

# **MEETING OF THE PARLIAMENT**

Thursday 26 May 2005

Session 2

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## Scottish Parliament

Thursday 26 May 2005

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

### Student and Graduate Debt

**The Presiding Officer (Mr George Reid):** Good morning. The first item of business is consideration of business motion S2M-2875, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Prohibition of Female Genital Mutilation (Scotland) Bill. However, as no one is available to move the motion, we will have to move on. I will take that motion later.

The next item of business is a debate on motion S2M-2866, in the name of Fiona Hyslop, on student and graduate debt.

09:16

**Fiona Hyslop (Lothians) (SNP):** We are approaching graduation season, so it is fitting that we should begin the debate by acknowledging the academic talent and hard work exhibited by this year's graduands in earning their degrees. We congratulate them and wish them well for the future. They leave university determined to be all they can be and to achieve. They are Scotland's indigenous fresh talent and the people who epitomise a smart, successful Scotland. They are also the people most likely to leave Scotland, according to the registrar general for Scotland—Scotland's fresh talent off to make another country smart and successful. I am glad that they have the opportunity to spread their wings and travel the world. I only hope that they are not being forced out in an attempt to pay off mounting debt more quickly.

The Scottish National Party has brought the motion to the chamber today in the hope that, cross party, we can examine the very real problems facing students, graduates and Scotland in general. We want the Executive to acknowledge a problem and be prepared to examine all the options—even the Conservative one, but also the SNP proposal to replace loans with grants. At the very least, we must agree to have research on the table and some options to examine. The Executive amendment mentions research into student poverty and graduate debt. That research was expected in January this year. I understand that it has been delayed at the request of the researchers, but we desperately need it. We should note that the National Assembly for Wales, where the Opposition defeated the Labour

Executive only this week on top-up fees for Wales, is ahead of us in having a standing committee and research provided on student and graduate debt. I wonder whether the minister will be kind enough to give us a date for the publication of the research and to confirm that it will contain graduate debt information.

We need some common determination from the Scottish Parliament that the issues need to be addressed, and I hope that we can secure that in the debate. I look forward to hearing contributions from other members. We need to examine the public purse bill of more than £100 million annually for the Scottish Executive simply to service the debt on the loan. The prospects for the sustainability of that burden, should interest rates rise, are grim. Replacing loans with grants of the same value would save the public purse money, because of the perverse but extensive debt servicing and loan subsidy legacy. The Executive has the chance to step off the conveyor belt of debt before it becomes completely unmanageable. The damage to the Scottish economy that is caused by that massive aggregate personal debt needs to be acknowledged and tackled.

This year, around 48,000 Scots will graduate from Scotland's universities. After four years of study, they will be making their way in the world. They may be looking to buy a house and get on the property ladder, they may want to start a family, or they may want to borrow to start up a new business, although such borrowing is becoming increasingly prohibitive. They will do all that with a millstone of debt hanging round their necks from the student loans that they took out when they were studying.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Does Fiona Hyslop acknowledge that the problem of student debt is primarily not one of students borrowing from the Student Loans Company but one of students borrowing from other providers, on credit cards and on overdrafts from banks? Does she accept that extending the student loans system would remove some of the problems that she is concerned about?

**Fiona Hyslop:** This is where I disagree with the Conservatives. I acknowledge that credit card debt is highly significant, but if there is state-sponsored debt to start with, that makes the credit card debt worse. The Conservatives' idea of commercialising all debt would compound the debt problem and make it worse, rather than resolving the situation.

Eighty per cent of students take out the full loan. That means that, this year, if we add in the £2,000 graduate endowment bill, their total debt will be £19,000. Students would have to graduate and earn almost £22,000 in their first year just to pay off the annual interest on that debt. Below that

amount, they will just be whistling against the wind of interest on the debt and will not even begin to pay off the debt itself. There are two thresholds in the system: one at which students earn enough to service the debt and one at which the payments that they make will have an impact on their indebtedness. The average salary for a graduate who is recruited by a member of the Association of Graduate Recruiters does not reach either of those thresholds. The Executive's own graduate recruitment programme does not pay enough—not even for fast-stream graduates, who also come in below both thresholds.

Graduates will start having to pay 9 per cent extra tax on all earnings over £15,000. That tax is regressive, not progressive, because the less one earns the longer one has to pay it and the more one will pay in the long run. Some graduates will never clear that debt, which will continue to grow in spite of the payments that they are making. One graduate put it to me rather well. She said, "This is just like the private finance initiative. When I retire, I'll still be paying for the lunch that I had in first year." She was not laughing. There is a growing consensus that the student loans system has failed and cannot be rescued and that it is, in essence, a flawed system.

I note the United Kingdom Conservative position, which admits that the system is costing the UK £1 billion each year in loan subsidy alone. I disagree with the replacement that the Conservatives intend, as it would compound debt on commercial rates, but I believe that we should debate the issue. On selling off the debt, I say to the Conservatives that the Scottish Executive has already shelled out £77.5 million in interest subsidy for the £200 million tranches of debt that Gordon Brown sold off in 1998 and 1999, and we are still paying. Selling off the debt still costs, but I believe that we should debate the matter nevertheless. It is interesting to note that the Conservatives would use the savings from scrapping the current loans system in England to abolish top-up fees. With no top-up fees in Scotland—as yet, although they have been legislated for—the SNP argues that the savings should be used to reintroduce grants.

Just as interesting was the Liberal Democrat commitment in the recent Westminster election to return to student grants, in England only. I am glad to hear both contenders for the Liberal Democrat leadership talking about ending the graduate endowment bill, and I think that there is scope for debate in that area. The current Labour Executive pledge is to keep the system, but I urge ministers to reconsider that pledge in the light of the research that is due and to appraise with an open mind all constructive suggestions—from the SNP, from the Conservatives and even from Mike Rumbles.

This year's Scottish graduates alone will be carrying on their backs a debt bill of £731 million. The current graduate debt for all of Scotland's students is £2 billion. The debt, the interest on it and the repayments are damaging us all. Deferrals are huge and repayment periods are hitting 14 years. It is unsustainable. Loan money goes out faster than payments come in, and the taxpayer picks up the tab. The removal of so much disposable income is a massive drag on the economy. Whether members supported the student loans system or not—and the SNP was agin it—I urge the Parliament to acknowledge the potential problems of that scheme for the economic prospects of the country. For the sake of our students, present and future, for the sake of our graduates and for the sake of our economy, we have to end the debt. Let us unshackle the debt and liberate the future wealth creators of Scotland.

I move,

That the Parliament notes with concern growing student and graduate debt in Scotland, which not only hinders opportunities for the individuals concerned, but also damages society and the wider economy generally; further notes the spiralling cost to the taxpayer of the expensive and bureaucratic student loan system and the growing consensus that it is unsustainable, and calls on the Scottish Executive to come forward with a constructive review, incorporating a number of proposals to address this growing problem and encompassing an assessment of replacing student loans, including the graduate endowment repayment, with a universal system of grants.

09:24

**The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson):** I agree with Fiona Hyslop in that I am glad that we are having the debate, as I welcome every opportunity to debate Executive policy in the chamber. I would argue that we have a record on student support and funding for higher education that is beyond comparison with other parts of the world. The debate gives me an opportunity to remind members of the significant steps that the Executive has taken to establish student support arrangements here in Scotland that are both fair and affordable.

The Executive is doing a great deal to tackle student debt. We want to ensure that young people have equal access to higher education, regardless of their background. We are acutely aware that debt or, perhaps more accurately, the fear of debt, can be an inhibiting factor when prospective students are deciding whether to undertake higher education study. Of course, before devolution we were faced with a system that included the payment of annual fees. It was argued that that was a major barrier to access for many potential students from underrepresented backgrounds—even with concessions to those

from lower-earning families. It was by agreement between the Labour and Liberal parties—the first and second parties in Scotland—that we undertook to abolish the contributions to fees for Scots studying in Scotland.

**Murdo Fraser:** I listened with great interest to what the minister said about the removal of fees. Was it not the Labour Party that brought in fees in the first place?

**Allan Wilson:** It was indeed the Labour Government. I seem to recall that I stood on precisely that platform in 1999 and was elected to the Parliament. We established the Cubie committee as part of the partnership agreement between the Labour and Liberal Democrat parties, which are, I repeat, the first and second parties in Scotland. We then abolished the contribution to fees for Scots who study here in Scotland. We recognised what I think everybody—perhaps even Murdo Fraser—would agree is the powerful principle of free tuition. As a result of that, our higher education system now has open access for students from all backgrounds and is the envy of many countries. Last week I spoke to Jane Davidson, the Welsh Minister for Education and Lifelong Learning, on this subject. She was very complimentary about the system of student support and higher education funding that we enjoy here in Scotland.

Devolution has given us the opportunity to introduce changes to the student support system for Scotland. It allows us to remove barriers to higher education by targeting resources where they are needed most. I will remind members how we do that. We introduced the young students bursary to encourage young students from less well-off backgrounds into higher education. The bursary is non-repayable. It replaces part of the student loan and therefore reduces the amount of debt that graduates will have.

The Deputy First Minister announced that from 2005-06 we will increase the maximum bursary that is available to these students to £2,395. That means that the overall number of students who are eligible to receive the maximum bursary will increase by no less than 63 per cent. We also increased the family income ceiling, which allowed the number of students who are eligible for some sort of bursary to increase by more than 10 per cent.

**Tommy Sheridan (Glasgow) (SSP):** According to the latest statistics, the number of students from working-class backgrounds throughout Scotland is now 17 per cent. That is a 3 per cent drop in the past two years. Does the minister accept that the Executive is failing to encourage youngsters from working-class backgrounds into higher education?

**Allan Wilson:** I do not accept the basic charge

that Mr Sheridan makes. As I said, we have introduced a number of important initiatives to broaden access for people from underrepresented groups. We have a good record in broadening access more generally and are increasing the total number of students who study in Scottish higher education institutions to record levels. Although much has been done, I accept that there is more to do.

One of our priorities is to take steps to broaden access to higher education for students from underrepresented backgrounds. Part of the process of policy development, to which I will refer again in the wake of the publication of the information on student income and expenditure, will be designed to do precisely that.

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

**Allan Wilson:** I would like to make progress.

We provide hardship funds to every publicly funded institution to help students who, as a result of undertaking a course, face particular financial difficulties that may prevent them from starting or continuing their studies. As I said in response to Mr Sheridan, we are continually looking at ways to improve the system to ensure, given that there are limits on the amount of money that is available, that we target financial support where it is needed most.

We have not stopped there. Since we first started paying loans, many colleges and universities have changed the lengths of their terms or moved to semesters. Most students now appear to need to have more of their money available to them in their first term or semester. We have just finished an extensive consultation process to consider changing the payment pattern of living-cost student support. We recognise that the current system of paying three equal instalments may not be appropriate. We will make it easier for students to budget by changing the payment pattern of the student loan and bursary. We will make a further announcement on that later in the summer.

We will establish, from 2005-06, the higher education child care fund. In doing that, we will simplify the package of support that is available to higher education students who have child care needs.

Fairness and affordability are the key criteria for any system of student support. I argue that the Executive is delivering on both counts.

I move amendment S2M-2866.2, to leave out from “notes with concern” to end and insert:

“agrees that the support arrangements for students ordinarily resident in Scotland should continue to be based on fairness and affordability; agrees that such a system should include free tuition, regardless of family income, and

bursary support for those from less well-off backgrounds; welcomes the increased level of the Young Students' Bursary and its extended eligibility; notes that liable graduates pay the graduate endowment in respect of the higher education benefits that they have received with the payments adding to the fund to pay support bursaries for students from poorer backgrounds, and recognises that the publication of the survey of Scottish students' income and expenditure, later this year, will allow for a better understanding of the situation facing students and the continued development of policy to meet their needs."

09:31

**Murdo Fraser (Mid Scotland and Fife) (Con):** I welcome the opportunity to debate the important issue of student debt. At the outset I commend Fiona Hyslop for the constructive and consensual way in which she moved the motion. I am sure that in these exciting post-election times we are all interested in new ideas and we should encourage debates on such subjects.

Fiona Hyslop is entirely right to raise the issue and point out the concern about the growing levels of debt among graduates. The figures show that there is a serious concern. In 2004, 1,541 graduates declared themselves bankrupt—that is almost 50 times as many as did so in 1997. Sadly, some students see bankruptcy as a way of getting out of the high levels of debt that they have accumulated. Those stark figures do not necessarily reflect the difficulty that many other students have in repaying the loans that they have accumulated.

The British Medical Association's briefing for the debate points out some facts about debt for medical students. The average debt for medical students in Scotland is more than £11,000. One in five Scottish medical students has more than £20,000-worth of debt. It is not surprising that the BMA is concerned about the impact that those figures have on recruitment to medicine as a profession, particularly given that students of medicine study for longer than students do for the average profession.

We must recognise that there is a difference between borrowing via student loans and borrowing via other means. When I went to university in the 1980s, I was fortunate enough to receive a full grant due to my parental circumstances. Of course, that was under a Conservative Government.

The Conservative Government of the day massively increased the number of university places and, in order to fund that increase, it introduced the student loans scheme. I have no difficulty with that concept. I supported it at the time and I support it today, because I believe that students should be prepared to make a contribution towards their own upkeep during their education. I do not support the idea of students

paying towards the provision of that education, but I support the idea that they should contribute towards their upkeep. The student loans scheme allowed a whole new generation of youngsters, whose parents would never have had such an opportunity, to access higher education.

I listened with interest to what the minister said on fees and specifically about fees deterring those from underrepresented groups accessing higher education. Of course, it was the Labour Government—to be fair to him, he was gracious enough to acknowledge this—that introduced those fees in 1997. I accept that they have now been removed and replaced with a graduate endowment, but I will not take any lessons from the Labour Party on the cost of higher education.

I will return to the SNP motion. The problem with student debt is not primarily to do with the debt of student loans. Contrary to the assertions that Fiona Hyslop made in her saltire paper on student finance, the percentage of those who defer student loan repayments has fallen from more than 24 per cent in 1997 to 13 per cent in 2004. The figures do not indicate that students are struggling to repay their student loans. As we know, students start to repay their loans when their salaries reach the threshold of £15,000, so there is no evidence that student loan repayments represent a huge burden on most graduates.

**Fiona Hyslop:** Is the member aware that of the people who graduated in 1997, the year that Labour came to power, 34 per cent have yet to start repaying their loans? Some 34 per cent of graduates are deferring payment, which is a significant number.

**Murdo Fraser:** I accept that there are graduates in that position. There are problems in the economy. Many graduates have not been able to find jobs that pay the salaries that they expected to earn, and their salaries have not reached the threshold for repayment. That is a difficulty.

The borrowing that students take on above and beyond their student loans, through bank overdrafts or even credit cards, is of far greater concern than is borrowing through student loans, because it incurs higher interest rates. We must consider ways of expanding the student loans scheme, to allow more students to access student loans rather than borrow at more expensive rates. I disagree with Fiona Hyslop on the matter; the expansion rather than the replacement of the student loans scheme offers the way out of the problem.

**Allan Wilson:** The Conservative amendment calls for a change in the student loans system and proposes that loans would be repaid at a

"low, but commercial, rate of interest".



Will the member be more specific about what is meant by “commercial”?

**Murdo Fraser:** We envisage a system in which a market rate of interest, instead of a subsidised rate, would be paid. We accept that the market rate would be higher than the rate that is currently paid by students and I will expand on that.

Because the Student Loans Company is an efficient provider of loans, the cost of administering student loans as a percentage of the total loans bill of £15 billion is negligible. Given the low running costs of the company, the SNP's claim that it would be cheaper to remove loans entirely and replace them with grants is dubious. I would be interested in seeing the SNP's figures in detail.

The Conservatives would, first, scrap the graduate endowment, which is no more than a tuition fee by the back door. Despite the trumpeting of the Liberal Democrats, tuition fees have not been abolished but exist by another name. We should remove that burden from students. Secondly, we should increase the repayment threshold for student loans to £20,000 and we should make available greater sums in loans by increasing the amount that can be borrowed to £5,000 or more per annum. Eligibility for a loan should not be subject to a means test. To pay for that approach, student loans could be transferred to independent providers and, instead of paying a discounted rate of interest, students would pay a commercial rate. However, in a scheme that was backed by a Government guarantee there would be no need for excessive rates of interest.

