoin eachdraidheil airson innleachdan a' bhùird agus air an taic a thathar a' toirt do bhuill a' bhùird? Is dòcha gum faodadh e coimhead air leudachadh a dhèanamh air an t-seòrsa daoine agus buill a tha an sàs anns a' bhòrd an-dràsta.

Tha an dara puing agam—a nì mi gu sgiobalta, oir cha robh mi a' tuigsinn nach biodh ach trì mionaidean agam—mu dheidhinn taic airgid airson foillseachadh Gàidhlig agus am feum a thathar a' dèanamh leis an airgead a tha an Riaghaltas a' cleachdadh airson sanasachd. Thog mi a' phuing sin mar-thà; mar sin, tha mi a' coimhead air adhart ri freagairt a' mhinistear.

Bu toigh leam taing a thoirt chan ann a-mhàin do Pheadar Peacock ach do Phatricia NicFhearghais, a tha an lùib chòmhradh le Riaghaltas Bhreatainn mu dheidhinn craoladh Gàidhlig. Thathar a' dèanamh adhartas an sin, agus chì sinn toradh na h-obrach sin a dh'aithghearr.

Aig toiseach na h-òraid agam, dh'ainmich mi am facail “eachdraidheil” agus rinn mi iomradh air strì nan Gaidheal. Tha strì an fhearainn agus strì airson a' chànan air a bhith air am fuigheall ri chèile thairis air na linntean. Tha dreach na dùthcha agus an dòigh anns am bheil am fearann ga riaghladh air atharrachadh gu mòr bho na làithean sin. An-diugh, bheir am bile Gàidhlig seo spionnadh as ùr dhan ghinealach agamsa agus do ghinealach mo chuid chloinne.

Mar a tha fhios againn, tha a' Ghàidhlig na neamhnaid luachmhòr ann an cridhe 's anam na h-Alba. Chan eil i air a cuingealachadh le crìochan teann. Tha Gàidhlig nàiseanta, Eòrpach agus eadar-nàiseanta. Tha i bunaiteach do dh'Alba. Chan eil i idir air an oir no air chùl-fraoin. An-diugh, tha suaicheantas nan land leaguers a' tighinn beò ann an linn eile. Tha an suaicheantas sin a cheart cho airidh ri bhith air a chleachdadh 's a bha e nuair a chaidh a chur ann a clò an toiseach, ged a tha an suidheachadh againn gu fortanach gu tur eadar-dhealaichte.

Tha mi a' moladh taic a thoirt do Bhile na Gàidhlig (Alba).

*Following is the simultaneous interpretation:*

I am pleased to take part in the debate. As someone who was involved in Highland politics for over 25 years, the minister will remember the many developments that we have seen in that time. My colleague John Farquhar Munro also mentioned that.

We are coming to an historic conclusion: the Scottish Parliament's first Gaelic language act. When the act is passed, we will know that we have fulfilled the motto of the land leaguers of the end of the 19<sup>th</sup> century and beginning of the 20<sup>th</sup> century, which was "the land, the language and the people". The Parliament has passed the Land Reform (Scotland) Act 2003, which is being used to great effect, and today we pass a language act. This is an historic day, on which we should be particularly aware of and pay tribute to those who have struggled for many years for the land, the language and the people. Indeed, that motto has been on the masthead of the *West Highland Free Press* since the inception of the paper 30 years ago.

I turn to specific aspects of the bill, the first of which concerns Bòrd na Gàidhlig. At the beginning of 2003, the bòrd was established as a quango. Its main duties at that time related to the distribution of Gaelic funding and the provision of advice to ministers. Today, its responsibilities are greatly changed and, in that respect, I am pleased that the minister has listened to the appeals that came from the Gaelic community. I am pleased that the bòrd will have greater authority and legitimacy. I ask the minister to look at the issue of funding and also the issue of extending the membership of the bòrd so that more people can become involved in its work.

My second point relates to the Gaelic publishing sector and, in particular, to the Executive's advertising budget. I have raised the point before and I look forward to hearing the minister's response on the issue. I thank not only Peter Peacock but Patricia Ferguson, who is involved in the discussions with the UK Government on Gaelic broadcasting. Progress is being made on the issue and I believe that we will soon see the result of that work.

At the beginning of the 20<sup>th</sup> century, the language and the people who worked on the land were knitted together. Things have changed significantly since those days and the act will give a new and welcome impetus to my generation. The Gaelic language is a precious jewel in the heart and soul of Scotland. Gaelic should not be restricted by boundaries: it is national, it is European and it is international. Gaelic is not at

the periphery but is fundamental to Scotland. Fortunately, our situation today is very different from that of the early 20<sup>th</sup> century, but the land leaguers' motto is as relevant and worthy today as it was in their day.

I support the passing of the bill.

16:34

**Rob Gibson (Highlands and Islands) (SNP):**

The test of the first Gaelic language act, which is set to be passed by the Scottish Parliament today, will be how much confidence it promotes among those who speak the language and those who wish to learn it. The act will give the Parliament a raft of administrative means to explain what every public authority that is responsible to the Parliament will do to promote the first language of Scotland.

However, too many examples of hostility or lack of confidence are still expressed or muttered in areas that remain key to Gaelic's survival and expansion. It is bizarre that new road signs in Sutherland, Caithness and parts of Inverness will not be bilingual because of the small-minded and negative attitude of some councillors, who voted down the chance to show the Gaelic side of their cultural roots without any added cost to the public purse. As Brian Wilson wrote in *The Guardian* yesterday, signage can be

"a gesture of respect for a language that once covered most of Scotland".

In Wales in the 1970s, I was a witness to such blocking tactics from central Government and its local political allies as the struggle for the status of the Welsh language progressed. The only way forward is for the users of our ancient language to have the confidence to speak up and for Gaelic to have the full backing of official status. Welsh is in a far stronger position than Gaelic, as are Catalan and Basque. Those languages started from a higher baseline of speakers, so we need added impetus from strong measures that will eventually be added to the act. Ministers and Government supporters will praise their efforts as historic, but that can be judged only by history. Meanwhile, every effort must be made to give life to Gaelic. Cum Gàidhlig beò. Let Gaelic live.

The test of the act is whether it will spread the good will that is expressed in the Parliament into decisions that are taken elsewhere, from the smallest communities to the largest public bodies. As in Wales, the language has to become a normal part of the nation's life. As others have said, there are decisions to be made about broadcasting in future and I hope that the devolution settlement will be changed to include that.

Over the centuries, Gaelic has been pushed largely to the edge, to the outer isles, but the flight of the Gaels from those islands has scattered more than 10 per cent of their population to other areas. To some extent, that has weakened the solidarity of many to keep up their Gaelic speech. However, that will be turned round by the act. The confidence that is needed to promote living communities, whether in the isles or in towns, lies in the provision of challenging jobs and affordable homes—good reasons for families to live a life through Gaelic.

If there is to be justice and success for the language, we need economic, environmental and social justice for all Scots. The Scottish National Party fully supports that. The act should be a key milestone on the long road to justice.

16:37

**Eleanor Scott (Highlands and Islands) (Green):** Tha mi toilichte gum bi sinn ag aontachadh ri Bile na Gàidhlig (Alba) an-diugh, agus tha mi a' creidsinn gu bheil seo na dheagh latha airson na Gàidhlig.

*Following is the simultaneous interpretation:*

Thank you, Presiding Officer. I am pleased to support the Gaelic (Scotland) Bill today. This is a good day for Gaelic.

*The member continued in English.*

During the stage 1 debate, we thanked the people who responded to the consultation or gave evidence and we thanked the Executive for listening. I reiterate those thanks today because I believe that everyone involved has contributed to historic legislation that will, I hope, underpin a strong future for the Gaelic language.

One of the nice things about being a member of the cross-party group on Gaelic is that we are from time to time invited to meet visiting delegations who have expressed an interest in hearing about Gaelic. Usually they are from countries that have one or several minority languages. Recently, we met one such group from part of the former Yugoslavia, from a small country that has no less than six official languages, at least two of which are in simultaneous use in each town or district.

That visit made me realise what a monoglot society we have, although that is not the case at grass-roots level because many people in Scotland speak one of the versions of Scots, a significant minority speak as their language at home the language of their family's country of origin—perhaps from many generations ago—and, of course, tens of thousands speak Gaelic. I expect that number to continue increasing. However, dealings with officialdom, even the most minor dealings, and most business transactions

tend to be done exclusively in English. That creates a two-tier system, which makes one feel as if there is only one official language in Scotland. I hope that the bill's enshrinement of Gaelic as an official language of Scotland will end that and I hope that the bill, which is soon to be enacted, will start the process of properly mainstreaming the Gaelic language.

One of the crucial sections of the bill is the section on education. I welcome the commitment that the Minister for Education and Young People has shown to Gaelic-medium education both in the bill and generally. During the stage 1 debate, the minister mentioned the establishment of a working group on teacher supply, which is one of the potential constraints on the development of Gaelic-medium education. I understand that that group is to report in May, but if the minister were able to give an advance report, that would be welcome, although I appreciate that he might not be in a position to do so.

I welcome the bill and pledge that my party will do whatever it can to support and promote the Gaelic language.

Mòran taing.

16:40

**Mike Watson (Glasgow Cathcart) (Lab):** Anyone listening to "Good Morning Scotland" today might have heard Allan Campbell, the chief executive of Bòrd na Gàidhlig, say that the bill was about the future of Gaelic, not its past. That is an eloquent answer to all those who say that the bill is unnecessary or that it is not a priority. I am glad that the bill has been considered as a priority: it fulfils a commitment in the Labour-Liberal Democrat programme for government and answers the criticisms that were levelled two years ago when the previous Gaelic Language (Scotland) Bill was debated. The reasons for voting that bill down were positive, not negative; today's events show how positive the commitment was, and that it has been delivered.

If John Farquhar Munro says that it is an historic day for the Gaels, I will not argue and could not add much to that sentiment. I pay tribute to Peter Peacock for the work that he has done in guiding the bill to its conclusion. I take some pride in having been the minister to establish Bòrd na Gàidhlig on the basis of the report by the ministerial advisory group on Gaelic under the firm guidance of Professor Donald Meek. I remember attending the first meeting of Bòrd na Gàidhlig in January 2003 when Duncan Ferguson, the then chair, outlined the bòrd's plans. It has carried out many of those plans already and I pay tribute to it for its work. The bill sets Bòrd na Gàidhlig in statute, which is important because it will take

Bòrd na Gàidhlig on to a higher level and enable it to increase the work that it does.

I find it surprising that places as diverse as Forfar, Kilmarnock and Condorrat have Gaelic-medium schools. That demand for Gaelic-medium education is growing is shown by the fact that Glasgow's Gaelic-medium school has outgrown its premises and has even had to consider turning away parents who want their children to be educated in Gaelic-medium education, although it has found larger premises that will provide an all-through service including nursery education and a cultural centre. I welcome the initiative that Glasgow City Council has shown in providing for that.

The key to Gaelic's future—and it has a future—is education. We need to provide as many teachers as possible at all levels so that we can ensure that demand for Gaelic-medium education can be met. I believe that that will happen and that the building blocks are in place to ensure that young people and others come through. There are many people in the later stages of their lives who now have the opportunity to become teachers of Gaelic or in Gaelic-medium education; they should be encouraged to do so.

Parliament has proved today that one of its main functions is to legislate on matters on which Westminster did not have the time or the inclination to legislate. The bill would never have seen the light of day at Westminster. However, Westminster retains one major relevant responsibility, which is broadcasting, and I want Gaelic television to be expanded.

This is a proud day for the Scottish Parliament. The bill will echo down the years and the work of Bòrd na Gàidhlig and those who support it will provide an essential function for the future of Scotland's cultural heritage.

16:43

**Robert Brown (Glasgow) (LD):** Many people in the Gaelic community have waited a long time indeed for the Gaelic Language (Scotland) Bill to become law; there is something of all of them in it.

As convener of the Education Committee, I have found the process of the bill to be one of the most productive in which I have been involved. I have had—as has the rest of the committee—the opportunity to visit and engage with interested people at the Gaelic primary school and Gaelic secondary unit in Glasgow, at open meetings that were organised by the Scottish Parliament outreach service in Partick library, at the royal national mòd in Perth, at an overnight committee visit in Skye and, of course, at the committee's oral evidence-taking sessions. Those have all

added to the committee's and Parliament's perception of how things should be done.

It was particularly interesting to hear from our Welsh visitors—the Welsh Language Board—how language matters have been dealt with in Wales. Many of the people who handle such matters in Wales have matured from idealistic campaigning activists who had an interest in road signs—to allude to Rob Gibson's comments—to senior, still idealistic but practical administrators and drivers of the Welsh language revival that we have witnessed in recent years.

There is no doubt that Gaelic is in a more precarious state than Welsh was, but the overwhelming impression that I have taken away from the meetings and visits on the Gaelic Language (Scotland) Bill is one of hope and optimism.

I was particularly impressed with the dedication, talent and potential of some of the young Gaelic teachers whom I met in Glasgow and Skye, and with the enthusiasm of their young charges. The teachers, the schools, the broadcasting provision and the centres of excellence—some of which already exist, such as the Gaelic college in Skye, and some of which are promised, such as the all-through Glasgow Gaelic school—are the foundation blocks on which the language will revive and blossom.