As a result of those measures, the average student would be better off, because they would receive money from student loans schemes and no longer have to build up bank overdrafts or credit card debts. Extra sums would be available to fund higher education, but there would be no additional burdens on the taxpayer. Our proposals are mature and sensible and would go a long way towards addressing the problem of student debt. Our plans are costed and can be afforded.

I welcome the debate and take pleasure in moving amendment S2M-2866.1, to leave out from “further” to end and insert:

“calls on the Scottish Executive to end the graduate endowment which places an increased debt burden on students; recommends that the student loan repayment threshold be raised to £20,000 and that the loan value be increased to £5,000 per annum at a low, but commercial, rate of interest, which will remove the necessity for students to resort to expensive overdraft and credit card borrowing, and calls on the Executive to transfer all or part of the loan book to independent providers so that higher education can expand without extra and undue burden being placed on the taxpayer.”

09:38

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I start by formally apologising to members for being late. That was unlike me and I am sorry to have missed Fiona Hyslop's speech. However, I read her saltire paper with great interest.

I am delighted to have rejoined the Enterprise and Culture Committee, as my colleagues on the committee know—it is a joy to be back.

**Murdo Fraser:** Hear, hear.

**Mr Stone:** Despite Murdo Fraser's comments about the Liberal Democrats, it is a pleasure to join him on the committee.

As a result of the Labour-Liberal Democrat coalition, we have made strides in supporting Scottish students. Scottish students do not pay fees or top-up fees; they can access grants if they need them; they can receive extra help with child care; and they can get additional support if they are disabled or in extreme hardship. The fact is that students who are domiciled in Scotland save around £5,000 by not paying fees and £9,000 by not paying top-up fees and they can receive up to almost £10,000 in grants. They also benefit from the guarantee that in real terms the amount that they repay on their student loans will not be more than the amount that they borrowed. I ask my friends and colleagues in the SNP to reflect on those figures, because facts are chieftains that winna ding.

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

**Mr Stone:** I will give way in a minute or two.

It is a mistake to talk down those achievements and members should beware of doing so. That seems to have been accepted in the consensual spirit of the debate so far. The Scottish Executive's policies have brought more people into higher education. Our participation rate is better than that of the rest of the UK and it is better than the average rates in the European Union and the Organisation for Economic Co-operation and Development countries. There is record funding for Scottish universities, to ensure that they can compete effectively in the UK following the introduction of top-up fees—Fiona Hyslop assured us that that would not happen.

Entry to higher education from state schools has increased at a faster rate in Scotland than it has elsewhere in the UK. Our intake of people from the most disadvantaged backgrounds far outstrips that of England and Wales. We cannot deny that our higher education system brings huge benefits to the Scottish economy, by creating a highly skilled population and attracting high-skill employment.

**Fiona Hyslop:** The member said that individual students should never have to pay back more than they borrow in student loans, but is he aware that graduates who earn less than £22,000 are paying more in interest than they are in debt repayment? Many such graduates are paying nothing towards the repayment of their debt and unless their earnings increase significantly over the piece they will end up paying more in interest than on debt repayment.

**Mr Stone:** There is some validity in Fiona Hyslop's comment and the matter will probably be considered by the Enterprise and Culture Committee in due course. I have done the sums for my three children, two of whom are at university—one will graduate in a few days' time. The situation can be considered from a different perspective and it is not as clear as it might be, but I suggest to Alex Neil that the Enterprise and Culture Committee might consider the matter. It might be worth approaching the Executive in a constructive and consensual way, with a view to tweaking the arrangements—we will find out in due course.

About half of all adults but only a third of young people are financially literate, which is a worrying statistic that we should remember—I engage with my children on that front. Student accounts offer competitive incentives such as music vouchers, mobile phones and train tickets. More often than not, the banks also offer automatic overdraft facilities and credit cards, which encourage students to get into debt. Murdo Fraser correctly highlighted that point—I have witnessed the dreaded mobile phone bills at first hand.

A quarter of young clients of citizens advice bureaux cite easy access to credit and the high interest rates and charges attached to such credit as significant factors in their debt problems. Student debt must be considered and work must be undertaken on money advice for students—that recalls my previous work on the Enterprise and Culture Committee. I have met advice officers from a selection of universities, but there are not enough such officers and they are overstretched. Perhaps the Enterprise and Culture Committee should consider the possibility of establishing a Scotland-wide student money advice service, in a co-ordinated approach across all universities. I accept that that might be difficult to agree with vice-chancellors and principals.

I am running out of time. I welcome the minister's commitment to consider alternatives to the three-instalment pattern of student payments, to help students to budget. That is vital if students are to avoid debt.

Around 40 per cent of Scottish students work while they study, but over the border in England the figure is 58 per cent. Again, facts are chieft

that winna ding. The figures are surely indicative of what is happening on our side of the border; they demonstrate that our system is better. Those of us who have children at university, or who have friends and neighbours with children at university, know that students are voting with their feet. The enthusiasm for our approach in Scotland is manifest in the student population.

**The Presiding Officer:** This is a short debate, so we will have four-minute speeches.

09:44

**Alex Neil (Central Scotland) (SNP):** I will widen the context of the debate by considering not just the narrow issue of student debt but the broader policy objectives that we are trying to set. A major objective of the Executive's lifelong learning and education policy is, quite rightly, to increase the proportion of people from working-class backgrounds who go to university. Despite the fact that the percentage of 16 to 19-year-olds who enter higher education has increased from 1 per cent in 1950 to about 50 per cent in 2005, the proportion of students who come from working-class areas has remained static, by and large. Some years it goes up a bit and other years it goes down a bit, but the 55-year graph shows that the percentage of students from manual-working family backgrounds is more or less the same as it was 55 years ago.

I am the first to admit that the problem is not just financial; there are other reasons why people from poorer backgrounds do not go to university. One of the major demotivating factors is that people know that they will not get the financial support that they require. The minister was quite right to say that fear of debt is as important as debt itself. Rightly or wrongly, the fear of debt among people from poorer backgrounds is a major contributor to why they do not go to university.

**Pauline McNeill (Glasgow Kelvin) (Lab):** I agree that financial issues are key to participation rates. Alex Neil is quite right to point out that the participation rates from the 1950s until now are not good enough. Grants were introduced in 1962 and they seem to have been neutral in respect of participation in higher education. Do we need to consider issues other than financial support, which affect participation rates?

**Alex Neil:** I have already said that I do not believe that financial support is the only factor and that there are other, more complex factors. Nevertheless, it is important.

I have two points to make on participation rates. First, there is a lot of criticism of our having such a high participation rate in Scotland. However, some countries have participation rates as high as 70 per cent and there is a clear link between the level

of economic growth in a country and the percentage of its people who participate in higher education.

Secondly, this year we have seen a 3 per cent drop in the participation rate from 51 per cent to about 48 per cent. One of the reasons for that is funding, but another is job prospects for graduates. According to one survey, only 36 per cent of all graduates end up in a job that is relevant to their degree and many of them end up being paid nothing like £15,000 a year until they have been in the workforce for 10 or even 15 years, which makes a significant contribution to post-university poverty.

I say to the Executive, do not take a narrow party-political approach to our proposal, but examine carefully whether grants would be a far better investment than loans for society as a whole. Perhaps then we could achieve the other objectives of our wider education policy.

09:48

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** It is always a pleasure to attend Opposition debates on a Thursday morning. We rush into the chamber full of enthusiasm, listen to the opening speech and get the same old story. My God, but we have had the violins out this morning. SNP members have wailed about debts that never seem to be paid off despite generous incomes. With tears in their eyes they have pleaded for us to do more for the lucky individuals whose wallets and prospects are enhanced by their time at prestigious Scottish institutions. At one point I thought that they were talking about Scottish football, which has its own problems. However, there are enough problems with the SNP motion to be getting on with. For a start, the basis of its argument is false. The motion states that the system of student finance

"hinders opportunities for the individuals concerned".

Are they sure? More than 50 per cent of young Scots are at university—a higher proportion than anywhere else in the UK. Graduate endowments do not deter entry to university. If a person is unable to grasp the concept that going to university is good for their financial prospects, they are probably not cut out for the world of higher education.

The real problem with the motion is not that it is inaccurate—I expect nothing less from what passes for the Opposition in this place. What I find offensive is the hypocrisy and the dressing up—yet again—of self-interest as concern for the poor.

**Stewart Stevenson (Banff and Buchan) (SNP):** Will the member take an intervention?

**Mr McNeil:** No. Sorry.

Today's topic is poor students. With the heart-rending sentimentality of a television movie, SNP members tell us stories about gifted urchins starving to death as they struggle to put themselves through university. They say that we must bring back universal grants, but the reality is that the poorest students get the most state help and end up with the least to repay. Grants would not be much use to them, but would be of use to the comfortable better-off families which—by pure coincidence I am sure—are a bit like the SNP's own and already take disproportionate advantage of higher education. There is nothing new in that.

SNP members try the same con trick with pensioners. They shed crocodile tears and wail about poor pensioners being forced to sell war medals, grandchildren and kidneys to pay their bills. They say that we must let all pensioners off paying their council tax. The reality is that the poorest pensioners do not pay council tax; they receive council tax benefit, so scrapping the tax would not be much use to them. Wealthier pensioners—a bit like SNP members' relatives—would find the extra cash very handy indeed. That is not social justice; it is feathering their own nests.

Of course, there is nothing inherently wrong with acting from one's self-interest; the human race would not have evolved if we had not learned how to do that. However, it is unforgivable to dress up self-interest as concern for the poorest people in our society. Poverty is an evil to be stamped out, not an opportunity to be used for one's own ends or electoral advantage.

The right thing to do is to give the poorest students the most help; giving more disadvantaged young people the chance to go to university is the right thing to do and focusing on the poorest pensioners is the right thing to do. I accept that that will involve some redistribution of wealth from the haves to the have-nots, but anyone who calls themselves a socialist should be comfortable with that. That might not be politically expedient, but it is right and I am happy to debate the issue honestly. Sadly, the same cannot be said about the SNP and others until they stop hiding behind the poor.

**Murdo Fraser:** On a point of order, Presiding Officer. It just occurred to me that I should have declared an interest at the start of the debate but omitted to do so, for which I apologise. I am a member of the board of management of the University of Dundee's students association.

**The Presiding Officer:** Thank you. That is helpful.

09:53

**Tommy Sheridan (Glasgow) (SSP):** Duncan McNeil spoke about self-interest. I sometimes

wonder in debates like this whether self-delusion is a worse sin than self-interest. He also spoke about honest debate, but he should sometimes allow facts to interfere with his rhetoric: for example, the fact that poorer students—working-class students—owe 15 per cent more on graduation than do students from higher-income backgrounds; the fact that three quarters of working-class young people who decide not to pursue higher education cite lack of money and fear of debt as the main reasons for that; the fact that more than half of lower-income background students have to work an average of 15 hours a week while they are studying, which puts them at a disadvantage when it comes to essays, exams and dissertations, because they are trying to grapple with the debt that they are in; and the fact that 57 per cent of students who work do so to cover basic essentials and 11 per cent do so to cover tuition fees. Those are the facts. Debt is a barrier to education for people from working-class or lower-income backgrounds, because we do not have a generous enough student finance scheme. That is the fact. If Duncan McNeil wants to speak on behalf of the working class, I wish that he would take up that clarion call.

When I was at university, we used to boycott Barclays Bank because of its links with South Africa. Today, I have to refer to Barclays Bank's recent study, which says that average student debt, which is currently £16,000, is on track to double by 2010. In five years, the average debt for graduates will be £33,000. If a graduate starts on £20,000 and can secure a 4 per cent increase in their salary over a 20-year period, it will still take them 21 years to pay off their student debt. People who graduate at 20 or 21 will be in their early 40s before they pay off their student debts. I am in my early 40s, as are many people here. We all had an opportunity to access education without taking on the burden that we now impose on working-class kids. People who were at university at the same time as me, including Jack McConnell, Susan Deacon, Frank McAveety and others who are not in the chamber, managed to get grants, housing benefit and supplementary benefit, which we call income support today, and did not have to pay any tuition fees upon graduation.

Of course, we are told that the fact that we now have such a great number of students means that we cannot afford to give them housing benefit, social security benefits and universal grants. However, the people who make that argument are also the people who come to this chamber to tell us how wonderful and miraculous our economy is and how wonderful it is that we have low unemployment rates, interest rates and inflation. They cannot have it both ways. If what they say about the economy is true, why cannot we afford the same educational support package that we

were given even by the Tories in the 1980s? We used to march against cuts in the grant, but now we have to march for grants. That is the situation that we are in under the new Labour—Tory—Administration.

Education should not be paid for by the people who specifically benefit from it because society as a whole benefits from an educated workforce and, therefore, society as a whole should pay. General taxation should be increased so that the high earners about whom Duncan McNeil was talking pay more tax in order to give us a system of universal grants and proper support for education. At the end of the day, people who think that education is expensive should try ignorance.

09:58

**Stewart Stevenson (Banff and Buchan) (SNP):** In law, the ending of debt results in the legal status of "satisfaction". Would that things were so simple beyond the reach of the law in real life. Debt is the most powerful of slaveries. It is little wonder that the money lenders were the first people to be thrown out of the temple.

However, without debt, the modern world would not exist. The folding green stuff in our pockets represents a debt—the nice kind, which is the kind that the bank owes us. The notes tell us that the banks

"promise to pay the bearer".

Further, does not the slang phrase, "money in the bank" bring a warm glow to the heart of the beneficiary?

This Government, however, views provision of education not as a societal duty but as a commercial transaction. Because the individual benefits from education, the Government believes that the individual should buy that benefit. That attacks the roots of our society. Implementation of the Government's policy has had what I hope are unintended consequences.

The issue that we are discussing is a women's issue. I take this opportunity to congratulate two of the members who have so far spoken in this debate on the fact that they are not wearing dark suits. Every one of us, apart from Fiona Hyslop and Tommy Sheridan, represent a small and privileged minority and, with one exception, are men. To further illustrate the ways in which this issue is a women's issue, I will give some examples. By the time she retires, the debt of a female dentist—more than half the dentists who graduate are women—who works half-time for 25 years of her working life will have risen from the £18,000 that she started with to £40,000. The interest keeps racking up and, at 9 per cent under £22,000, the debt increases rather than

decreases. Similarly, the debt of a female part-time primary teacher who works for 22 hours a week for 25 years will have risen to £40,000 by the time she retires. However, a person who gets elected to the Scottish Parliament at the age of 30 after having been a political researcher will have paid off their debt by the age of 40.

I must also encourage Duncan McNeil to be more accurate. Only one third of school leavers go to university; half of school leavers go into further and higher education combined. We must use language carefully.

We like to believe that, when we pass on our knowledge and skills to the next generation, we benefit society as a whole, not just the individuals whom we have entrusted with our futures. Are we to become the only mammals on the planet who transmit our inheritance to our offspring conditionally, who refuse to equip our children with the skills that they need to forage, hunt and survive in the modern world unless they pay us, post hoc, for the privilege? I prefer morality to utility and a moral duty to educate over a commercial transaction. I choose liberation from want, freedom from ignorance and the avoidance of state debt for our next generation.

10:02

**Mark Ballard (Lothians) (Green):** I should declare an interest as a life member of Edinburgh University Union.

I was going to start in the consensual manner in which Fiona Hyslop spoke and say that we all agree that a highly educated society is a good thing and that as many people as possible, young and old, should be encouraged to enter higher and further education. However, Duncan McNeil rather ruined that consensual spirit. In Duncan McNeil's world, education is purely about the individual maximising his or her future income. That attitude is what has led to everybody going to university to study accountancy and business studies, while nobody studies art, philosophy or social policy. However, people go to university to be educated, not simply to improve their economic status, and society benefits from the fact that universities function as places of learning rather than career enhancement.