I would like to thank the people who have contributed to the bill: the members of the committee; the committee clerks; the minister, who has displayed a supportive approach; and the Gaelic team in the Parliament, Alasdair MacCaluim and Sarah Gundry, who have not been mentioned so far but who have been extremely supportive of the bill and the committee's work—indeed, I might say that that they were partisan in their support. The wider Gaelic community owes them a lot, although it is only fair to say that they should take the blame for the few words of atrocious Geordie-accented Gaelic that I was prevailed upon to produce at the mòd and in Skye, but which I do not have the nerve to repeat today.

The phrase that has stuck in my mind is the one that expresses a desire for Gaelic to become the language of the playground. That seems to me to be an important and crucial aim. We must give attention to the teacher recruitment materials and the teacher support that we have talked about.

We are about to pass the Gaelic Language (Scotland) Bill. We should, as the minister has said, do so in a spirit of generosity and good will, but we should also do so in a spirit of recognition of the contribution that Gaelic can make not only to the Gaelic communities but to the wider spirit of Scotland. Without Gaelic language, culture and tradition, Scotland would be a poorer place. The



bill is a major step towards securing and enhancing the future of Gaelic, so I have much pleasure in supporting in it—and in finishing exactly on three minutes.

16:46

**Mr Ted Brocklebank (Mid Scotland and Fife) (Con):** Songs such as “Canan nan Gaidheal”—“The Tongue of the Gael”—which was written by Murdo MacFarlane, the poet from Melbost in Lewis, and some songs by Mairi Mhor nan Orain, from Skye, accuse the Sassenach of destroying the Gaelic language. The truth, however, is that the sad state of Gaelic has little to do with the English and everything to do with the Scots.

I have listened with interest to the debate. Of course, my colleagues and I will vote in favour of the bill. Frankly, it is all that we have. Attempts to revive Gaelic literally from its death bed, such as the attempt that is made in the bill, are commendable and well meaning. I am happy that the new Bòrd na Gàidhlig is to get powers to issue statutory guidance on Gaelic education to local authorities and I have no quarrel with the central tenets of the bill. The only problem is that, with Gaelic facing a wipeout, this well-meaning but ultimately impotent legislation is likely to be as successful as prescribing a throat lozenge to a pneumonia patient.

The point is not about removing ill will against Gaelic—we are well past that point. At stage 1 and again today, Peter Peacock has failed to say how he believes that it is possible to save Gaelic using the measures that are outlined in the bill. I have no problem with consolidating the excellent work that is already being done by sympathetic local authorities within and outwith the Gàidhealtachd. However, scarce resources should be directed where they will do most good.

Only two things will save Gaelic: education and broadcasting. I do not have time to go into the broadcasting aspects today, but I hope that I will be able to do so another time. However, on education, nothing that I have heard today changes my view that the Gaelic language will be saved only by using the methods that have been successfully implemented by educationists in Ireland, Wales, Catalunya and elsewhere—in other words, by using immersion education methods to teach Gaelic in its remaining heartlands in Skye, Lewis, Harris and the Uists. In my previous speech on the subject, I spelled out the figures that demonstrate the success of the Welsh, Irish and Catalan approach. There is no reason why, with immersion education, Scottish Gaelic could not be saved. If and when the language is revived in the heartlands, it could then be spread out from a position of strength and confidence to adjoining local authorities and,

following that, to other council areas that might be sympathetic.

I began by mentioning the Melbost bard's song, “Canan nan Gaidheal”. In one of the lines of that song, Murdo MacFarlane takes hope from the fact that

“In the isles of the west,  
There it is still the first language of the people”.

The Melbost bard died 23 years ago, in 1982. It is questionable whether Gaelic is still the first language of the people of the Western Isles today—it certainly will not be 23 years from now.

I hope sincerely that our children and grandchildren will not look back and say that the Scottish Parliament had a chance to save the language, but that it did a Marjory Kennedy-Fraser on it instead. I hope that Alex Neil is right and that the bill is just the first chapter in a developing story, but I see nothing in the bill to prevent Gaelic from becoming the linguistic equivalent of Marjory Kennedy-Fraser's four-part harmonies of òrain mhòra—big songs that are doomed in perpetuity to be mouthed phonetically by kilted lowlanders at mòds, with one of Europe's oldest languages ultimately being reduced to little more than a cultural and academic curiosity.

16:50

**Fiona Hyslop (Lothians) (SNP):** Tapadh leibh, Oifigeir-riaghlaidh. Tha Pàrtaidh Nàiseanta na h-Alba a' cur ar làn-thaic ri Bile na Gàidhlig an-diugh.

*Following is the simultaneous interpretation:*

Thank you, Presiding Officer. The SNP welcomes and gives its full support to the Gaelic Language (Scotland) Bill.

*The member continued in English.*

I will quote.

*The member continued in Gaelic:*

“Mura tig 's ann theàrnas mi a Hallaig,  
a dh'ionnsaigh sàbaid nam marbh,  
far a bheil an sluagh a' tathaich,  
gach aon ghinealach a dh'fhalbh.

Tha iad fhathast ann a Hallaig,  
Clann Ghill-Eain 's Clann MhicLeòid,  
na bh' ann ri linn Mhic Ghille Chaluim:  
chunnacas na mairbh beò —”

Leanaidh mi orm sa Bheurla a-nis.

*Following is the simultaneous interpretation:*

“If it does not”

come,

“I will go down to Hallaig,  
to the sabbath of the dead,  
where the people are frequenting,  
every single generation gone.

They are still in Hallaig,  
 Macleans and Macleods,  
 All who were there in the time of Mac Gille Chaluim:  
 the dead have been seen alive —”

*The member continued in English.*

I apologise for my Gaelic. I quoted Sorley MacLean’s poem “Hallaig” because it talks of the voices of the past; what we want to hear is the action of the present and the call from the future. I hope that the call from the future will be from the voices of young people, who will increase the Gaelic population and replenish the language.

In supporting the bill, I pay tribute to all those, including activists of the past, who campaigned for a Gaelic bill. The SNP has introduced three such bills and I pay tribute to Mike Russell, who presented a bill in the previous parliamentary session. Activists of no party and of many parties have pursued Gaelic, so we must pay tribute to them.

We are saddened to hear today of the death of Gwynfor Evans, the first Plaid Cymru member of Parliament, who was an inspiration to the Welsh nationalist movement and was a strong fighter for the Welsh language. When we hear John Farquhar Munro talk of a Gaelic television station and about the language, we must remember that Gwynfor Evans went on hunger strike for a Welsh television channel. In passing the bill, we should pay tribute to him and to all language activists throughout the world today and in the past.