Putting aside Duncan McNeil's comments, there are serious questions to be asked. Does the loan system work? Does it provide socially beneficial outcomes? Is it right that students end up with £33,000 of debt? What is the impact on students of the requirement to start paying back state debt as soon as they start earning £15,000? What is the impact of the further threshold of £22,000, which Fiona Hyslop talked about? What do we do about the problems of non-state debt, such as

credit-card debt and overdrafts, which the Tories talked about? Is the system that we have created the right way to finance students' participation in higher and further education?

I agree with the Tories that we must reform the system to make it more like the one that Cubie proposed. We need higher levels of loans and a higher repayment level. I believe that the Cubie report suggested that that level should be £25,000. However, I cannot agree with the Tories' belief that the private sector would be better than the public sector at holding the debt.

I agree that tuition fees should be abolished, whether they are payable in advance, as is the case in England and Wales, or in retrospect, as is the case in the system that the Labour and Liberal Democrat Executive imposed on Scotland.

Ultimately, the SNP motion is correct. We need a system of universal grants to reflect the fact that further and higher education is a good thing for society.

Like Murdo Fraser, I went to university on a full grant and was part of the generation that was studying when the Tories abolished the full grant. The parents of many of my friends at school were in better circumstances than my parents and had higher incomes, but did not think that their children should go to university. Their children were denied the chance to get the university education that they wanted because they were means tested not on their income but on their parents' income. It makes no sense to have a system in which we means test people based on their parents' income.

If we believe that further and higher education are good, we should support them for everybody. We should remove the disincentives for people from working-class backgrounds and disadvantaged backgrounds, but we should do so as part of the process of removing barriers for all students. It is nonsense that we still means test adults based on their parents' income.

It is important for us to have this debate. We must take forward our vision of a Scotland that maximises its potential by relying on the creativity that tertiary education helps to foster. Parliament's responsibility is to break down the barriers in order to allow all who want to benefit from education to do so. That is why I support the SNP motion.

10:06

**Pauline McNeill (Glasgow Kelvin) (Lab):** The Government's highest priority should be to increase participation of young Scots in further and higher education—I agree with Alex Neil about that. The Government's key priority should be to tackle the reasons why the poorest people in our communities are underrepresented. However,

if members want to criticise the Government, they should do so for the right reasons. We are failing in some areas, such as medicine, law and dentistry. It is in such professions, in which graduates have the potential to earn the most, that some of our poorest communities are underrepresented. In a recent debate, we discussed some of the things that we need to do about that.

There has been Government financial support for students since the 1950s, but it seems to have been a fairly neutral factor in determining whether people from working-class backgrounds aspire to further and higher education. We need to be clear about the reasons for that; they might be financial, but they are probably about aspirations and expectations. Many working-class people do not see themselves earning at the top of the tree. They do not aspire to that and they do not have the qualifications. We must take the right approach to secondary education because a person's school qualifications are fundamental to their chances. If they do not have the qualifications and we do not have the right entry systems, working-class people will not get into further and higher education in the first place.

**Alex Neil:** The member stresses the importance of secondary education, but all the research shows that the vital element is early-years education in primary schools. The fact that we spend only about 80 per cent of the OECD average in the early years is one of the reasons why we are failing.

**Pauline McNeill:** I cannot deny that early-years education, particularly from the ages of three to five, is crucial. We know that, and I am not trying to detract from it. However, I point out another key factor. A person who does not have the appropriate qualifications will not get to university in the first place, which explains some of the figures that we are talking about today. There are children whose parents do nothing to encourage them. We must address parenting, which is fundamental to a child's life. My point is that there are so many factors that we have to get our heads around.

I do not accept the idea that the smart, successful Scotland policy is all about graduates. If I thought that that was the case, I would not support it. A smart, successful Scotland is also about people who are not graduates. The entrepreneurial spirit in our society has never been greater, but we need to do more for children who see themselves as having great earning potential but not necessarily through higher education.

**The Deputy Presiding Officer (Murray Tosh):** One minute.

**Pauline McNeill:** Goodness me. I wanted to talk about student debt and student hardship, but I will try to summarise what I wanted to say.

Student debt is a serious issue that should not be ignored by any member of Parliament. To that extent, I am happy to step into a cross-party consensus. I ask the Government for some scientific research and analysis on the effect of student debt on life chances. Perhaps Allan Wilson could comment on that when he sums up. I want to know the answers; I do not want to be held to ransom with sporadic figures. I want the Government to take the matter seriously. If student debt is causing student hardship, the Government must address that and reform the system.

I support the young students bursary scheme, although its value is not high enough and I would like it to be increased. I seek reform for mature students and people who have child-care needs. The problem with the SNP's position is that the system that it proposes would be costly, so something in the Scottish system would have to give. I want the SNP to say where the money would come from.

10:11

**George Lyon (Argyll and Bute) (LD):** This has been a good debate. It started off constructively, although there have been one or two blips on the way. There is general consensus that it is worth our while to debate student and graduate debt and to feed in some constructive views on how we can build on the student support system in Scotland.

The production of more graduates and upskilling of our workforce lie at the heart of the Executive's policy of building a smart, successful Scotland. The abolishment of tuition fees and reintroduction of grants was one of the first actions of the Liberal and Labour coalition Government in the first year of devolution and I argue that the policy has been a success. Scottish participation rates have doubled in the past 10 years; some 52 per cent of Scots between 18 and 30 have obtained a higher education qualification or are studying for one, a figure that is 7 per cent higher than the OECD average and 5 per cent higher than the figure for the rest of the UK.

**Jim Mather (Highlands and Islands) (SNP):** George Lyon says that the smart, successful Scotland policy is a success, but can he tell me what percentage of Scottish students we have retained in Scotland since the policy's inception? How is that monitored?

**George Lyon:** I disagree with the policy that Mr Mather supports. He would handcuff students in Scotland and prevent them from leaving.

Scotland now has one of the most skilled working populations, with more people in graduate-level jobs than in the rest of the UK. We are widening access faster than the rest of the UK although, as many members have pointed out, we need to make quicker progress on that.

We have built on our successful policies. This year, the young students bursary has been increased by 11 per cent to £2,395 and the student loan repayment threshold has been increased from £10,000 to £15,000. As a result of the spending review, funding for our universities and colleges has increased by 30 per cent. Of course, student debt is important, which is why the Executive is surveying student debt so that it can feed into the spending review in 2006. We will make decisions in the light of the information that is generated by that review.

The important point that I am trying to make is that the coalition Government's track record is one of record investment in our students, our universities and our colleges. I believe that our track record is second to none and that the coalition should be proud of it. However, that is not to say that more cannot be done; the survey of student debt will facilitate a debate on what needs to be done.

I compare the coalition's track record with that of the SNP—the recently relegated Opposition party. The SNP has had seven different policies in the past seven years. It has flip-flopped around from one policy to another, but its latest position, which we heard this morning from Fiona Hyslop, is that grants would replace loans. It claims, rather bizarrely, that that would have no financial implications for the Executive. The reality is that every £1 of student loan costs the Executive 31p, but every £1 of student grant would cost the Executive £1. If Fiona Hyslop wanted a constructive debate, she should have had the good grace to admit that significant costs would be associated with the SNP's plans.

In conclusion, the subject on which the SNP has secured a debate is important, but the debate is premature. If we had the Scottish student income and expenditure survey before us, we could have debated the information that it revealed to us. I look forward to a future debate when that information is available to us. And when we can properly discuss the actions that the Executive might need to take to build on the successful policies that have been pursued in the past six years.

10:15

**Lord James Douglas-Hamilton (Lothians) (Con):** I am glad to have the opportunity to close on behalf of the Conservative group. The debate has been vigorous and has encompassed a large

number of views on issues relating to student and graduate debt. I attended two universities and have four sons who attended university, so the subject is of more than mere academic interest to me, as it no doubt is to many members—I accept what Duncan McNeil said about that.

My colleague Murdo Fraser set out our proposals for addressing the challenge of funding the welcome increase in the uptake of further and higher education. The Conservatives and the SNP would abolish the graduate endowment tax, but we would replace it with saltire scholarships, which would not be means tested and would be available to all students who met their chosen course's entrance requirements. We would ensure that the scholarship was valid for Scotland-domiciled students at any British university and that it would cover the full cost of tuition. As funds would follow the student, the choices exercised by students would shape the provision of higher education.

On student loans, the Conservatives would allow students to borrow a higher amount—up to £5,000 a year—on a low but commercial rate of interest and we would raise the repayment threshold to £20,000. Such a package would be more attractive than the current package and would relieve students of having to resort to expensive credit card and overdraft borrowing. We encourage the Executive to transfer all or part of the loan book to independent providers so that higher education can expand without extra or undue burdens on the taxpayer. We have held discussions with the Student Loans Company, which has assured us of the feasibility of our proposals.

**George Lyon:** The fact that the member is calling for an expansion of higher education is interesting. Previously, the Conservative spokesman, Murdo Fraser, said that the Conservatives would abolish tuition fees and save money by aiming to have fewer university students. Lord James Douglas-Hamilton and Murdo Fraser seem to contradict each other.

**Lord James Douglas-Hamilton:** No. We must be realistic. The enormous expansion of higher and further education must be paid for, but an expensive grants system might reduce access. We believe that the overall package that we offer is a great deal more generous than the package offered by the Executive, which is still standing by the graduate endowment tax. We are wholeheartedly opposed to that tax.

There is no doubt that our policy would be far more attractive to students. I accept the point that Duncan McNeil made—if a student can stick things out at university and gain qualifications, they will be in a stronger position to earn a higher salary. However, we propose a more attractive

loans system and the abolition of the graduate endowment tax.

There have been undertones to the debate suggesting that students are either enormously privileged or have an extremely harsh, difficult and troublesome life. However, circumstances vary from case to case. We must provide the most attractive overall package that is possible in the circumstances and we believe that the abolition of the graduate endowment tax would be a major step in the right direction.

10:19

**Allan Wilson:** This has been a good debate. I value the constructive contributions that my colleagues Duncan McNeil and Pauline McNeill made. They put the issue in perspective, as James Douglas-Hamilton also attempted to do. I agree with what my colleague George Lyon said about our joint approach. In the partnership agreement, we made it clear that we would review bursaries, which we have done, and that we would increase the student loan repayment threshold, which we have also done. We will continue to deliver.

Pauline McNeill made an important point, which I would like to address. The Scottish student income and expenditure survey, which will be published shortly, will give us an accurate picture of students' financial position and will allow us to gain a better understanding of the difficulties, which members have mentioned, that students in Scottish institutions face. We will use that information in continuing to develop policy in the area.

**Fiona Hyslop:** Will the minister confirm that graduate debt and its impact on the wider economy will also be considered, as Jim Wallace promised?

**Allan Wilson:** I will deal with the point that the member's colleague made about the wider economy, as I was interested in what he said, unclear as it was.

The point of the survey is to develop a more coherent and structured system that tailors help towards those who need it most.

Two principles underpin our approach: fairness and affordability. I repeat that those principles are key criteria for any student support system. Duncan McNeil was right to shoot a number of foxes that were running around the chamber—I refer in particular to what Tommy Sheridan said about halcyon days of student support in the 1960s and 1970s, when working-class kids flocked through university portals and their education was paid for through taxation. Those days did not exist. The proportion of young people, especially

working-class kids, who entered higher education institutions in that era was much lower than it currently is. The working class paid for the higher education of people from the middle classes and the upper classes, many of whom came from the private education system. The facts should be repeated.

As I said, through the introduction of the young students bursary in 2001-02, we have taken substantial steps to help to ensure that young students from low-income backgrounds—who are more likely to be discouraged from applying to university because of the fear of debt—will have less debt than they would have had under the previous support arrangements. In January 2005, we announced that, from 2005-06, the young students bursary will increase by 11 per cent to a maximum of £2,395. The parental income threshold has also been increased, with the maximum bursary being available at £17,500 and the minimum being available at £31,000. That means that approximately 3,000 additional students will be able to receive the bursary and approximately 20,000 students will receive the maximum bursary. Those are significant statistics and bear out our overall approach, which is based on fairness, affordability, expanding access to higher education and ensuring that higher education is more available to students from disadvantaged backgrounds.

Under the student loans income-contingent repayment scheme, which Fiona Hyslop mentioned, borrowers repay at an affordable rate only after their earnings have reached £15,000. That, too, is an improvement on previous arrangements, under which borrowers repaid over a fixed period. The period over which a loan is repaid and the amount of the monthly payment will be longer or shorter depending on the borrower's earnings, but the amount that is repaid will be no more in real terms than the amount that is borrowed.

Alex Neil talked about the economy. The fact is that cost sharing is becoming the rule rather than the exception and students' overall contributions towards tuition fees and maintenance are comparatively less in the UK than they are in other countries. Total spending on tertiary education tends to be higher in countries that do not rely solely on taxes and that pull in additional resources from other sources—I refer to countries such as New Zealand, Australia, Canada and the Netherlands.

It is entirely legitimate to argue, as the SNP has, for grants and not loans, but we must be honest. The SNP's saltire paper is not honest because, as George Lyon said, the policy that it proposes would cost money—£231 million, which includes a £70 million subsidy. It would therefore cost the



Executive approximately £180 million to provide grants for living costs support, if we assume that loans would be repaid at the same rate as they currently are. Unless taxes were increased in order to raise that £180 million, there would have to be cuts in health services or in other parts of the education budget. We must be honest about that.

10:24

**Mr Adam Ingram (South of Scotland) (SNP):** Our basic proposition this morning is that the current student support system is in need of urgent reform because it is creating a mountain of debt, which is placing excessive burdens on individual graduates and on the public purse. We offer a radical, back-to-the-future solution: abolish student loans and replace them with student maintenance grants. That system provided lasting benefits for most members who are in the chamber this morning.

As Fiona Hyslop detailed, all the published research shows that the loans system is unsustainable. The introduction of the graduate endowment scheme is merely exacerbating the situation, adding £2,000 to the average student loan debt, which currently stands at £18,764. To service the interest on that debt, graduate salaries need to be in the order of £22,000 a year, although, as we know, salaries as high as that for graduates are the exception rather than the rule.

A third of students who graduated in 1997, when Labour came to power, are still not earning enough to start paying off their student loans. On average, it is taking people 13 years to pay off their debt, rather than the five years that was envisaged when the Tories introduced the current system. There is no doubt—for Duncan McNeil's information—that that debt burden is blighting lives, affecting career choices and delaying young people getting on to the property ladder and starting families. Graduate bankruptcy figures are truly shocking and surely signal that enough is enough for a system that is acting as such a drag on our young people, who are the driving force of our economy and society.

**George Lyon:** I would appreciate it if Adam Ingram would explain how the SNP would fund the cost of reintroducing grants and abolishing loans. As the minister made clear, the cost would be £180 million. Will Mr Ingram tell us where that money would come from?

**Mr Ingram:** Yes. The system would be self-funding. The Executive is currently paying out around £270 million a year on the loans scheme. Part of that goes on loans, but part of it is spent on servicing the interest of the debts. If we transferred most of what we are paying out in loans to grants, we could abolish the debt interest burden, the cost

of the Student Loans Company and all the rest of it. We would end up paying less for grants than we do for the current loans system.

The current system is building in powerful disincentives for young people to choose higher education and it is restricting access for students from less affluent backgrounds. Pauline McNeill accepted that and Alex Neil and Tommy Sheridan articulated the point well. What we are doing is akin to cutting off our nose to spite our face. The cost should be met from the public purse. Switching from loans to grants would save the Executive around £65 million a year, according to the latest figures.

**Allan Wilson rose—**

**Mr Ingram:** Let me finish this point.

In 2002-03, the cost of the student loans system was £292 million for the delivery of £227 million in loans. The question is surely a no-brainer, although not to our esteemed Executive or the Tory architects of the scheme, as we have heard this morning.

The Tories—or the Scottish Conservative and Unionist Party, or whatever they prefer to call themselves—provide some analysis with which we can agree about the problem of individual debt, if not its make-up, and the cost to the public purse that the loans scheme represents. Nevertheless, we cannot agree with their prescription to expand the student loans system through what would effectively be privatisation. I understand how the public purse would benefit, but I fear that the individual debt problem would expand along with such a loans system.