The bill is just one part of a journey. Obtaining the legislation was a journey in the first place, but we are on a journey towards action. I disagree in many ways with Ted Brocklebank’s comments. The challenge now is action and the *bòrd* and the act will be judged by that. There is a job of work to do. The bill is a landmark; it is an historic staging post, but it is a staging post. When we look to the future, we must ensure that the Gaelic language survives—that is essential. It must be put on a firm footing. If the bill has had one point, it has been the move to recognise the potential of the Gaelic language.

I pay tribute to the minister who is responsible for Gaelic, Peter Peacock, because he has co-operated exceptionally with the Education Committee. The bill has provided a good example of how legislation can progress. If we have had differences, they have been in trying to achieve the same policy end. We want rights for Gaelic speakers and for the Gaelic language in the future. The bill might not provide that, but this staging post is an important development and I have great pleasure in supporting the bill.

16:54

**Peter Peacock:** For the most part, I welcome members’ speeches and the continuing

constructive tone in this closing debate. I am constantly amazed at Lord James Douglas-Hamilton’s ability to recount stories from his family’s past, which seem to have no limit. I enjoyed his story today. I am particularly pleased to hear that he has become a devotee of Tony Blair, whom he quoted twice in positive terms.

I commend Lord James Douglas-Hamilton’s point about Sabhal Mòr Ostaig and the important part that it has played in Gaelic development generally for many years. That is one of the strongest points in Gaelic development and is one place from which we can derive hope for the future, not just because of what has been done there to develop and promote the language, but because of the economic effects on the whole south-east of Skye and that community. I know that Lord James Douglas-Hamilton played his part by contributing to that work when he was a minister and I pay tribute to him for that.

I was encouraged to hear Rob Gibson quote Brian Wilson, which I am sure he would not often do. The fact that he did so gives me the opportunity to pay tribute to Brian Wilson, who was also a minister who had responsibility for Gaelic. There is something about Gaelic that brings Brian Wilson to life in a way that other things do not manage to do. It is clear that he is at home in the Highlands with all matters Gaelic—not just the language, but the music, the dance, the song and the literature. As well as being a tireless campaigner on land reform issues and the connection that they have to Gaelic—to which Alasdair Morrison referred—he has striven to ensure that Gaelic will have a future and that it will be able to go from strength to strength.

I pay tribute to Mike Watson, who made some of the big decisions that have brought us to where we are today when he was the minister responsible for Gaelic and whose work followed that of Alasdair Morrison. Mike Watson appointed the members of the first *bòrd* and made all the relevant provisions for that in the early years of his period of office.

I want to address some of the points that Alasdair Morrison made, one of which was about publishing. He has spoken to me about the idea of allocating 1 per cent of the Executive’s advertising budget to Gaelic publishing. That is an interesting idea and one that I will ensure that the Executive addresses. We will consider how we might make a contribution to Gaelic publishing as part of our language plan. That said, we should recognise that the Executive is already doing a lot to promote publishing. In previous years, we have provided substantial sums through Stòrlann Nàiseanta na Gàidhlig and this year we have increased the sums that are available. Through Bòrd na Gàidhlig and the Gaelic newspaper, we have promoted

writing in Gaelic and the commissioning of writing in Gaelic, as Alasdair Morrison is aware.

Alasdair Morrison made an important point about the functions of the bòrd. In Mike Watson's time, it was not thought that the bòrd would become statutory, but we have progressed to a position in which it is statutory. It has substantial new powers that we did not envisage it having even at the beginning of the bill's passage. If the bòrd is to deliver, it will need resources and we have committed the Executive to providing those resources through the spending review.

Alasdair Morrison asked about appointments to strengthen the bòrd; we intend to consider how we can strengthen the bòrd over the coming months. In view of the changing nature of the bòrd's responsibilities, I must ensure that it is seen to have the authority to deliver its new functions. It is important that there is no doubt about the fact that it is legitimate for the bòrd to carry out its functions in the future, so I am considering how we can ensure that we achieve that.

A number of members, including Alex Neil, John Farquhar Munro, Alasdair Morrison, Mike Watson and Ted Brocklebank mentioned broadcasting. We do not have legislative competence as regards broadcasting, but it remains important to the development of the language. The Executive is committed to doing what it can to ensure that progress is made towards the establishment of a digital television channel.

I can tell Parliament that, in recent weeks, a series of discussions has been initiated. Alasdair Morrison led a delegation from the Gaelic Media Service to meet three ministers—the Minister for Finance and Public Service Reform, the Minister for Tourism, Culture and Sport and me—to talk about what further steps we could take in that regard. In recent weeks, all the relevant interests have made significant movement on the issue and I hope that we are close to reaching agreement on a positive way forward.

**Mr Brocklebank:** Can the minister confirm that although, as part of its contribution to Gaelic broadcasting, the Executive is talking about index-linking the original £8 million that the Tories put in, all that it will get from Tessa Jowell's Department for Culture, Media and Sport is about £0.25 million per annum? That does not compare favourably with the £100 million that Welsh broadcasting gets.

**Peter Peacock:** I can confirm that we are making significant progress and that all the relevant interests have made significant movement. Members will appreciate that the fact that we are in the midst of an election campaign means that I cannot go beyond a certain point because of the restrictions that are in place; if I

did, I might produce a negative reaction. Other members are similarly restricted. We are making progress and I am hopeful that we will soon be able to reach agreement on a way forward.

Members such as Mike Watson and Eleanor Scott asked about teaching and education. It is true that we need to do more in that regard and I believe that the bill will enable us to do so. I do not want to introduce a negative tone, but I was disappointed by some of Ted Brocklebank's remarks. I am under no illusions; one cannot legislate for survival of a language and expect it to happen just like that. I have always recognised that education is vital, which is why I have backed Gaelic-medium education throughout my political career. In Alasdair Morrison's constituency, 30 per cent of the young people are being taught through the medium of Gaelic. That is the future hope for the language. That number is growing and we intend to grow it further. I want us to move forward in a positive vein.

Iain Crichton Smith said:

"he who loses his language loses his world."

Today we can play our part in trying to ensure that we never lose Gaelic—a precious part of our heritage and, I hope, an ever-present part of our future.

The report of the Macpherson task force that was appointed by the Executive summarised the history of Gaelic by saying that it has been

"a chronicle of dereliction, official negligence, malicious intent, deliberate denial and ... benign neglect."

Neil Gunn said that Highlanders were

"made to despise their language and traditions."

Today we can be proud that we are doing our bit to end that historical neglect once and for all, to turn malicious intent into a generosity of spirit toward the language and to encourage Gaelic speakers to be proud of their language and traditions and to plan for Gaelic's future.

The Executive promised legislation to give Gaelic a better future. Today we in this Parliament have a chance to deliver just that. In the words of the song "Suas Leis a' Ghàidhlig":

"It is still the language of youth, it is still the language of great age ... it is not overcome by adversity."