Jamie Stone, who has left the chamber, made a rather shame-faced contribution for the Liberal Democrats. He looked to the Enterprise and Culture Committee to bail him out of the obvious difficulties that he had in arguing for the Executive's policies rather than for the mainstream Liberal thinking that Mike Rumbles articulates well. Jamie Stone argued that a measure of the Executive's generosity was the fact that more students south of the border work through college, but that completely ignores the point that it is harder to find work here than it is south of the border. That is a fact that winna ding.

For Labour, the minister acknowledged that fear of debt is a barrier to access and accepted that the Executive could do more to support students. However, all that he is offering is an extension of means testing for bursaries and tinkering with payment patterns. Frankly, that is not good enough. The Executive is letting down our young people. I commend the motion.

## National Health Service (Age Discrimination)

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

We move, rather behind the clock, to the next item of business, which is a debate on motion S2M-2861, in the name of Shona Robison, on age discrimination in the national health service.

10:31

**Shona Robison (Dundee East) (SNP):** I thank the many families throughout Scotland that have written to me about the experience of their elderly relatives. It is because of their concerns that the SNP has secured this debate. Age discrimination in the NHS can affect health care in many ways, from explicit age limits for health services to hidden discrimination by professionals with regard to a policy that disproportionately affects older people. However, although those are important matters, I will focus on the needs of vulnerable elderly people in our acute hospitals.

I have heard so many similar stories that it sometimes seems to me that there is hardly a family in Scotland—including my own—that has not had the experience of worrying that the personal needs of an elderly relative in hospital are not being properly met and that their dignity is not being maintained. Over the years, many members will have dealt with cases involving the lack of care of vulnerable elderly people in our hospitals. The question that the Parliament must ask is whether those are isolated cases, involving a breakdown in care and communication that is outwith the norm, or whether there is a more widespread system failure in the care of our most vulnerable elderly people in our hospitals. I believe that the evidence suggests the latter.

The cases of Anne Irons and Prudence Dick, who were both patients in the orthopaedic ward of the Edinburgh royal infirmary, were highlighted by the *Edinburgh Evening News*. That led to a barrage of similar concerns being raised in the newspaper by relatives. The deaths of those two previously healthy elderly ladies must be a wake-up call to us all. Although I welcome the independent inquiry that NHS Lothian has set up into the standards of care, I recognise that the problem is not confined to Lothian, as was demonstrated by the hard-hitting “Frontline Scotland” programme that highlighted cases of neglect throughout Scotland.

“Frontline Scotland” carried out a survey of 130 care home managers throughout Scotland, asking about the experience of their residents while in hospital. Although the survey was not scientific, its results were startling, showing that 69 per cent of care home residents had experienced serious

clinical problems, which were, in essence, the result of a failure to provide food and drink and adequate hygiene. The survey also showed that 74 per cent of care home residents expressed concern that their care needs had not been met and their dignity had not been maintained while they were in hospital. Those care tasks are crucial; they are not a luxury add-on for elderly people. If someone is not fed, their chances of recovery and their ability to fight infection are severely reduced; if someone becomes dehydrated, that can make their dementia worse and lead to bed sores; and if someone's dignity is not maintained, they can lose the will to live. Meeting those care needs is an essential part of the care and treatment that elderly people must receive while they are in hospital.

Most staff in our hospitals do the best that they can. Nevertheless, as in any profession, some health professionals are better than others. We must be honest about that, as James Kennedy of the Royal College of Nursing was on “Frontline Scotland”, when he stated that

“in some parts of Scotland, nurses are failing the elderly. Standards of fundamental human care are not being met”.

That is a strong statement from someone who represents nurses' interests.

However, I do not believe that the problem lies with individual members of staff, albeit that they can make a difference with individual acts of kindness. The problem is that the system is failing to provide the necessary personal care and dignity to older people within busy acute wards. That is partly a staffing issue—nurses in particular are run off their feet because they have little time and may have had inadequate training to be able to cater for those crucial personal needs. With the radical changes that have taken place in the nursing profession, some nurses might question whether dealing with those needs is a task for them to perform. It might not be, but it is clear that someone must carry out those tasks.

Much can be done to avoid admission in the first place if vulnerable elderly people are treated within the community. I am heartened that Professor David Kerr's report deals with that matter in some detail. However, when bones are broken, some form of hospital care will be required, although we need to consider whether that care should be given in a busy hospital ward. I do not believe that such a ward is the best place for a frail elderly person with a broken bone. Once the bone is fixed, perhaps the patient should be transferred immediately to a rehabilitation ward specifically for elderly people, where the staff have the necessary skills, experience and time to meet the elderly person's needs. Indeed, many of those staff could be care assistants rather than nursing staff.

We also have to ask whether the closure of so many beds for the care of the elderly is wise. The number of geriatric beds has been reduced by more than 31 per cent since 1998. Too often, that means that a more appropriate bed cannot be found for the older person to recover and be rehabilitated in. Moreover, the number of vacancies in nursing care for the elderly has risen. There are no nurse consultants for older people in Scotland, when there should be one in every health board area to provide important clinical leadership in care for the elderly.

Staffing is one factor, but age discrimination is as much about attitudes. Too often, elderly people in busy acute wards are seen to be a problem; they are almost regarded as faceless bedblockers whose presence is to the detriment of more needy cases. Attitudes need to change. That is why we require an independent inquiry. These problems are sensitive and older people and their relatives are often reluctant to complain. An independent inquiry is more likely to elicit responses from elderly patients and their relatives, who are more likely to talk to someone who is not seen to be part of the health service.

I do not want to dictate the terms of that inquiry but I suggest that, as well as assessing the true extent of age discrimination in the NHS, it should consider the real experience of older people in acute wards, how older people can avoid coming into hospital in the first place, what other options are available for older people and whether we have enough beds to care for the elderly in Scotland. It should also examine whether the regulatory powers of the Scottish Commission for the Regulation of Care should be extended to cover care of the elderly in acute hospital beds.

The Executive's amendment welcomes the independent inquiry that was established by NHS Lothian. Does the minister really believe that the problems experienced by older people in Lothian are not being experienced elsewhere in Scotland? She would be most unwise to do so and I hope that she will reflect on that point. We have an opportunity today to send out a message to all those concerned that we acknowledge the problem of age discrimination in the NHS and that we are prepared to do something about it. I urge members to support the motion in my name.

I move,

That the Parliament is concerned about the lack of personal care and attention given to older people in some acute hospitals in Scotland and believes that the Scottish Executive should establish, as a matter of urgency, an independent inquiry into direct and indirect age discrimination within the NHS.

10:38

**The Deputy Minister for Health and Community Care (Rhona Brankin):** I welcome today's debate on the standards of care for older people in the NHS. We have published standards that are both high and equitable and we all expect them to be applied in practice.

Let me be absolutely clear: discrimination on the ground of age is unacceptable. Care for older people is at the heart of Executive thinking. Whether through flagship policies such as free personal care and free bus travel, or housing and central heating initiatives, we are pursuing a coherent policy to promote a better quality of life, healthy and independent living, active aging, positive attitudes towards aging and active participation by older people in society.

Ever since the chief medical officer produced his "Adding Life to Years" report in 2002, the care of older people has been at the centre of NHS thinking, too. Yesterday's report from Professor Kerr strongly reinforces that message. We have just held an experts symposium to review progress and identify the next steps and, next year, we will develop an overarching framework for the health and community care of older people.

As far as health services are concerned, older people have a central position in our policy development. People's circumstances—age, disability, faith, gender, race or sexual orientation—do not affect the care that is given. Clinical decisions are based on the benefit to the patient as an individual. Indeed, this year, we launched a diversity awareness initiative to remind people of that key principle. None of that suggests that there is a bias against older people in our thinking.

How do we ensure that the highest quality of care is in place in the NHS? That is the challenge that we face. First, we already have clear standards in place for the care of older people in the acute sector and we are about to roll those out for all sectors. All NHS boards must apply those standards. Secondly, NHS Quality Improvement Scotland has reviewed services for older people in relation to acute care, health-care-associated infection, stroke services and food, fluid and nutritional care. It has also published best practice statements on the nutritional care, foot care, ear care and oral care of older people. We are also about to conduct a general review of nursing in the community, which will have a bearing on the effective development of community health partnerships.

**Shona Robison:** I accept, as I am sure the minister does, that there are lots of documents that say what should be done. However, does she agree that the problem is that what should be

done is not necessarily what is being done in many wards in too many of our hospitals? What will she do to make sure that it is done?

**Rhona Brankin:** Clearly, there is no point in having standards if we do not ensure that those standards are met. That is the challenge that we face. NHS QIS was established in 2003 to ensure that those standards are rolled out. Where the NHS QIS inspection process suggests that standards are found wanting, health boards will be required to do something about it.

In the particular cases to which Shona Robison referred, it seems that standards were not adhered to. It is important that an independent review is carried out as speedily as possible. Any lessons that can be learned from that review will be disseminated throughout Scotland. I will also write to health boards to ask them to review their arrangements and reassure me that the standards that have been set for care of the elderly are being applied. I have asked the chief nursing officer to raise the issue with directors of nursing in NHS boards at their next meeting. I welcome what is being done in Lothian—no one is denying that we have lessons to learn.

People rightly have high hopes for their loved ones. Health care professionals have a high sense of personal vocation. We have put older people at the heart of our policy development and we expect the NHS to deliver against those standards of care and support. There will always be lessons to learn and we must be, and are, willing to learn them. However, I absolutely reject the idea of systemic discrimination and failure of care in the NHS. I am acting to ensure that all NHS boards deliver in practice the standards that we have set.

I move amendment S2M-2861.3, to leave out from “is concerned” to end and insert:

“welcomes the work of NHS Quality Improvement Scotland on its 2004 review of older people in acute care and its recommendations on how to improve services; welcomes the independent inquiry set up by NHS Lothian in response to recent criticisms of its standards of care, and welcomes the fact that the Scottish Executive has commenced work on an overarching framework for healthcare and community care for older people in Scotland, having due regard to David Kerr’s report on the future of the NHS.”

10:44

**Mrs Nanette Milne (North East Scotland) (Con):** Today’s debate comes at an appropriate time in the wake of yesterday’s publication of the Kerr report, which indicates a way forward for the NHS for the next 20 years. The NHS of the future is going to have to cope with a greatly increased number of elderly people, many of whom will be very elderly and frail. From 17.9 per cent in 1998, the elderly are expected to make up 24 per cent of

the population by 2036. Several of us here, myself included, will be in that group. People are now living longer than at any other time in history. Many are healthy and active well into their eighth or ninth decade and many more are looked after with varying amounts of support in their local communities. By the time that they reach hospital, they tend to be very frail, with the complications of longevity, such as thin bones and dementia.

The people in that section of society, more than in any other, rely on appropriate and accessible health care. However, we know that older people have encountered significant problems with hospital care that range from delays in admission, poorly planned discharge and poor nutrition and hygiene care to the negative attitudes of or poor communication from hospital staff. We have also heard of incidents of abuse of the elderly, which can be physical or verbal or simply a case of failing to treat older people with the dignity and respect that they deserve.

Although the situation in some hospital wards is excellent, that is unfortunately not always the case. Various recent press stories have highlighted examples of the bad situations. I realise that the quality of care for older people in hospital is variable and that problems can occur in almost every aspect of a hospital stay, but patients and their relatives have highlighted several problems again and again. There is often a lack of assistance with eating and drinking. Young and even older members of staff can be abrupt or rude and, in the worst cases, patients’ needs are ignored. Particularly vulnerable people such as those with dementia or those from ethnic minorities sometimes receive scant understanding of their needs. Older people often feel that, when decisions are taken about their care or treatment, their opinions are ignored or are not sought. It is all too easy for busy hospital staff to talk over or talk down to a frail elderly patient who might be visually impaired or hard of hearing.

Indeed, I have personal family experience of those problems. My elderly uncle was admitted to hospital for the flimsiest of reasons and was then moved from ward to ward as his bed was required for other patients. He became immobile and picked up MRSA and his discharge was delayed for more than a year. During that time, his wife, who fell and broke her hip when she was visiting the hospital, also had a prolonged hospital stay and, sadly, died very suddenly of an unrelated problem on the day that she was due to be discharged. My uncle eventually settled into a nursing home for a short time; however, he fell there and broke his hip. Because of a delay in treating the fracture, he died of pneumonia. It is a fairly classic tale of inappropriate admission, hospital-acquired infection, bed blocking and postponement of treatment for a hip fracture.

There is no excuse for the incidents of neglect by hospital staff of basic care needs such as eating and bathing that were reported recently in the *Edinburgh Evening News*. However, as long as we have a situation in which inadequate numbers of hard-pressed staff are being rushed off their feet to chase targets that have been set by central Government, I cannot see how matters can be resolved easily. That said, the hospitals and health boards that are involved should investigate such cases very carefully and take what steps they can to protect patients in future. We welcome the review in Lothian and hope that any lessons that are learned from it will be rolled out across Scotland.

We need to examine the issue of abuse of the elderly, which my colleague David Davidson has suggested to the Health Committee should be considered as part of the forthcoming post-legislative scrutiny of the Community Care and Health (Scotland) Act 2002.

At any one time, two thirds of hospital beds are occupied by patients over the age of 65. A number of them do not need to be there and would be far more appropriately treated in the community. However, wherever they are, they should be treated with respect and dignity at all times. There is no excuse for doing otherwise.

I move amendment S2M-2861.1, to leave out from "and believes" to end and insert:

"believes that the Health Committee should consider the issue of elderly abuse in its post-legislative scrutiny of community care legislation; further believes that any neglect of the elderly reflects the current problems and workforce pressures that the NHS suffers from, and recognises that the NHS needs real reform to alleviate these fundamental problems."

10:48

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Coming a day after the publication of Professor David Kerr's report, this debate is opportune. After all, Professor Kerr's very first proposal is for

"All NHS Boards to put in place a systematic approach to caring for the most vulnerable (especially older people)"

and those

"with long term conditions with a view to managing their conditions at home or in the community and reducing the chance of hospitalisation"

in the first place.

The Liberal Democrats have already shown their commitment to improving services for older people. The Parliament's introduction of free personal and nursing care for older people implemented a long-standing Liberal Democrat policy; indeed, it is significant that the policy has not been implemented—and in fact has been

opposed—by the Labour Government in England and Wales. That successful and popular measure is already benefiting many thousands of senior citizens throughout Scotland.

The care of our older people is rightly at the very top of the political agenda. As far as the Liberal Democrats are concerned, there can be no room for age discrimination in our NHS. If people require treatment, that treatment must be forthcoming. It cannot be right for individuals to be discriminated against because of their age instead of being assessed on their ability to benefit from treatment, and I was pleased to hear what the minister had to say in that respect.

Care for older people already accounts for 40 per cent of health budgets in Scotland, and that figure is set to increase as the population ages. Nevertheless, it is fundamentally and morally wrong for anyone to be prevented from receiving NHS treatment or to lack necessary care or attention because of their age. Such a situation would not be tolerated on grounds of race, colour or creed, and I believe that age should not be a factor in determining the most appropriate form of medical treatment.

I am pleased that NHS Lothian is taking the situation at the Edinburgh royal infirmary seriously and has ordered a full and independent review of the matters that were brought to light in a recent television documentary. The board has acknowledged that there have been failings in certain aspects of care and has made it clear that, as a result, it is reviewing its procedures. That is only right.

Although it is vital that such matters are fully investigated and that steps are taken to ensure that they are not repeated, we must emphasise that in NHS establishments throughout Scotland, health care professionals in all fields treat older people with dignity, compassion and respect. That is exactly as it should be.

As far as the SNP motion is concerned, we have already heard that NHS Lothian has set up an independent inquiry in response to the recent incidents. I also believe that the Executive should be given time to respond to the Kerr report's proposals on elderly care. I do not think that we will support the SNP's call for a public inquiry, because the timing of such a step is completely wrong. As the minister pointed out, it is the job of NHS QIS to ensure that high standards of care are implemented across Scotland.

I find it somewhat bizarre that the Conservative amendment asks Parliament to instruct the Health Committee on what it should or should not examine in its inquiries. Indeed, it is extraordinary that Nanette Milne, who is a member of the Health Committee, has framed her amendment in that

way. Such a move is quite unusual and not very helpful.

As I said earlier, the Kerr report's first recommendation refers specifically to older people. I, for one, will do all that I can to ensure that that theme is addressed as the Executive decides how best to take forward the report's recommendations.

**The Deputy Presiding Officer:** We now come to the open debate. Time is very tight indeed and I ask members to make speeches of strictly four minutes.

10:52

**Mr Stewart Maxwell (West of Scotland) (SNP):** It is a sad day when, despite the hard work of many decent and caring staff in the service, we have to debate the indignity and lack of care that some older people have suffered and are still suffering in the NHS. Unfortunately, the recent "Frontline Scotland" programme showed that some elderly people in hospital are being denied basic care. We should point out that, in this context, basic does not mean minor; it means something that is fundamental or essential.

Various examples of a lack of respect and a disregard for human dignity have been highlighted. Teeth have not been cleaned; batteries have not been put in people's hearing aids, despite the fact that they have spares in their lockers; and because patients have not been taken to the toilet, they have wet and soiled themselves and have been left in that condition. Such situations are unacceptable and must change.

In recent years, emergency admissions to acute care have increased markedly, particularly in the oldest age groups. In 1981, the annual rate of over 85s who were admitted to hospital as acute care emergency admissions was 200 per 1,000 population. By 1999, that figure had grown to approximately 450 per 1,000 population, and it is continuing to grow.

The rising rate of hospital admissions for elderly people means that age discrimination in the NHS is becoming an increasingly urgent issue that will affect more and more people. However, although it is imperative that the care of the elderly in hospitals is improved, it is also imperative that, instead of simply concentrating on adding years to life, we put in place public health measures now to ensure that the old people of tomorrow have a longer healthy life expectancy.

It is worth mentioning that, according to the "Healthy Life Expectancy in Scotland" report for 2004, poorer people not only die younger than more affluent people but suffer more from ill health and for longer periods. In 2000, healthy life

expectancy at birth for the least deprived women was 72.7 years but was only 61.6 years for the most deprived women. That is a difference of 11 years. For men, healthy life expectancy was 73.3 years for the least deprived and 55.9 years for the most deprived—a difference of 17.4 years.

Inequalities in healthy life expectancy are wider than inequalities in life expectancy. Males in the least deprived quintile have a healthy life expectancy at age 65 that is 50 per cent higher than that of males in the most deprived quintile. For those in deprivation category 1 who are aged 65, healthy life expectancy is 14.5 years; for those in deprivation category 5, it is only 9.7 years.

I turn now to nutrition for older people in hospital. On average, older people lose 5 per cent of their body weight during an acute stay. Nutrition is an important part of care in hospital, because malnutrition is linked to a poorer clinical outcome in surgical and medical hospital patients, has a high patient cost and is linked to significantly higher health care costs.

The report to the Executive on the implementation of clinical standards for food, fluid and nutritional care in hospitals recommended that ward staff should take responsibility for assessing the nutritional status of patients on admission and that patients who need assistance should be given the time and support that they need to eat their meals and snacks. I wonder whether the minister can tell us what action the Executive has taken on those recommendations. I am sure that we would all agree that older people in hospital should be able to take their meals and should not suffer the ill effects that come from malnutrition.

Many members have already spoken of their personal experience of elderly relatives in hospital. I, too, have unfortunately had that experience. My grandmother suffered a level of care that was far from perfect; she suffered many of the indignities that we have heard about in the media. We must do all that we can to ensure that everyone who needs hospital treatment is given the dignity and respect that they deserve. I urge all members to support the SNP motion today, to show that we care about the treatment of older people in the NHS.

10:56

**Carolyn Leckie (Central Scotland) (SSP):** It is absolutely right that we should have a debate about age discrimination in the NHS. It is well known that the NHS is plagued with inequalities and has been for a very long time.

Like me, other members will have received a briefing paper from Help the Aged. It would be better if this debate and subsequent debates could be held in the context of a well-documented

problem, rather than in the context of specific allegations. That does not allow due process and it pre-empted the outcome of any internal investigation. People have the right to natural justice before they are judged in this Parliament. I will therefore concentrate my remarks on the general and well-documented problems.

NHS staff provide excellent care despite the system and despite staff shortages. My amendment—which was not selected for debate—calls for urgent action to respond to the well-documented problems that we are all aware of. That urgent action means increasing staff numbers; it means providing better food; it means allowing more time for people to spend with patients; it means moving and handling equipment properly; it means continuing training; and it means back-filling to allow people to be released for training. Trade unions have been talking about all those problems for years and years.

David Kerr's report proposes a further massive shift to community care. However, we have to consider the proposal in the context of today's reality. People wait far too long for adaptations to their homes, for funding packages and for care home placements. I see that everywhere I go. The Kerr report documents the fact that the proportion of people who are elderly is increasing, yet it claims that it is cost neutral. I do not see how we can plan for more care in the community on the basis of the report.

The problem with nutrition in hospitals is also well documented. The problem is directly related to costs, to the privatisation of catering and to the well-documented lack of dieticians. There are not enough staff on the wards to ensure that meals are taken. Because of the systems used—particularly the privatisation of catering—meals are often too hot, and therefore unpalatable to frail and elderly people, or they are too cold. Frail and elderly people often require special diets, but those meals can be simply unpalatable.

Age discrimination spans several spheres. In my final minute, I want to concentrate on the structural and systemic discrimination that exists. For example, guidelines from the National Institute for Clinical Excellence allow certain medicines to be withdrawn from elderly patients specifically on the basis of age. NHS QIS has, I believe, recommended that that particular guideline be removed, and I want to know whether the Executive will enforce that recommendation.

As we know, knee and other orthopaedic operations are rationed in the NHS on the basis of age. What will the Executive do to stop that practice as soon as possible?

It is right that we are discussing such issues, but I would prefer action to be taken and not to hold

more inquiries and more discussions. We do not need any more inquiries, because the problems are well documented. I would like action, and I ask the Executive to respond to the points that I have made.

11:01

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

The provision of a high standard of health care is important to everyone in Scotland but particularly to our older people. The starting point for this debate should be a commitment to an excellent and well-resourced health service that can deliver that quality of care. Labour's track record—not only in this Executive but at United Kingdom level—is of record funding for the health service and of a commitment to a strong and successful NHS.

Of course it is important to highlight examples of age discrimination. Sadly, age discrimination exists in various parts of our society—for example, in employment. The Help the Aged Scotland briefing for this debate highlighted such discrimination; the point was brought home to me when I worked at the charity. Not only Government but society in general should do all that they can to root out age discrimination in all its forms.

This morning we have heard of worrying cases. There have been reports of patients who are not receiving a satisfactory level of care and there have been allegations of age discrimination. Investigations have been launched into those allegations. That is right and proper. Age discrimination must be rooted out. Of course there is no policy to discriminate on the ground of age in our NHS.

Debates such as this must take place in the right and responsible context.

**Christine Grahame (South of Scotland) (SNP):** Will the member take an intervention?

**Richard Baker:** I am sorry, but I have only four minutes.

Older people are the most frequent users of NHS services. Day in and day out, hundreds of thousands of older people receive an excellent standard of care from our national health service. Although we have to highlight cases of bad care, it is not right to highlight only those cases, or to allow them to overshadow the very many excellent experiences that older people have of the NHS. I hear about the good experiences every day, and I am sure that others do too. It is unfortunate that those experiences are not talked about more often in this chamber and in the media.

We have taken action to improve services for older people. We set up the care commission to ensure that we had national standards—the first

ever—for care for older people in Scotland; we introduced free personal and nursing care for older people; and, in planning for the future of the NHS, we ensured that older people were involved. I see from the Kerr report that Irene Sweeney of the Scottish Pensioners Forum was a member of the advisory group.

It is important to acknowledge, as Help the Aged Scotland acknowledges, that NHS QIS took a strong stand when it said that it

“does not, and would never, exercise age discrimination.”

I welcome that. Access to health care services should be based on clinical need and not on age.

The problem with debates that are couched in terms such as those in the SNP's motion is the perceptions that they create. For example, older people often live in fear of crime because of the way in which the issue is covered in the media. However, they are less likely than other sections of society to be the victims of crime. There is a similar issue to do with perception in relation to the health service, and it is vital that older people have the confidence in the health service that they should have. When they go into hospital, not only should they expect to receive a high standard of care, but they should know that they are likely to receive that high standard thanks to the thousands of hard-working people in our health service.

We should not be complacent; we should continually strive to have not a single incident of unsatisfactory care. However, by couching this debate in the terms used in its motion, the SNP is in danger of misrepresenting the NHS and lending ammunition to those who would break it up—namely the Tories. I firmly believe that the best way to fight discrimination against older people is to ensure that we maintain a national health service that is free for all, whatever their resources or needs. We will fight for and defend such a health service, because that is the way to ensure the best care for older people in Scotland, free from discrimination.

11:05

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

I welcome the debate on Shona Robison's motion. Sadly, it reflects the lack of basic respect for the elderly that exists in our society and which manifests itself in many forms throughout the country in this new 21<sup>st</sup> century.

In my opinion, no one should misconstrue the motion as an attempt to criticise any political party. I believe that it is an honest endeavour to gain cross-party consensus in the Parliament on the need to deal with problems that have been sidestepped or ignored for far too long. I must point out that my speech was written before I had

the opportunity to read the ministerial statement that Andy Kerr made yesterday, which addresses many of the problems that I highlight in the rest of my speech and to which many other speakers have referred.

The genuine needs of the most vulnerable people in Scotland have been—and are continuing to be—addressed as a result of such welcome measures as the establishment of the care commission, which is led by Mary Hartnoll. Sadly, it is impossible for the care commission to deliver for the Parliament the level of care to which we all aspire. Although it can carry out checks a few times a year, as the relatively recent exposé by Annie Brown in the *Daily Record* emphasised, the claims of abuses of basic human rights—such as the right to nourishment and life—which were highlighted by the three deaths of elderly patients in Edinburgh recently show that unacceptable standards of treatment are still being inflicted on some of our elderly citizens in some hospitals and care homes. That should result in an outcry from the public and politicians.

I feel very strongly that an independent inquiry should be set up to ascertain the extent of the problem. Its remit should give the inquiry reporters unlimited access to care homes and—sadly—even hospitals, to ensure that the correct acceptable standards are being applied. We read and hear about starvation in some of those establishments, where assistance is not forthcoming to enable elderly people to eat their lunch or dinner.

Help the Aged has reported that, on average, older people lose 5 per cent of their body weight while they are in hospital—Stewart Maxwell mentioned that issue. That means that someone who weighs 10 stone will lose around half a stone, which is a considerable amount. The organisation believes that that indicates that older people's dietary needs are not being met, which may be a sign of a wider lack of appropriate care and attention. Help the Aged welcomes the commitment of ministers and the chief medical officer

“to make older people the core business of the NHS in Scotland.”

However, that commitment was made a few years ago and the relevant policies are still not being implemented to a fully acceptable standard. That is why I support the motion's attempt to empower an independent inquiry to report on the true extent of the problem in 2005 and to give Parliament its urgent recommendations. That said, I welcome and give my full endorsement to what the Minister for Health and Community Care said yesterday in his statement, which was forward looking.

Scotland should be proud of the fact that free personal care is provided in the home and in the



community. More people who are being treated in our hospitals could benefit from receiving the same standard of care in their own home, but that would require a vast increase in the number of district nurses, health visitors, chiropodists, physiotherapists and home helps. They should be offered more pay to provide a bit more assistance in the home. As well as being a better option for the patient, that would be far more cost effective than hospitalisation.

To sum up, an independent inquiry should be set up to reveal the true extent of the problem of discrimination against the elderly in the health service. Care in the community services for the elderly should be established and properly funded. We should return to the days of the green ladies and give more responsibility to home helps and their colleagues. The problem is urgent; let us have less self-justifying rhetoric and more positive action.

11:09

**Stewart Stevenson (Banff and Buchan) (SNP):** When we see discrimination against older citizens in the NHS, we often see a reflection of broader, societal discrimination against older people. I make no particular criticism of the Executive's policies on discrimination against older people, but I share with all members a concern about the implementation of those policies and the practices of some people in some parts of the NHS.

One of the most moving examples of the contribution to society that people who are nearing the end of their life can make was the art that Rikki Fulton produced in the final few months of his life, when he was suffering from Alzheimer's, which was auctioned recently. That vividly brings home to us that the fact that someone is decaying in their mental or physical abilities does not mean that the inner person or their ability to continue to contribute to wider society is also decaying.

I was interested to note Mike Rumbles's fervent support for the debate. Of course, he is older than Nicol Stephen, so we can understand why he supports there being no discrimination against older people.

The word "discrimination" has been widely used. Carolyn Leckie's amendment says that

"urgent action needs to be taken to remove all forms of age discrimination within the NHS."

Richard Baker used similar language. Even the SNP motion calls for

"an independent inquiry into direct and indirect age discrimination".

All those references to removing discrimination, including that which is made in the SNP motion,

are wrong, in the sense that we want discrimination—we want positive discrimination to support old people's issues. I hope that, as the debate draws to a conclusion, widespread agreement on that will emerge. We are talking about adverse discrimination. We must be careful about the shorthand that we use.

In wider society and in the NHS, we must respect the wishes—both negative and positive—of all our citizens. We should take account both of what they want to happen and what they want to avoid. The NHS is an institution that has power over life and death and over the quality of people's life and the quality of their death. Although I have not yet considered the matter in great depth, I would be most concerned if Mr Purvis's bill were to make health professionals party to anything that would appear to accelerate people's deaths. That issue must be examined.

I have a good story about the care of old people that I will share with members. During her final illness, my late mother-in-law received care in St John's hospital in West Lothian that was exceptionally good, to the extent that she was brought a glass of whisky every night so that she would sleep well. It was indeed the water of life—uisge-beatha.

I am dying; I do not know where, when or how I will die, but I know that I am dying. The old gave us the potential to be what we want to be. We must put service to our elderly before our interests and must ensure that we discriminate in favour of the elderly.

11:14

**Jackie Baillie (Dumbarton) (Lab):** In 25 years' time, there will be more people of retirement age in Scotland than there will be children. The biggest growth will be in the number of people who are over 80, who I am sure will be assisted by the prescription of a glass of whisky every evening.

I begin with that fact because we know that, generally speaking, the older someone is, the more likely they are to suffer from ill health and to end up in hospital. To allow an elderly person to end up in hospital is often the default response; it is not what older people want, it should not be what we want and it is perhaps not what they need. Whenever they are asked, older people tell us that they want to remain in their own homes and be cared for in their own homes for as long as possible. The challenge for us in this chamber is to find alternatives to unnecessary hospital admissions, so that older people can be cared for in or at least much nearer to their own home.

I turn to the issue of care in hospital. Members—not only on the Labour benches but across the chamber—have long believed that older people

should be treated with dignity and respect. We should never condone negative age discrimination—direct or indirect—in the NHS.

I want to sound a note of caution, however, and agree with comments that Richard Baker made. We need to set the debate in the context of all the positive work that goes on in the NHS. We must be careful not to convey the impression that the NHS is somehow rife with negative age discrimination. I am sure that the SNP would not want to do that—it is simply not true. As the minister said, there is no systemic failure in the NHS. There are many people in our health service who care—daily and well—for our older people.

That said, we must always respond, and respond robustly, to the genuine concerns of relatives and friends. Those concerns point to a need to raise standards of care, particularly standards that focus on nutrition and personal hygiene. I agree with many in the chamber that those care needs are essential to recovery; they are not an add-on luxury.

It is for that reason that the Executive has moved to put in place a number of different measures. I refer to the clinical standards for our older people in acute care, which have at their core the dignity and rights of older people. I refer also to the NHS QIS 2004 review of older people in acute care and to wider national care standards. Through those measures, we will ensure that the very highest standards of care are delivered to our older people. We need to ensure that the rigorous and professional service standards that are set for our hospitals and care homes are met. I acknowledge that they are being exceeded in many places across Scotland.

I turn to the wider question of care for older people. As the minister said, in 2002, an expert group on health care for older people set out to ensure that they have the health and care services that they need. The group looked beyond hospital care to a much wider set of health care policies that support active aging.