Let us move forward to pass the bill and turn adversity into opportunity for Gaelic. I commend the bill to Parliament.

## Point of Order

17:02

**The Minister for Parliamentary Business (Ms Margaret Curran):** On a point of order, Presiding Officer. At First Minister's question time earlier this afternoon, Nicola Sturgeon said in relation to exchanges between officials that the Minister for Health and Community Care's office had told the Scottish Parliament information centre that information would be released, but not until after First Minister's question time. As you know, it is not appropriate to misquote staff of either this Parliament or the civil service in pursuance of a political point.

First, the minister's office was not contacted today and was not involved in any exchanges. *[Interruption.]* I appreciate that some members might not want to hear the detail of this, but they are obliged to hear it in the interests of the staff involved. Secondly, the member of staff in the parliamentary clerk's office made it clear that, given that ministers were in the chamber, she was unable to confirm precisely when the information would be available. In fact, the member of staff in question feels that she was misinterpreted. As I am sure that you will all agree, Ms Sturgeon gave quite a different interpretation. For the record, that is most unfair on the member of staff involved.

I accept that there must be robust debate in the chamber, but we all, including the deputy leader of the Scottish National Party, have a responsibility to be accurate, particularly when we are referring to members of staff.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Further to that point of order, Presiding Officer. Talking of courtesy in the chamber, it would have been extremely helpful if a member who was going to be named in a point of order had been so informed. It is clear that the minister's point of order has been made in response to the fact that the Executive has got it wrong and has covered up the figures that are there. It is trying to create a smokescreen because it does not want the information to be out there.

**The Presiding Officer (Mr George Reid):** You have made your point of order in full detail, Ms Curran, and it is now firmly on the parliamentary record. It is for all members to ensure the accuracy of what they say and of the quotations that they provide. However, it is simply not possible for the Presiding Officer to police the veracity of what was allegedly said or not said by a third party. The point is now firmly on the record and I suggest that, in this election period, we leave it at that.

## Decision Time

17:04

**The Presiding Officer (Mr George Reid):** We come to the two questions that are to be put as a result of today's business. The first question is, that motion S2M-2708, in the name of Roseanna Cunningham, on access to dental health services in Scotland, be agreed to.

*Motion agreed to.*

That the Parliament commends to the Scottish Executive the research report, *Access to Dental Health Services in Scotland* (SP Paper 277), commissioned by the Health Committee; draws the Executive's attention to the problems of access to services that the report identifies and their implications for the introduction of free dental checks, and urges the Executive to use the report to inform the implementation of its dental strategy.

**The Presiding Officer:** The second and final question is, that motion S2M-2665, in the name of Peter Peacock, that the Gaelic Language (Scotland) Bill be passed, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Gaelic Language (Scotland) Bill be passed.

## Scotch Whisky (Protected Geographical Indicator)

**The Deputy Presiding Officer (Trish Godman):** The final item of business today is a members' business debate on motion S2M-2650, in the name of Mr Andrew Arbuckle, on protected geographical indicator status for Scottish whisky. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament believes that EU Protected Geographical Indicator (PGI) status for Scotch whisky would provide a further selling point for the end product; welcomes the fact that this would require the use of Scottish-only grain in the manufacture of Scotch whisky; believes that the industry should apply for PGI status to help ensure the long-term sustainability of Scottish cereal growing, and considers that any such application should be supported by the Scottish Executive.

17:07

**Mr Andrew Arbuckle (Mid Scotland and Fife) (LD):** It is inconceivable that the French would allow champagne to be made with anything other than grapes that were grown in the Champagne area. It is equally inconceivable that the Italians would allow imported pigmeat to be used in the production of their world-famous Parma ham. However, Scottish whisky manufacturers can and do use imported grain in the making of Scotland's national drink.

Currently, distillers can use cereals from any source to make whisky. Although they mostly use Scottish barley, they can buy grain from any part of the world. That is wrong, and the thrust of my motion is that we should change that. If Scottish cereals were required in the making of Scottish whisky, that would ensure that whisky was more authentically Scottish. It would also help to provide the whisky manufacturers with a unique selling point. That is what the wise men and women behind champagne and, closer to home, Newcastle brown ale have realised in achieving protected geographical indicator status for their drinks. One or two of the more enlightened Scottish whisky manufacturers have already cottoned on to the use of home-grown grain as a plus point. The Famous Grouse, for example, is committed to using only home-grown barley.

My proposal would also help Scottish farmers, who would know that they had a market for some of their produce. This week, a Perthshire cereal farmer described his barley crop as the poor relation of his cereal enterprises because of the low prices that are being paid. He went on to say that his cereal crops were the poor relation of his arable enterprise, and the arable sector in Scottish agriculture has been the poor relation of the

industry for the past five years. Confirmation of farm incomes in the cereal sector from the Scottish Executive shows that the average farmer lost £4,200 in the past year. Barley growers received £140 per tonne for the grain in 1984; yet, 20 years on, the price is half that.

Under the reformed common agricultural policy, there is no requirement for farmers to produce any crop, and there is a real danger that, unless grain prices rise to economic levels, less grain will be grown in this country. Providing cereal growers with a little more market share than they currently have will ensure that Scottish whisky will be genuinely Scottish and not just a product made with ingredients sourced from anywhere in the world.

**Mr Brian Monteith (Mid Scotland and Fife) (Con):** The member mentioned the use of cereals such as barley from other countries. Does his view extend to the use of Scottish oak? Would he not allow the use of bourbon or sherry casks, or does he believe that that is a different matter?

**Mr Arbuckle:** When the member starts drinking Scottish oak, he should let me know. I am talking about whisky.

Scottish farmers pioneered the complete traceability of their grain crops and all traded grain now comes with a farm assurance label. Very few countries can offer anything like that.

Everyone knows that the cost of primary ingredients is only a small fraction of whisky's end price, and members will be pleased to know that the proposal in my motion will not affect the end price of a dram. The closure of maltings such as Muntions in Kirkcaldy and Pauls Malt in Carnoustie over the past year will lead to an increased temptation to source malt for whisky making from eastern European countries where, as a result of lower labour costs and economies on production measures such as farm assurance, the costs of production are much lower.

Although any manufacturing industry should seek every reduction in costs, the case for making whisky solely from Scottish cereals is strong. As I have said, it will give whisky integrity while securing some grain production in Scotland.

**Margaret Mitchell (Central Scotland) (Con):** Although we would all choose to use Scottish grain in the first instance, what would happen if the crop failed? Would that mean that there would be no production? If so, would the inability to look elsewhere not threaten the long-term livelihood of the people who provide grain?

**Mr Arbuckle:** I will come on to that point, which has been raised.

As far as I am concerned, my motion is all about ensuring that one of Scotland's top export earners,

which makes more than £2 billion annually, is made from Scottish produce. Murdo Fraser lodged an amendment acknowledging that the Scotch Whisky Association, which represents the distillers, has lobbied hard against this proposal, claiming that it will handcuff them to the Scottish crop. The reality is that, currently, little more than half of the Scottish barley that is grown annually heads for the malting market. Supplies are ample, and the best way of ensuring future ample supplies is to give primary producers some committed support.

The SWA also asks what will happen if there is a poor grain-growing year in Scotland. I should point out that grape growing is a far more fickle process than barley growing, and the French do not seem to have a problem with their champagne production. Moreover, grain can be stored for more than a year and everyone knows that whisky requires several years to malt. That takes the one-year risk totally out of the equation.

**Jackie Baillie (Dumbarton) (Lab):** Will the member comment on the collapse of the French brandy industry after vines were attacked by disease and producers were unable to source grapes elsewhere? In fact, Scotch whisky took advantage of that collapse.

**Mr Arbuckle:** It is very unlikely that the Scottish barley crop will be totally decimated by disease. However, I am sure that, if that happened, we in the Scottish Parliament would take action to change the situation on a one-year basis.

The SWA claims that the motion is short-sighted. It cannot be denied that the proposal will change distillers' current freedom to buy grain anywhere. However, the motion is not short-sighted but visionary. The SWA also claims that the proposal will put thousands of jobs at risk. That is a "cry wolf" view, and it is not supported by the Scottish beef industry's recent experience. Last year, the beef industry agreed a move that guaranteed that any beef in a butcher's shop with a Scotch beef logo would come from livestock born, raised and slaughtered in this country. When that proposal was first mooted, the cries from the meat processors were very similar in tone and content to those that we are now hearing from the SWA. They said, "We'll lose thousands of jobs." That has not happened; instead, Scotch beef is now gaining a premium in the market and processors are happy with the change. The same can happen in the whisky industry.

The SWA represents various industry players, from multinational giants such as Diageo to small privately owned specialist whisky manufacturers. More than half of the Scottish whisky industry is owned by foreign international companies. Although there is nothing wrong with that, it gives us an inkling that support for the Scottish economy

is not a top priority for some—and I underline some—whisky manufacturers. All companies should provide more support for the primary product and producer on which they build their sales and profits.

Annual profits in the Scottish whisky industry were estimated to be more than £500 million last year. I urge everyone to support a motion that will move the Scottish whisky industry to a position where it sources first its barley from Scotland, then all its grain, and then to a position where it applies for PGI status.

17:15

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

I congratulate Andrew Arbuckle on securing the debate. I am grateful to Diageo for its briefing and to the National Farmers Union of Scotland, which helped me to understand some of the complex issues involved. Although I support the aspiration that only Scottish grain should be used in our national drink, I believe that the motion is short sighted and could harm our Scottish whisky industry. I share the concerns of Diageo, which has plants throughout Mid Scotland and Fife, the region that Mr Arbuckle and I both represent. Diageo supports many jobs in the Leven area, where there is high unemployment.

Scottish whisky has had protected geographical designation under European Union law for 15 years. It also benefits from worldwide protection through the World Trade Organisation. I understand from Diageo that 90 per cent of the grain that it purchases originates in Scotland. That was not always the case. Until a few years ago, most of the grain used in whisky production was sourced from elsewhere, particularly from England. The percentage of Scottish grain that is now being used is probably the highest ever.

I do not think that there is an argument for using only Scottish grain. I am persuaded by the argument about what might happen if the crop fails in any one year. If Andrew Arbuckle knows things that we do not about what might happen in the future, he must have another career as a seer. To rely entirely on Scottish grain is certainly not a risk that we should be taking.

**Mr Arbuckle:** I do not claim to be a seer. I just point out the reality that grain can be stored for more than one year and that whisky manufacturing takes a minimum of three years. The one-year crop failure scare that the Scotch Whisky Association is putting about is not relevant to the argument.

**Tricia Marwick:** It is relevant. The Scotch whisky industry—our major national industry—is telling us that 90 per cent of the grain that it uses originates in Scotland, so I do not think that we

have a problem yet. However, if in future the percentage of Scottish grain that was being purchased fell by a lot, the issue should be revisited.

I congratulate Andrew Arbuckle on securing the debate, but I believe that he should have thought a bit more about the subject. He should have listened to what he was being told by the major employers in the constituency that he represents, as well as to the NFUS and Diageo.

17:18

**Jackie Baillie (Dumbarton) (Lab):** Although I thank Andrew Arbuckle for bringing the motion to the chamber, I regret that I cannot support the proposition that it contains. I agree with Tricia Marwick that, although the aspiration of using only Scottish grain might be commendable, the suggested method—regulation—is not the best way in which to proceed.

I always welcome the opportunity to talk about the whisky industry, not least because of its importance to the Scottish economy. It is worth reminding ourselves, as the Scotch Whisky Association, Allied Distillers and Diageo have done, that the industry accounts for more than 40,000 jobs and spends £700 million with local suppliers. We should also remember that whisky is Scotland's second-largest export and the fifth-largest export in the United Kingdom. The industry is critical to my constituency, with Allied Distillers employing 800 people at Kilmalid.

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

**Jackie Baillie:** I have just started, so I will make some progress first.

The central proposition in Andrew Arbuckle's motion is that protected geographical indicator status should apply to Scotch whisky and only Scottish grain should be used in the final product. On that basis, let me focus my comments on three areas: PGI status; the use of Scottish grain; and the weather, which is the subject of conversation the length and breadth of Scotland.

As I understand it, PGI status is usually applied to agricultural products and foodstuffs, not to wines or spirits. Interestingly, PGI status would not of itself require the use of Scottish cereals, which Andrew Arbuckle clearly desires. More important, it would be a dilution of the existing protection of Scotch whisky at an international level. Indeed, that is acknowledged by the European Community, which has separate legislation applying to the spirits industry. The SWA says:

"The legal protection of Scotch whisky is a top priority for the SWA and its members. Our success in this field not only protects consumers, but also benefits distillers and the

farmers who provide our cereal needs. It would be bizarre if the Scottish Parliament sought to reduce the legal status of Scotch."

The prospect of using only Scottish grain in whisky is superficially attractive, but in reality it could be disastrous for the industry. It is worth noting that 90 per cent of barley requirements are sourced in Scotland. Other cereals, such as wheat and maize, are also used in grain whisky, but, as I understand it, insufficient amounts of those cereals are grown in Scotland to meet both distilling and other market requirements. A better way forward, surely—

**Mr Arbuckle:** Will the member tell us how many tonnes of barley are grown in Scotland and how many the whisky industry takes?