Professor Kerr's report, which was published yesterday, specifically looks at older people and how we can tailor health services in Scotland better to meet their needs. His key conclusion is that the more local the provision, the better it is. Ideally, supporting patients at home will prevent avoidable hospital admissions. In his initial response, the Minister for Health and Community Care committed the Executive to providing just such a service: personal, proactive and co-ordinated care in local communities.

Labour is committed to a better life for older people in Scotland, both now and in the future. We are committed to supporting older people to live healthy, independent lives. A key part of all of that

is a recognition that age discrimination is a problem not just in the health service but for wider society. We need to send out a signal that all of us should value older people and that all of us want to support them in continuing to make the substantial contribution to Scottish society that they have made for many years.

11:18

**Eleanor Scott (Highlands and Islands)**

**(Green):** Two separate and yet connected issues have been referred to in the debate: age discrimination and neglect of the elderly. As various members have pointed out, there is a bit of a continuum between the two.

I note that NHS QIS says that it will not follow the National Institute for Clinical Excellence's example down south of issuing guidelines that use age as a criterion for whether someone receives therapy. Clearly, some people might not be in a state to benefit from particular treatments, but that is because of their overall clinical condition and not because of their age as such. NICE says:

"where age is an indicator of benefit or risk, age discrimination is appropriate".

I question whether age per se is ever an indicator.

In any case, there is a bit of an issue about what we mean by the word "elderly". After all, some people have to work until they are 70. There is a big variation between older people: some people are quite frail and disabled at 70, whereas other people are perfectly independent and fit and can get on with life by themselves at 90.

The debate was prompted by recent high-profile cases of neglect of the elderly. I do not want to refer to them specifically, but they highlighted the need to give attention to care of the elderly and training. I have a little story to tell in that regard, which shows that the issues are not new and that things have not moved on as they should have done.

About 30 years ago, as a wee medical student, I had a summer job as a nursing auxiliary in a psychogeriatric ward in a hospital in Glasgow. There was nothing particularly bad about the running of the ward—it was fine and the staff were very caring—apart from one part of the day, to which I did not give much thought, having arrived on the ward as a student and accepted the practices that went on. After meal times, we would go round the day room, where the 30 or so patients on the ward were seated, with one washbasin, one bar of soap and one facecloth and wash everybody's hands, one after the other. When one says it now, it sounds disgusting, especially for the person who was the 30<sup>th</sup> to receive the hand washing, but I did not question it—it was just what we did—until we had an

outbreak of scabies. Of course, the infection spread rapidly to all the patients, and the infection control people came down on us like a tonne of bricks. They said that each patient had to be walked to the bathroom and helped to wash their own hands and face, which we saw we should have done, albeit that it was much more time consuming. That was what was done thereafter.

I tell the story because it shows that there have always been issues about the care of the elderly. In that instance, we had not thought about people's dignity. The omission was thoughtless, but no malice was involved. As I said, the ward was very caring.

On the standards of care in the ward, because it was a psychogeriatric ward, many of the patients suffered from advanced dementia. They might have been physically fit—and so, one would have thought, perfectly capable—but they could not sequence their movements to feed themselves. If a patient's food and drink was put down in front of them, they would sit bewildered. One might have come to the conclusion that the patients were not hungry, but staff knew that that was not the case and the patients were fed, even those who appeared to be quite physically fit and able to feed themselves. The staff understood the condition of their patients; they knew what they needed.

From what I hear anecdotally, I think that that is not happening now. Perhaps there is a lack of training for those who do the feeding on the wards, because when I was on that ward, the feeding was done either by trained nurses or by experienced auxiliary nurses. I suspect that that is not the case today.

I think that Stewart Stevenson mentioned the issue of broader societal discrimination against the elderly. We have a society in which many of the changes that have been made have not been elderly proofed. An elderly person who wants to make a complaint about their gas or electricity bill is likely not to be able to write a letter, which is what that generation likes to do. They will probably have to make the complaint by phone—pressing all the buttons and so forth—which is quite stressful and difficult for an elderly person to do, especially one with a hearing impairment.

In a number of ways, we make things unfriendly for the elderly—perhaps inadvertently—and that problem is reflected in the NHS. Training issues are involved and specific training on the needs of the elderly should be made available. I ask the minister to address those issues.

**The Deputy Presiding Officer (Trish Godman):** We move to winding-up speeches. I call Donald Gorrie and advise him that he has a tight four minutes.

11:22

**Donald Gorrie (Central Scotland) (LD):** I apologise for missing the first part of the debate. The pressure on members in trying to get agreement on amendments to legislation is unrelenting. There are timetables and we just have to go along with them. However, the speeches that I heard made a good contribution to the debate.

The particular cases in Lothian are being investigated. Obviously, they are unfortunate, but any large system fails, just as we all fail at times. The cases are not typical, but a wider issue is involved, which concerns not just the health service: attitudes, which other members have mentioned. In many quarters, a patronising and dismissive attitude is still taken towards older people. There is also a feeling that older people do not count as much as other people do. Like all other prejudice, whether on the ground of gender, race, religion or whatever, we must combat that attitude. Older people need to be accepted as people with a full contribution to make and as people who need full attention, just like anyone else. All of us must fight to improve people's attitudes in that regard.

Keeping older people out of hospital has also been mentioned and is a goal towards which all of us should aim. The partnership Executive has achieved a certain amount: we have introduced free personal care and put more effort into care at home. However, much more thought and effort must go in to support that. As other members said, we need the necessary technical support and qualified nurses, home helps or whoever to help older people to continue to live in their own home and live a decent sort of life. That is essential. In addition, residential care that is outwith hospital has to be adequately paid for. That issue has never been fully grasped.

We should pay more attention to ensuring that older people have more activities to take part in that keep them busy, entertained and active. It is often quite hard for older people to take part in activities, perhaps because they are widowed or live alone. I am sure that at election time we have all experienced calling on somebody who clearly has not spoken to anyone for a long time. We perform a good social deed by having a long chat with such people.

We can make more use of older people with young people; they often have a good rapport. I had a relation who at the age of 80 spent many hours listening to primary pupils doing their reading and telling them stories. As well as having youth cafes we can have older people's cafes. Many churches have them, but we could encourage them by supporting places where people can have a good, cheap meal and social contact. If we develop more social contact and

activities for older people, and mix them with people of other generations, we will give them a much happier life and will save ourselves a lot of money in the health service and other services. We will do everyone a great favour if we mobilise communities to support their older people better. I hope that we can attend to that in many different ways through local authorities, voluntary organisations and other bodies, and give older people—

**The Deputy Presiding Officer:** You must finish now, Mr Gorrie.

**Donald Gorrie:** That would help to reduce the problem and change people's attitude. They would see how much older people can contribute.

11:27

**Mary Scanlon (Highlands and Islands) (Con):** It is sad indeed that we are discussing problems relating to the elderly, given the number of debates that we have held in the Parliament and the amount of legislation that we have passed in the past six years. I agree with Eleanor Scott that we are discussing two issues today. Age discrimination occurs when elderly people are bypassed for surgery or care in favour of younger people. In addition, we have been examining the alleged abuse and neglect of elderly people.

I support Nanette Milne's amendment to extend the Health Committee's investigation into community care legislation. As others have said, problems in the provision of community care by councils ultimately cause problems in hospitals. The bed blocking—or delayed discharge—figures are higher now than they were in 1999, although it is important to put on record the fact that the figures also include people with mental health problems and other disabilities.

The Kerr report appears to acknowledge and address the needs of elderly people. We have debated care of the elderly and passed legislation to set up the care commission, yet the problems that have been outlined today have not improved as expected or intended. The Parliament does not hold local authorities to account on implementing legislation. When did any of us last hear our local councillors take responsibility for bed blocking?

The Kerr report recommends that more care be provided in the local community, and I make no apology for saying, "Why not start with podiatry checks and, if appropriate, a care plan?" Healthy feet keep elderly people mobile and independent, improve their circulation and aid social inclusion. If we continue to cut back and neglect podiatry or chiropody care and treatment, more elderly people will continue to end up in hospital following a fall, spend months in hospital waiting for care in the

community, and become more frail and dependent on care and support.

On the vulnerability of our elderly folk, only last week, a middle-aged professional person attended my surgery to make awful complaints about her mother's care in hospital, including about a lack of food and hygiene—we have heard such complaints today. She felt not just upset but guilty that she was letting down her mother after all that she had done for the family. Once I listed all the complaints, the constituent said, "Now you won't use my name, will you? My mother is scared she'll get picked on." After discussion, she asked me to do nothing, as she had already raised the issues in the ward and, if I wrote in, they would know who had complained. Once again, alleged abuse and neglect passed off without investigation and, sadly, are more likely to continue in future.

If we are serious about ensuring that elderly people get appropriate care and treatment in accordance with their needs, we must ensure that all care homes cater for residential and nursing care, in line with the intent of legislation; we must not have elderly people languishing in residential care when they need nursing care following the likely and predictable deterioration of their condition. Given that the remit of the care commission—which I commend; it is doing a good job—covers care homes for the elderly, should not it be tasked with ensuring that high-quality care is provided while people are waiting for care in the community?

I support the amendment in the name of Nanette Milne.

11:31

**Rhona Brankin:** We have all listened carefully to the debate. The issue is emotive and hugely important and, as I said in my opening speech, there is absolutely no room for complacency. I do not think that anybody in the chamber is complacent.

The caring professions must care. It is our job to ensure that they have the support that they need to do that. I believe that we offer that support, and that our NHS staff are an enormous pool of talent and are committed to the care of their patients, whether young or old. If there are shortcomings to address, that is the positive context in which we must view them.

We offer wide-ranging support. The core business of the NHS is heavily geared towards the care of older people. I accept Stewart Stevenson's comment that that must be so. I mentioned some of the key performance targets, such as hip surgery within 24 hours. Conditions that require that surgery mainly affect the elderly, so that is hugely important. Targets matter because they

drive the behaviour of health boards and deliver real results for older people as a consequence.

There are many initiatives that I did not mention earlier, perhaps because they are not the core business of the NHS, but which have been referred to by many as contributing to the health of older people. That is true of community care, where there is a range of initiatives to deliver better outcomes for older people. I take issue with Mary Scanlon. Since the action plan on delayed discharge was implemented, the number of older people who are retained in hospital has reduced drastically.

Put that all together and it makes for behaviours and initiatives that are specifically designed to give older people the best possible treatment and care as close to their own home as possible; it is not a sign of discrimination or a lack of care.

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

**Rhona Brankin:** I am sorry, but I do not have time.

Let me respond to some specific points that were raised in the debate. Shona Robison referred to "Frontline Scotland" and care homes that are unhappy with NHS standards of care. We need to ensure that we have standards of care across the NHS and into community care. The care commission, NHS QIS and the social work services inspectorate are co-operating to develop uniform standards and inspection arrangements for all care settings in the NHS, homes and the community.

Shona Robison also referred to the reduction in the number of geriatric beds. That does not mean that there is less care; it means that there is a different balance of care. That is quite right, and is referred to by Professor Kerr in his report. However, we need to ensure that we get the balance of care absolutely right.

Several members referred to nutrition in hospitals. Let us be clear: nutrition is an integral part of care. NHS QIS standards are in place and are being reviewed in 2005-06. All health boards should be implementing them.

Carolyn Leckie referred to the number of nurses in Scotland. Out of the four UK countries, we have the highest number of nurses per head. We will have 12,000 nursing students by 2007, and we are on course to meet our nurse recruitment target. She also referred to the NICE consultation, and claimed that NICE is in favour of age discrimination. NHS QIS has said that any such statement is not relevant to Scotland and that it will not exercise any age discrimination here in Scotland.

I am obviously not able to refer to every point that has been raised in the debate. As I have said,

we will be developing an overarching framework for the health care and community care of older people over the next year. I very much welcome any lessons that we can learn from the debate. I particularly welcome the ideas and positive suggestions that many members have advanced this morning. We must always improve and seek to improve.

The range of activity that we already have in place, the independent review that was initiated by NHS Lothian and our own plans for developing an overarching framework mean that there is no place for the SNP's suggestion of an independent national inquiry. That would simply be a distraction from the huge task that is in hand.

11:36

**Christine Grahame (South of Scotland) (SNP):** First, I make it clear that Ms Robison has given her excuses to the Presiding Officer for not being here for the conclusion of the debate.

I preface my main remarks with a recognition that the vast majority of staff in our hospitals are decent, caring people, who frequently work under pressure and in understaffed conditions. That hits home most when older people are involved. They require that most precious commodity of all: time—time to help them with their meals; time for staff to toilet them; and time to stop and talk. That has been recognised by many members, including Stewart Maxwell.

I acknowledge what Carolyn Leckie said. The debate is not an attack on staff in hospitals; however, it is about what is happening to some—to many—of our people. This is where I take issue with some of what the Deputy Minister for Health and Community Care said, although I acknowledge and welcome the comments that she has made and the steps that she is taking following the two tragic cases that we have been discussing. I cannot agree that the problems are not systemic. I simply do not know whether what happened to Mrs Dick and Mrs Irons is or is not part of something systemic. There are too many such examples. I will not go through the case of my own mother, which I covered in a members' business debate, but just about everybody sitting in the chamber has an example to give. It is when a tragedy takes place that we focus on the issues. People are being neglected: they are unable to feed themselves and they are not being looked after. Their cases might not become tragedies, but they are being treated in that way because they are elderly, and people do not have time to look after them.

I will put the matter into context. I say to Richard Baker that there are, indeed, instances of direct discrimination. He said that there is no such policy,

but there is. Historically, clinical trials and medical research tend to exclude older patients, yet they can be given medication that has not been tested on them. Screening programmes for breast cancer apply to women aged between 50 and 70, who are called regularly, but after the age of 70, women are not called and must apply, despite the fact that the chances of developing breast cancer increase as women get older. Help the Aged's very helpful briefing paper states:

"One estimate has suggested that 1500 lives could be saved annually if the programme was extended to older women".

Therefore, there are policies that directly affect older people.

I want to concentrate on the indirect discrimination that has been described in some speeches. The use of the term "bed blocker" stigmatises older people. They are talked about as if they are a category, like furniture. In fact, older people are individuals. They are as quirky as Mike Rumbles.

**Stewart Stevenson:** Surely not.

**Christine Grahame:** They are as quirky as Andy Kerr and they are as different as Stewart Stevenson. By the way, he has now delivered his 200<sup>th</sup> speech. I do not know whether to weep or laugh at that. I have not been here for them all, thank goodness.

Stereotypes are being made. That is a cultural issue, which is why I am summing up for the Scottish National Party today. This is not just a health issue; it is a cultural issue that applies to all manner of services.

The list of issues goes on. One is mixed accommodation. I understand that the Deputy Minister for Health and Community Care has put money towards getting rid of mixed-sex accommodation. I do not know what has happened in that regard—perhaps the minister will tell us. If she cannot do so today, she might be able to write to us another time and explain what has been done. What could be more humiliating for older men and women than having to share wards? It is appalling.

Sometimes, a nurse will come along and immediately call somebody by their first name—it can be a simple thing like that. Some older people like to be called by their full name and might not have asked to be called by their first name, yet a nurse will come along and say, "How are you, Jeannie?" and the person will get upset. There is a discourtesy in that. That can be even more the case among older people from ethnic minorities, who might not have the best command of English. They can find themselves more isolated, and their age will make that even more difficult.

Jackie Baillie said that hospital can be the default response. Admissions can often follow a fall in the home, for example a fall from a stepladder, because no home help comes in who can change the light bulb or reach up to the high cupboard, or a fall in the bath, which would not have taken place if a walk-in shower had been fitted. If we made some progress on the provision of aids and adaptations through social work services, fewer older people would be admitted to hospital.

The best medicine for us all in hospital, whether we are young or old, cannot be found in a bottle. It is not medication. It is called TLC—tender, loving care. That is what our older people require.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:41

#### Sustainable Development (School Building Projects)

**1. Mr Mark Ruskell (Mid Scotland and Fife) (Green):** To ask the Scottish Executive how climate change is being addressed through public-private partnership school projects, for example by enabling the installation of biomass heating systems in circumstances where wood fuel represents the best local option for sustainable development and long-term value for money. (S2O-6861)

**The Deputy Minister for Education and Young People (Euan Robson):** Sustainable development, including energy use, is a key component of the school estate strategy in Scotland. Last December, we launched a new publication focusing specifically on how to achieve sustainable schools, irrespective of the means of procurement. Local authorities are responsible for decisions about their own school estates.