**Jackie Baillie:** As it is clear that Andrew Arbuckle is a farmer, he is at a considerable advantage in regard to the tonnage of barley grown. However, I put it to him that a better way of proceeding is through partnership, because I know that Scotch whisky distillers strive to use Scottish cereals wherever possible. After all, the source is closer to their production points and so easier to access. However, the reputation of Scotch whisky is established on the basis that the production process takes place in Scotland.

In effect, the motion could restrict the current supply of whisky, never mind hampering future growth. In expressing its concern to me, Allied Distillers asked how it could provide Scotch whisky to new and developing markets and thereby drive growth in the Scottish economy if it did not have enough cereal. Of course, we are currently successful in accessing new markets in the far east, India and eastern Europe. Is Mr Arbuckle suggesting that we should do anything to hamper that growth or to damage the industry? That is the question.

Finally, let me turn to the weather. I am sure that all politicians would dearly love to promise sunshine such as we are enjoying today on a year-round basis. Alas, we cannot guarantee it. If we could, I suspect that we would be re-elected in perpetuity—a frightening thought.

Let us be sensible. Scotland is a wet country. Sometimes it is far too wet and that can have an impact on our cereal crops. In those circumstances, the motion would place intolerable restrictions on the whisky industry and, ultimately, might cause it harm and cost jobs. I therefore urge the Executive and the Parliament to reject the terms of the motion.

17:23

**Murdo Fraser (Mid Scotland and Fife) (Con):** I should declare my interest as an occasional consumer of the product in question. I should also

say that I have enjoyed hospitality from Diageo in the past.

I thank Andrew Arbuckle for raising the issue and for bringing the debate to the chamber in his first members' business motion. The Parliament has debated the whisky industry a number of times—the most recent debate was on my motion about strip stamps, when the Parliament voted to send a message to Gordon Brown saying that it did not approve of the measure. Unfortunately, as we know, he decided to impose the stamps anyway, despite the motion and the vigorous opposition of the industry.

There are many whisky distilleries in Perthshire and throughout Mid Scotland and Fife—the industry is very important in the area that Andrew Arbuckle and I represent. The distilleries produce some of the finest whisky, if not the finest alcohol, in the world. The industry supports more than 40,000 jobs and spends more than £700 million each year on goods from local suppliers.

Andrew Arbuckle's motion essentially makes two points: first, that the Parliament should call for European Union protected geographical indicator status for Scotch whisky; and, secondly, that the manufacture of Scotch whisky should require the use of only Scottish grain. I appreciate that Mr Arbuckle has been lobbied by the National Farmers Union of Scotland and I understand the stance that it is taking, which is in defence of its members' interests. Indeed, I appreciate the concerns of cereal farmers about the farm-gate price of their products. Many of them have made similar representations to me.

However, I fear that, in suggesting solutions, Andrew Arbuckle has paid insufficient attention to the views of the whisky industry, which, as he knows, is very concerned about his proposals. I do not think that we need PGI status for whisky. Acquiring PGI status would do nothing to enhance Scotch whisky but would reduce existing legal protection for Scotch.

Let me set out the facts. The EU spirit drinks regulation—regulation 1576/89/EEC—regulates the production of all EU spirits. The regulation makes it clear that the production process gives the spirit its intrinsic character; consequently, that process needs to take place in Scotland. For Scotch whisky to be called Scotch whisky, it must be distilled and matured here.

The EU regulation that establishes PGI status relates to agricultural products and foodstuffs. Its provisions specifically do not apply to wines and spirits. The regulation states that there is existing EU legislation on spirit drinks

"which provide for a higher level of protection".

At EU level, there are already regulations in place

that ensure a higher level of protection for Scotch whisky than PGI status can offer.

**Mr Arbuckle:** I was accused of having been lobbied by the NFUS, which is incorrect. I was lobbied by the SWA but, unlike other members who have contributed to the debate, I did not believe its spin. Can Mr Fraser explain why Newcastle brown ale—a drink—has PGI status?

**Murdo Fraser:** With respect, that is pretty self-evident. Newcastle brown ale is neither a wine nor a spirit—it is a beer product.

Jackie Baillie made many of the points that I would want to make. We are all in favour of Scottish farmers producing cereals for Scotch whisky. With lower transport costs because of Scottish farmers' close proximity to the distilleries, it must make sense for producers to buy Scottish cereals. That is exactly what has happened. Before the 1960s, Scottish cereals were not commonly used for Scotch, but the situation has changed. Now more than 90 per cent of the barley requirements for the industry are sourced in Scotland. No one can argue that Scottish distillers are not committed to Scotland. However, it is absurd to seek to tie their hands and to force them to depend on Scottish cereals alone. As we have heard, the consequences of that could be catastrophic. Such a measure would place the industry at the mercy of the weather, restrict its ability to compete internationally and threaten the jobs that depend on it.

The Scotch Whisky Association has made reference to what happened to the French brandy industry when the vines were attacked by disease. Due to legal restrictions, the producers were unable to source grapes elsewhere and the gap in the market was filled by Scotch whisky. That was to our benefit, but the restrictions that Andrew Arbuckle is proposing tonight would not be. We should not put these protectionist barriers in place. I regret that I cannot support Mr Arbuckle's motion.

17:28

**Jim Mather (Highlands and Islands) (SNP):** I, too, congratulate Andrew Arbuckle on securing the debate and recognise that his heart is in the right place. He has some worthy objectives—to maximise Scottish added value and to protect a valued Scottish generic brand. However, that brand has been protected in law for 70 years.

There are dangers lurking in the motion. First and foremost, it could make our farmers more vulnerable in the long term. It could tie the industry's hands and constrain it in terms of supply. It could damage the industry's growth aspirations, as a result of bad harvests, and put the supply chain and long-term ramped-up production in jeopardy.



There is a danger that tampering with a protected brand could devalue its image and the provenance that is implicit in Scotch whisky. I am keen that Government should play a supportive role, rather than rushing to legislate. There should be more promotion, showcasing and export effort. The industry should be encouraged to source more from Scotland and to locate more bottling and capacity here, so that the whisky leaves Scotland with maximum added value, delivered by Scottish hands and integrity and diluted, where it must be, by Scottish water.

**Mr Monteith:** I follow the drift of the member's argument. Like me, he might have tasted whiskies that have a port wood finish, which displays that not only Scottish ingredients go into the manufacture of whisky. Does he therefore agree that the matter is best left to the market to decide and that whisky distillers could proclaim their brand as being distilled with only Scottish products?

**Jim Mather:** I certainly agree because I am keen for Scotch whisky, like Harris tweed, to augment and flourish over the years so that the industry delivers many more Scottish jobs and is able to cope with the demand from new and emerging markets. I ask members to imagine what the constraints might be if we were to open—as we will do—markets in India and China, or even more potentially massive markets, with greater demand for grain and Scottish added value.

I want the industry to be encouraged, perhaps with Government help, to run more of a healthy open book on the value that it is adding in Scotland so that we can see how much Scottish grain is being used, how much it uses Scottish labels, bottles, packaging, advertising and professional services and how much bottling is done in Scotland.

I noticed recently that the French company, La Martiniquaise, is the owner of the top-selling Scotch brand in France, Label 5. It is investing in a new bottling plant in West Lothian with a view to bottling in Scotland because it is keen to be able to put "bottled in Scotland" on its labels. In other words, the company realises that being able to say that the product is distilled, matured, blended and bottled in Scotland is of real value. We should work with the industry to make sure that that is more and more the case and to make that the pervasive mark of quality Scotch. That is what will drag along demand and boost capacity. There is a lot that we can do to augment Scotch.

I regret that I cannot support Andrew Arbuckle's motion, but I will continue to support our farmers and our industry so that we progress together and create a much better and more augmented market for Scotch whisky that will last and grow.

17:32

**The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson):** I join colleagues in congratulating Andrew Arbuckle on securing the debate. I understand that he is relatively new to the chamber, but in the six years or so that I have been here, I cannot recall a motion that has met with such universal opposition. That is borne out of a belief that supporting the motion would do harm to an industry whose worth to the economy and employment in Scotland cannot be overstated, as Jim Mather, Jackie Baillie, Murdo Fraser and others said.

The motion calls for the industry to seek protected geographical indicator status, which would require the use of Scottish-only grain in the manufacture of Scotch whisky. I know that the Scotch Whisky Association has already explained to Andrew Arbuckle—he referred to it himself—the legal position and the consequences of pursuing PGI status and using Scottish-only grain, but perhaps, as other members have done, we should reiterate some of the negative consequences of going down such a route.

Before I do so, let me make one thing clear: Scotch whisky already has extensive legal protection. Indeed, the Scotch Whisky Association, one of the UK's most successful trade associations, employs a team of lawyers whose sole remit is to protect Scotch whisky at European and international level.

I know that MSPs have been issued with the SWA brief, so I will comment only under headings. Scotch whisky is already protected because, as Murdo Fraser and others said, spirit drinks have a higher level of protection under regulations than other foodstuffs.

Scotch whisky has been recognised as a protected geographical designation in European Union law for more than 15 years. PGI status for Scotch would not be legally competent and indeed would dilute existing protection. Like Murdo Fraser, as someone who can declare a personal interest in the product, I would not want the product or its status to be diluted in any way.

I met the Scotch Whisky Association a few weeks ago to hear about the different issues affecting the Scotch whisky industry. During our meeting, one of the main messages that came across from Gavin Hewitt, the association's chief executive, was how much of a top priority the legal protection of Scotch whisky is for the association and its members. Indeed, I have referred to the association's already considerable success in achieving legal protection for Scotch whisky around the globe. That is something that the Parliament should applaud, and we should refrain from doing anything that might affect that work.

Like other members, I fully appreciate and commend the intent of Andrew Arbuckle's proposal. I can see how a new requirement that only Scottish cereals should be used in the production of Scotch whisky might appear at least superficially attractive, as Jackie Baillie said. It might appear to provide potential benefits to the arable sector, and I can see exactly where Andrew Arbuckle is coming from, but such a requirement could be damaging, as other members have said. I believe that it would place industry sustainability at the mercy of the Scottish weather—I think we can all agree how unpredictable that is and, goodness knows, climate change will not assist in any way.

There is another issue, and it is not about the weather but about quality. The agricultural community should take heed. In order to maintain Scotch whisky's enviable position as a leading global quality product, the industry has exacting standards for all cereals that it uses. The Scotch whisky industry is on record as saying that it will source as much of the grain as possible from Scotland, but it cannot and should not be required to source grain irrespective of its quality. In good and average harvest conditions, there is little difficulty in sourcing a substantial proportion of the grain that the industry needs from Scottish producers, as Andrew Arbuckle will know. I am informed that some £90 million is spent each year by Scotch whisky producers on Scottish cereals, with more than 90 per cent of barley requirements being sourced in Scotland.

**Mr Arbuckle:** First of all, let me pick up on the statement that I have gained universal opposition. With fewer than 10 members here, "universal" is overstating it.

The minister mentioned the wet weather. Most of the contributions on wet weather have come from west-coast politicians. I invite them to come over to the arable east, where it does not rain and we have never, ever had a crop failure. I ask the minister to tell me of a year when the Scottish barley crop failed.

**Allan Wilson:** Andrew Arbuckle himself said that he is not a seer, and I am not a seer. I referred to a hypothetical situation, as other members did. The questions should be asked of Andrew Arbuckle, who proposed the motion, rather than of me. It has to be said that, speaking as a west-coast politician, I would not want to put all my eggs in the Scottish weather basket, with all due respect to the mysterious east. I am sure that the member would agree that in poor harvest years there could be problems with the quantity—he might dispute that—and quality of Scottish grain. To secure the consistent level of production that would be required, the Scotch whisky industry would be forced to source grain from elsewhere. Also, as Jackie Baillie said, we must remember

that not only barley is used in Scotch whisky. Other cereals are used in blended whisky, which accounts for 90 per cent of all global sales.

I believe—and I support the industry on this point—that producers must retain the flexibility to source enough raw materials of the right quality to meet the market demand. To put a ban on the use of non-Scottish cereals, which is what Andrew Arbuckle is asking for, would risk the sustainability of the industry. Everyone knows the contribution that the industry makes to the Scottish economy and to creating employment, and I know that he would not dispute that. Without being unkind, I think that his proposal would give the industry's competitors—of which there are many—an unfair advantage in the marketplace. We have already heard references to the French brandy industry.

The Scottish Executive and Scottish Parliament, across all parties, have always worked closely with the Scotch whisky industry. My comment on the motion's unpopularity related not only to the fact that not many members are present for the debate but to the cross-party consensus against Andrew Arbuckle's proposal that I think exists.

We will continue to work with the industry and listen to its concerns, even on issues that are, as Murdo Fraser said, reserved to the United Kingdom Government, such as stamps. Indeed, we stood up for the Scotch whisky industry in that context and were influential. We did so because of the industry's importance to the economy and employment in Scotland.

Jim Mather raised a number of important issues. As further evidence of their importance, I confirm that when I met the SWA recently, I did so in part to discuss a review of the whisky framework document, "A Toast to the Future: working together for Scotch Whisky". With the SWA, we will launch a new framework document in the next few months, which will pick up the points that were made about marketing, support, international competition and other such matters. That approach will help to provide a better path forward for the industry and to protect its important contribution to the economy and employment. Unfortunately, the proposal in Andrew Arbuckle's motion would not do that.

*Meeting closed at 17:41.*

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