**Mr Ruskell:** I thank the minister both for that response and for the letter that I received this morning on the need to change the Scottish community and householder renewables initiative and the various options that require to be assessed. Does the minister acknowledge that there is considerable frustration in many communities, for example among those who are connected to the new Breadalbane Academy, who will miss the boat if the review of the SCHRI and the implementation of any new rules or schemes are delayed until the autumn? Can the minister assure me that the review and any changes that arise as a result of it will be in place by August this year?

**Euan Robson:** We aim to conclude the review by the summer, although I have not put a specific date on that. I share Mr Ruskell's concern that we should arrive at our conclusions sooner rather than later.

The Scottish community and householder renewables initiative originally aimed to support small-scale renewable energy projects by non-profit-making organisations. We must be careful in the review to retain that element, as I am sure Mark Ruskell would agree. There might be broader issues than biomass plants. There was some suggestion of that at the infrastructure investment conference last week, and we need to take those other issues on board.

**Mr John Swinney (North Tayside) (SNP):** In a letter to me dated 30 April 2005, the Deputy Minister for Enterprise and Lifelong Learning wrote that he appreciated my frustration that the rules on the Scottish community and householder renewables initiative ruled out the use of a biomass system at Breadalbane Academy, in my constituency. Let me reinforce the point that was made by Mr Ruskell: it is essential that any reform of the system is put in place so that the frustration of members of this Parliament, including ministers, is addressed and so that we can make a constructive contribution to tackling climate change by ensuring that we build new schools on a sustainable basis.

**Euan Robson:** I agree with what Mr Swinney is saying. As I have said before in the chamber, we believe that it is important to ensure that sustainable development, equipment and projects are part of this major opportunity. Mr Swinney has referred regularly to the case of Breadalbane Academy. I appreciate the importance, urgency and timing of the matter. We will do our best to pull together the conclusions of the review as quickly as possible.

#### Town Centres (Development)

**2. Michael McMahon (Hamilton North and Bellshill) (Lab):** To ask the Scottish Executive whether it is satisfied that all town centre developers have equitable access to information from its officials regarding development proposals. (S2O-6887)

**The Deputy Minister for Communities (Johann Lamont):** Requests for information that the Scottish Executive receives are handled in line with the Freedom of Information (Scotland) Act 2002.

**Michael McMahon:** Is the minister aware that none of the existing town centre developers in Lanarkshire was invited to the Scottish Executive's retail forum in November 2004, which provided the opportunity to discuss emerging Government retail policy? They had to request invitations from the Executive. Is the minister also aware that those companies did not receive copies of the Glasgow and the Clyde valley structure plan consultation document when it was published earlier this month, so they had to request copies?

Will the minister investigate why Scottish Executive officials—I can provide her with the names of those who are involved—told those companies that it was inappropriate for them to meet officials who deal with emerging retail policy, whereas more favoured town centre developers in Lanarkshire have no such difficulty in obtaining assistance from the Executive? Given that—

**The Presiding Officer (Mr George Reid):** Briefly, please.

**Michael McMahon:** Given that I am referring to major investors and developers that have invested hundreds of millions of pounds in the Scottish retail sector, does the minister find the situation surprising?

**Johann Lamont:** I was not aware of the situation that Michael McMahon describes. This is the first time that I have heard such details. I am more than happy to speak directly to him about the matter and to go into detail about the issues that have been raised.

When developing policy and approaches, the Executive is always keen to harness the energies of people throughout Scotland who have expertise. Such information should be harnessed equitably. I cannot comment on the specific matter that Michael McMahon raises, but I am more than happy to discuss it with him in the near future.

### Diabetes (Renal Disease)

**3. Janis Hughes (Glasgow Rutherglen) (Lab):** To ask the Scottish Executive what improvements it has made in preventing renal disease in those with diabetes. (S2O-6876)

**The Minister for Health and Community Care (Mr Andy Kerr):** The link between diabetes and renal disease is well recognised in several initiatives, which include the Scottish diabetes framework, the diabetes managed clinical networks and the clinical standards for diabetes and for renal services that were produced by NHS Quality Improvement Scotland. The quality and outcomes framework of the new general medical services contract also includes 18 indicators that relate to the management of diabetes.

**Janis Hughes:** The minister may be aware that one of the easiest and most efficient ways in which to measure renal function in diabetic people is to use the glomerular filtration rate. Will the Executive consider including that method in the Scottish intercollegiate guidelines network guidelines that cover diabetes?

**Mr Kerr:** We should acknowledge that we have had, and expect to have, significant improvements in the monitoring and treatment of renal disease as a result of some of our initiatives. One main question for the SIGN guidelines group that has been established on chronic renal failure will be what the most accurate and practical method is of assessing GFR. It is expected that, once published, the guidelines will be implemented at national health service board level through the use of protocols.

**Mrs Nanette Milne (North East Scotland) (Con):** Will the Scottish Executive rise to the challenge that is set by Diabetes UK Scotland in its action today, health tomorrow campaign to establish equitable access to an effective retinal screening programme for all people with diabetes?

**Mr Kerr:** Of course, we always want to rise to meet our communities' expectations. We need to consider requests that relate to the effectiveness of the delivery of such schemes. We are working with many groups—including patients' groups and Diabetes UK—on long-term conditions, enabling self-care and preventive medicine, so I am happy to consider such matters further. I will correspond with the member in due course about a formal response.

### Acute Hospitals (Older People)

**4. Shona Robison (Dundee East) (SNP):** To ask the Scottish Executive what action is being taken to improve the care and treatment of older people in acute hospitals. (S2O-6838)

**The Deputy Minister for Health and Community Care (Rhona Brankin):** The central message of "Adding Life to Years"—the report of the chief medical officer's expert group, which was published in January 2002—was that older people's health is a priority for NHS Scotland and is fully part of its mainstream business. The national framework for service change, which was given to ministers yesterday, has a section on the provision of services for older people.

NHS Quality Improvement Scotland standards of care for older people are in place. All NHS boards must implement those standards and monitor adherence through their clinical governance structures. NHS Scotland will be held to account through the assessment visits that NHS QIS undertakes.

**Shona Robison:** In this morning's debate on age discrimination, the deputy minister said that the Executive would learn the lessons of the independent inquiry into the care and treatment of patients by NHS Lothian. Will she say in more detail how she will do that and apply those lessons throughout Scotland, to acknowledge that older people's care and treatment are a concern not only in Lothian, but elsewhere?

**Rhona Brankin:** As the member knows, NHS Lothian has established an independent care review group to examine in detail the arrangements for older people's care. That group will be chaired by Anne Jarvie, who is a former chief nursing officer and a champion of older people's rights. I cannot anticipate what the lessons that we can learn will be, but it is clear that we will need to be able to learn lessons from that review. Any lessons will be disseminated to other health boards.

As I said this morning, I am inviting boards throughout Scotland to review their arrangements and to reassure ministers that they are applying high and equitable standards to care for older people. I have invited the chief nursing officer to



raise the issue with NHS boards' directors of nursing at their next meeting.

### **NHS 24 (Performance)**

**5. Mrs Margaret Ewing (Moray) (SNP):** To ask the Scottish Executive what indicators it has used to assess the performance of NHS 24. (S2O-6824)

**The Minister for Health and Community Care (Mr Andy Kerr):** Health Department officials receive weekly performance reports from NHS 24 that cover the average and maximum times taken to answer calls, call abandonment rates, call-back rates and the average and maximum times taken to call back. All those are important measures of NHS 24's performance and of whether the service's quality and responsiveness match the service that the people of Scotland expect to receive from the organisation.

**Mrs Ewing:** I thank the minister for his answer, although I did not hear the first part because of the acoustics.

We cannot anticipate the findings of Owen Clarke's report, which will be published next week. I hope that the report will be brought directly to Parliament and not drip-fed through the media in the days preceding publication. Does the minister accept that concern is widespread in our communities about NHS 24's efficiency? Even at this stage, can he say how many vacancies NHS 24 has? How many of its employees have medical training? Does a facility exist to ensure that the requests of carers and neighbours who are unrelated to an individual but who may call NHS 24 on that person's behalf are not dismissed because those people happen not to be relatives?

**Mr Kerr:** I apologise that the member did not hear the first part of my previous answer. I said that we receive an enormous amount of information about NHS 24's performance. The responsibility to deal with performance issues is primarily that of NHS 24's board.

The member referred to the independent review team, which will report by the end of May. As soon as the report is received, I intend an inspired parliamentary question to be lodged, the answer to which will give the information to Parliament.

As for the points that the member raised, it is best to await the report. The review team has a strong remit, particularly on service provision in remote and rural areas. I am concerned about staffing issues. I do not have the exact number of staff vacancies, but staff turnover runs at about 30 per cent. That is not good enough and is an issue for us. We must reduce that figure, retain staff and continue to provide a good service, albeit one that occasionally causes concern in our communities, as we are all well aware. More than 1 million calls have been handled effectively. We need to deal

with big issues, but the organisation is successfully delivering a patient-centred service.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I receive a fairly steady level of complaints about NHS 24 from my constituency, which concerns me, in view of the sparsity of population, inclement weather and geography of the area, in which a doctor is not just a few streets away. However, the answer to a written question some weeks ago showed that the number of formal complaints is negligible. Are many people not following the proper complaints procedure? I would be grateful if the minister were to give the matter his personal attention. Will he meet me to examine the problem in more detail and to get to the truth of the matter?

**Mr Kerr:** The report from Owen Clarke and his team will be useful in guiding that discussion. I am happy to meet the member to start to resolve some of the challenges. NHS 24's new chief executive has said that he wants to build on existing links in the communities that the member talks about and to use NHS partners better and more effectively to provide a better service for those who are concerned about how the service is delivered. I accept the invitation to meet the member. The review team's work stream will focus on some of the issues that concern his constituents. I hope that, as a result of the actions that follow the report, the service will improve and confidence in NHS 24 in those areas will be rebuilt.

### **Skin Cancer**

**6. Mr Kenneth Macintosh (Eastwood) (Lab):** To ask the Scottish Executive whether it has any plans to hold an annual sun awareness week to highlight the dangers of skin cancer to Scots in particular. (S2O-6886)

**The Minister for Health and Community Care (Mr Andy Kerr):** I am pleased to express my support for sun awareness week, which is taking place this week. The campaign is co-ordinated nationally, together with SunSmart—the Cancer Research UK prevention and awareness campaign—and funded by the four United Kingdom health departments. I have also discussed skin cancer prevention messages recently with both the Scottish cancer coalition and the west of Scotland melanoma group, and Rhona Brankin recently met representatives from the Scottish Dermatological Society.

**Mr Macintosh:** I thank the minister for his comments and for his confirmation that this is indeed sun awareness week. It is a timely reminder to all of us not just to welcome the good weather, but to cover up when we are in the sun. Does the minister accept that fair-skinned Scots are at particular risk of developing skin cancer,

that we are in the grip of a skin cancer epidemic and that there is a duty on us here in Scotland, more than in any other part of the UK, to encourage people to be aware of the risks of being out in the sun? Will he look at whether health education messages about sun awareness are going in the right direction? In particular, will he look at projects such as Fife's keep your shirt on campaign, with a view to encouraging such programmes across the whole of Scotland?

**Mr Kerr:** Mr Macintosh is right to draw our attention to malignant melanoma, which is the 11<sup>th</sup> most common cancer in males and the sixth most common cancer in females, and to the fact that the death rates for malignant melanoma are too high. I fully support SunSmart, the keep your shirt on campaign in Fife and Tayside, and other work that our health boards are doing, including some very good practice in Lanarkshire. We must draw people's attention to the issue and we must work with suppliers of suntan lotions to ensure that they provide the right information to customers.

Mr Macintosh is right to say that skin cancer is a serious issue for Scots. We need to ensure that we educate people better; that fits with the preventive health measures that we are taking throughout Scotland.

### **Crofters Building Grants and Loans Scheme**

**7. Mr Alasdair Morrison (Western Isles) (Lab):** To ask the Scottish Executive whether it will provide an update on its programme of reform of the crofters building grants and loans scheme. (S2O-6891)

**The Deputy Minister for Environment and Rural Development (Lewis Macdonald):** The new croft house grant scheme replaced the former grants and loans scheme on 1 January, and priority areas under the scheme were identified earlier this month. The effectiveness of the new scheme in supporting the renewal of crofter housing will be kept under review.

**Mr Morrison:** I look forward to helping to inform the review over the next couple of years.

The minister is well aware of the challenges that face crofters in the Uists and Barra following the January hurricanes. Officials from the minister's department have visited the islands, and although they do a good line in sympathy they have yet to demonstrate that the Scottish Executive Environment and Rural Affairs Department will put in place a response to the difficulties that the crofters face. For example, issues relating to fencing and stock-proofing are of fundamental importance and must be addressed. Will the minister personally direct officials to be less obstructionist and to implement much-needed

pragmatic responses that will make a difference to crofters' lives?

**Lewis Macdonald:** I can certainly give Mr Morrison the assurance that we have kept a close eye on the matter and that officials, including the head of the department, have been to Uist to see the challenges for themselves. Measures have already been put in place to allow support for the renewal of fencing, and additional payments have been authorised for those crofters who had previously reached the limit of their usual eligibility under the crofting counties agricultural grants scheme, taking into account the impact of the January storms on those crofters. We shall continue to consider innovative and imaginative ways of ensuring that those needs are met.

**Rob Gibson (Highlands and Islands) (SNP):** What is the total number of crofters who could benefit from the new scheme and is it the case that some people are being put off because the loan element has been removed? Do constraints such as the condition of township roads and the difficulty of getting water supplies prevent more people from applying for the croft house grant scheme?

**Lewis Macdonald:** There is no reason why crofters anywhere in the crofting counties of Scotland should not apply for the scheme. Mr Gibson will be encouraged to hear that, in the first three months of this year alone, there were more applications under the new grant scheme than there were for the whole of last year under the former scheme. A total of 124 applications were made for a sum of approximately £2 million in assistance to housing over those three months.

### **Dental Action Plan**

**8. Scott Barrie (Dunfermline West) (Lab):** To ask the Scottish Executive whether it still considers the remuneration proposed for dentists in its dental action plan to be adequate. (S2O-6866)

**The Deputy Minister for Health and Community Care (Rhona Brankin):** Yes. I consider that the new and additional funding of £150 million demonstrates the Executive's commitment to national health service dental services in Scotland.

**Scott Barrie:** I acknowledge the investment that the Executive is putting into our dental services, including the increased remuneration for dentists within the NHS. However, when will those improvements lead to my constituents, and constituents throughout Scotland, being able to access an NHS dentist? They are currently denied such access.

**Rhona Brankin:** I am very much aware of some of the problems surrounding access to NHS

dentists in Fife. A considerable number of measures are being put in place by NHS Fife to improve access to NHS dentists. I do not have time to go into those measures in detail now, but I am more than happy to have a meeting with the member.

**The Presiding Officer:** Members will wish to welcome the Swiss Ambassador, His Excellency Alexis Lautenberg. [*Applause.*]

## First Minister's Question Time

12:00

**The Presiding Officer (Mr George Reid):** Questions to the First Minister will be taken by the Deputy First Minister.

### Cabinet (Meetings)

**1. Nicola Sturgeon (Glasgow) (SNP):** I welcome the Deputy First Minister to the hot seat, for what will probably be his last time.

To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-1661)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** I am grateful to Nicola Sturgeon for her welcome. I do not want to disappoint her, but it is possible that I might make another appearance before I demit office in four weeks' time—all will be revealed.

At our next meeting of the Scottish Cabinet we will discuss our progress towards building a better Scotland. In addition, I fully expect that the First Minister will brief the Cabinet on his current visit to Malawi.

I know that the Cabinet would want to express its thanks to the hard-working staff of the national health service for the encouraging waiting times figures that were published today. I hope that Ms Sturgeon joins us in that.

**Nicola Sturgeon:** The chamber is buzzing with anticipation at the news of the Deputy First Minister's next appearance.

I refer the Deputy First Minister to the latest waiting times figures, which in fact show yet another dramatic increase in median waiting times for in-patients, and an even bigger increase for out-patients. Does he agree that far from being good news, as the Executive tries to claim, the figures are further evidence that Scottish patients are still getting a raw deal?

**Mr Wallace:** I appreciate that as the First Minister is a former maths teacher he might be better equipped to give a maths lesson in statistics to Ms Sturgeon, but I have a certificate of sixth-year studies in statistics, so perhaps I can do so.

At a press briefing earlier today, it was shown how the median could go up, stay the same or go down—it could be reduced to zero—depending on how the statistics are presented. The median figure is not one that matters to individual patients. If Nicola Sturgeon understood the figure, she would understand that the more we focus on tackling the length of time for which people who

have been on the waiting list longest have been waiting and deal with that issue, the likelier it is that the median will continue to rise. What matters is people: what matters is trying to get the people who have been waiting longest off the waiting list. That is why we have met our guarantee of nine months. We have also met our guarantee of 12 months and we are well on the way to meeting our guarantee of six months for in-patient treatment. One of the figures that struck me most is that 60,000 fewer people are waiting for an out-patient appointment than was the case six months ago. That is a staggering achievement.

**Nicola Sturgeon:** I remind the Deputy First Minister that his own statistics department describes the median waiting time as

“the most robust measurement of performance.”

I offer the Deputy First Minister a reality check. I remind him that in the previous quarter the median wait for in-patients was 42 days, but it is now 47 days. For out-patients the median wait was 56 days, but it is now 62 days. In the previous quarter, only 16 per cent of out-patients had to wait more than six months for an appointment: the figure is now 20 per cent. One in five of all out-patients have to wait more than six months for an appointment. Is not it the case that to try to paint that record as a success is an insult to the intelligence of thousands of patients all over Scotland, and that it is not the fault of hard-working NHS staff, but the fault of this Scottish Executive?

**Mr Wallace:** When I was preparing for First Minister's Question time, I came across a quotation from Jim Mather. He said that the SNP would

“promote Scotland ... in every speech”—[*Official Report*, 16 September 2004; c 10230.]

All that we ever hear from Nicola Sturgeon are things that try to run Scotland down. The issue of the patients who have been waiting longest is being addressed very effectively: there has been a 72 per cent reduction in in-patient waiting.

Nicola Sturgeon referred to out-patient waiting performance and I have already indicated that there has been a 60,000 reduction overall. The number of people who are waiting more than 26 weeks for a first out-patient appointment in Scotland has reduced by 58 per cent since September 2004—that is a 58 per cent drop in six months. I can give Nicola Sturgeon figures for the different health boards if she wants them, but will she for once acknowledge that the statistics are very encouraging indeed and that they are a tribute to NHS staff?

**Nicola Sturgeon:** I suggest that the Deputy First Minister study the figures that the information and statistics division of the NHS produced this

morning, rather than the ones that Andy Kerr made up some time after that. The Deputy First Minister says that he wants to talk about the longest waits; let us do that. I draw to his attention detailed figures that were released to me earlier this week. The figures are broken up by specialty and they demonstrate that, for example, the number of people who waited more than six months to see a heart specialist increased from 56 in 1999 to 750 at the most recent count, although heart disease is supposed to be a top priority. I suggest that instead of parroting Labour lines, the Deputy First Minister repeat what he said a month ago in his capacity as leader of the Liberals. He said that we need more

“action ... to reduce the wait and reduce the worry.”

**Mr Wallace:** More action is what we are getting. The figures on in-patient and day-case waiting of more than six months for the period from March 2004 to March 2005 are as follows: waits are down 87 per cent for ear, nose and throat services; down 87 per cent for general surgery; down 80 per cent for gynaecology; down 78 per cent for ophthalmology; down 49 per cent for orthopaedics; down 93 per cent for plastic surgery; down 76 per cent for urology; down 81 per cent for the category “other”; and down 72 per cent for all specialties.

The figures that were published today by the information and statistics division—they are not Andy Kerr's figures—show that we have achieved our guarantee of a wait of no longer than nine months; that we will end waits of more than six months by the end of the year; that the lowest-ever number of in-patients are waiting more than six months for treatment; that the lowest-ever number of patients are waiting more than six months for new out-patient appointments; and that we have achieved a maximum eight-week wait for heart investigation. We are doing everything we said we would do. Will Nicola Sturgeon acknowledge that, for once?

**Nicola Sturgeon:** I have with me the statistics from the ISD, which show that in the last quarter, 83.8 per cent of out-patients were seen within six months, whereas the figure is now down to just 80.9 per cent. Patients want honesty. They do not want spin or to be told that black is white; they want an admission that much more needs to be done and they want to know when waiting times will come down, not just for some patients but for all patients in Scotland.

**Mr Wallace:** Patients who are waiting must have the accurate picture, but they will not get that from Nicola Sturgeon. The figures on out-patients waiting more than 26 weeks show a 58 per cent drop from 53,500 to 22,400 in the period September 2004 to March 2005. For the record, I will give figures for individual NHS boards: the

figure for Dumfries and Galloway NHS Board is down 95 per cent; in Forth Valley NHS Board it is down 92 per cent; in Lanarkshire NHS Board it is down 62 per cent; and in Tayside NHS Board it is down 71 per cent. I could go on: the figure for Shetland NHS Board is down 100 per cent. Those are the facts, which ought to be known outside Parliament. Indeed, they are known, because all Nicola Sturgeon's scaremongering on health waiting times over many months and question times did not do her much good when it came to the election.

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

#### **2. David McLetchie (Edinburgh Pentlands)**

**(Con):** I will say something nice about Mr Wallace when he finally retires from the dispatch box, but in the meantime I ask him when the First Minister will next meet the Prime Minister and what issues will be discussed. (S2F-1662)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** I await the member's comments with interest.

The First Minister has no immediate plans for a meeting with the Prime Minister. However, last week I met the Deputy Prime Minister at a meeting of the British-Irish Council.

**David McLetchie:** The bruises do not show.

At the risk of incurring the wrath of the assembled ranks, it is important that I address the discussion that the Deputy First Minister has just had with Nicola Sturgeon. It is a fact that today's health figures show that waiting times for both in-patients and out-patients are at an all-time high. Waiting times are much longer than they were in 1997 under the Conservatives—*[Interruption.]* That is not rubbish. The median wait in 1997 was 34 days; today it is 62 days. For in-patients, the median wait was 34 days under the Conservatives, but it is 47 days under Labour and the Liberal Democrats and there are 22,000 more people languishing on our waiting lists. Those are the facts. I put it to the Deputy First Minister that that is a record of which he can hardly be proud. Does he accept that he and his Liberal Democrat colleagues are as much to blame as Labour for that lamentable state of affairs?

**Mr Wallace:** It is clear that I am going to have to try to teach Mr McLetchie something about statistics and medians. Of course the median goes up as we crack the longest waiting list. We have made no apology for cracking the longest waiting lists, because on them are the people who have the greatest need. We need to tackle those lists first. No patient with a guarantee is waiting more than nine months; at first no patient with a guarantee waited more than 12 months, but we

brought that down to nine months. We are well on target to achieve the six-month guarantee by the end of the year. It is a statistical reality that the median figure tells us about people who have had treatment. If we treat the people who have been waiting the longest, it is inevitable that the figure goes up. If we counted all the people who are treated in our hospitals, not just those who came off the waiting list, the figure would be down to zero, but then Mr McLetchie would probably accuse us of showing a statistical blip.

Perhaps Mr McLetchie's point of view is that we should not be treating the people who have been waiting longest. That is not our view. I am happy, as a Liberal Democrat, along with my party, the Labour Party and the First Minister, to stand by a record that shows today that we have the lowest-ever number of in-patients waiting for more than six months, and the lowest-ever number of patients waiting more than six months for a new out-patient appointment, and that we have achieved our targets on the maximum eight-week wait for heart investigation and 18-week wait for heart treatment. I, along with Andy Kerr, Jack McConnell and the two partnership parties, am happy to take responsibility for those things.

**David McLetchie:** I am delighted that the Deputy First Minister is taking responsibility for that. He asked what I am in favour of. I am in favour of all patients in Scotland being treated promptly for the conditions from which they are suffering. In 1997, under the Conservatives, 74 per cent of out-patients were seen within nine weeks; the figure is barely 50 per cent under Labour and the Liberal Democrats. In March 1997, 81 per cent of in-patients were seen within three months; the figure has fallen to 68 per cent under Labour and the Liberal Democrats. I am afraid that those are the facts; they are there for all to see.

Let us look to the future. Let us consider how we can tidy up the shambles that has been created by this Administration. Can the Deputy First Minister confirm that the Scottish Executive is now planning to adopt Tory solutions to treat patients faster—such as greater use of independent treatment centres for NHS-funded patients—in a belated attempt to reverse the damaging failures of the past six years? Can he tell me when the contract for the first of those independent treatment centres for Scottish patients will be signed and how many more of them are in the pipeline?

**Mr Wallace:** Mr McLetchie will know that since the Golden Jubilee national hospital was brought within the national health service, the throughput of patients in the national health service who are receiving life-saving heart operations and getting their quality of life back through hip or knee-joint replacements has increased markedly. Mr

McLetchie seems to think that we have recently introduced something new. Ministers in the past have made it clear that as long as the principle of free care for the patient is maintained within the national health service—which it is—so be it if that treatment is provided by the private sector and if it helps us to reduce waiting times.

Today NHS Tayside is considering proposals for a project that is worth £15 million over three years and which will involve the private sector in a new treatment and diagnostic centre at Stracathro hospital, which will work in partnership with the existing NHS treatment and diagnostic facilities and will help provide additional capacity for patients in Tayside, Grampian and Fife.

In the past, Mr McLetchie has begged us to copy England. However, his United Kingdom leader says that too many patients in England have to wait, so this might be another example of the leader of the Scottish Conservatives not talking to the leader of his party south of the border. It might be that Murdo Fraser's day is coming.

**David McLetchie:** We are all aware of the fact that the Scottish Executive spent millions on the bricks and mortar of the Golden Jubilee hospital although, for years, it refused to commission operations there, which meant that we were in the absurd situation in which English patients from Liverpool were being treated for heart conditions in Clydebanks when Scottish patients in Glasgow were waiting months and months. That is to the shame of the Executive.

The Deputy First Minister should acknowledge that his colleague and would-be successor, Mr Rumbles, has told us that he opposes the use of a pricing system for national health service funded treatments to improve standards of care in Scotland because that is not part of the coalition agreement and it is not supported by the Liberal Democrats. Does Mr Wallace agree with Mr Rumbles? If he does, can we take it that it is the Liberal Democrats who are the major roadblock to the reform of our service?

**Mr Wallace:** The position that Andy Kerr set out on that issue in December 2004—although it has only now suddenly come to prominence in the press—was not at odds with the position of any member of the Liberal Democrat parliamentary group. However, I look forward with interest to the arguments that leadership contenders will have about our next manifesto.

Mr McLetchie described us buying bricks and mortar at the Golden Jubilee hospital. In fact, the NHS got the building for pretty much a bargain price. However, we are interested not in bricks and mortar but in people. The number of treatments has risen from 2,500 to 18,000 and is set to rise further to 27,000. That improvement in people's

quality of life is being achieved under this Liberal Democrat-Labour Executive.

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

**3. Robin Harper (Lothians) (Green):** To ask the First Minister when he will next meet the Secretary of State for Scotland and what issues he intends to discuss. (S2F-1665)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** The First Minister has no immediate plans to meet formally the Secretary of State for Scotland.

**Robin Harper:** Could the Deputy First Minister explain why the Scottish Pelamis wave energy converter is going to be installed in Portugal but not in Scotland?

**Mr Wallace:** Ocean Power Delivery has, in Pelamis, a groundbreaking prototype for wave power. One of the reasons why the prototype can be sold in Portugal is that the Scottish Executive has made a multi-million pound investment in the European Marine Energy Centre testing facility, which allowed the Pelamis device to be tested in Orkney. I am surprised to hear comments that seem to suggest that there is something wrong about a Scottish company exporting to Portugal. I want more companies to export to Portugal and other parts of the European Union.

**Robin Harper:** The question is not about the device's being exported to Portugal. The question is: why is it not being installed in Scotland?

Three years ago, the director of Ocean Power Delivery said that if wave power did not get sufficient renewables obligation certificates payments from the Executive, Pelamis would not be installed in Scotland but would go to Portugal. The Executive was warned but did not provide that support. Consequently, Pelamis has gone. Why did the Executive not double the ROCs payment for wave power?

**Mr Wallace:** Pelamis has not gone. The Pelamis device that will be installed in Portugal is being made in Scotland. That is good news for Scotland and for the companies that are involved in making the device. The Executive has invested a considerable amount of money in marine energy. I have already mentioned the European Marine Energy Centre in Orkney, which can establish itself as a world centre for developments in wave power; only this week, I confirmed that funding is now in place for that centre to take on development of tidal power. No one can gainsay the efforts that the Executive has made to develop marine power. I only wish that, when certain people saw a Scottish success story, they could celebrate it and not whinge about it.

### Housing (Shared Ownership)

**4. Bristow Muldoon (Livingston) (Lab):** To ask the First Minister whether the Scottish Executive's homestake scheme is helping enough people on to the housing ladder or whether Scotland should consider joining the recently announced United Kingdom initiative. (S2F-1667)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** We are already involved, along with the United Kingdom Government, in the discussions with mortgage lenders to secure additional private funding for low-cost home ownership that were the subject of media coverage earlier this week. That would enable us to deliver even more low-cost homes in Scotland through the homestake scheme.

**Bristow Muldoon:** I thank the Deputy First Minister for his confirmation that the Scottish Executive is working with the UK Government on the initiative. Is he aware that affordability in housing—in both the rented sector and the privately owned sector—is a major issue in my constituency and throughout the Lothians? Will he outline the range of initiatives that are being undertaken to make housing affordable for low and middle-income earners in constituencies such as Livingston?

**Mr Wallace:** I am delighted to do so. I confirm that the Minister for Communities recently met the Council of Mortgage Lenders to see how much further we can take the homestake scheme. In last year's spending review, we expanded our low-cost home ownership programme by 80 per cent to help thousands of first-time buyers and other people on modest incomes to enter the property market. Our housing policy has a number of elements that provide choice for hard-working families and support for low-cost affordable housing throughout Scotland.

We are investing £1.2 billion during the period of the spending review to provide 21,500 new and improved homes for social rent and low-cost home ownership. That represents a 34 per cent increase. We are also bringing the social rented housing stock up to the new Scottish housing quality standard and we are working with councils to transfer an additional 70,000 homes into community ownership, subject to the views of tenants. There is no shortage of schemes; we recognise the problem that Mr Muldoon identifies and I am sure that he would agree that we are making a concerted effort to address it through a range of measures.

**Linda Fabiani (Central Scotland) (SNP):** Is there a national home-ownership percentage target? Will the Deputy First Minister ensure that provision of high-quality social rented housing

remains paramount so that providers can meet the needs of people on waiting lists, so that householders can have real choice, and so that our communities, urban and rural, can be properly maintained and supported?

**Mr Wallace:** There is no specific target for home ownership, but I reassure Linda Fabiani that we take seriously the quality of housing stock in the social rented sector. That is why, as I said in my answer to Bristow Muldoon, we are setting out proposals to bring stock up to the new Scottish housing quality standard by 2015. There is a concerted effort to do that, and in addition we are giving people in rented accommodation security of tenure through the Scottish secure tenancy. I endorse the importance of the quality of the housing stock and I underline again the fact that we have a range of measures to improve it.

### BBC Scotland (Staff Reductions)

**5. Ms Sandra White (Glasgow) (SNP):** To ask the First Minister what impact the proposed staff reductions at BBC Scotland will have on Scottish democracy and cultural identity. (S2F-1672)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** The BBC is a unique institution and we recognise its important contribution to our quality of life in Scotland and the United Kingdom through its on-going commitment to producing and broadcasting informative and entertaining regional programming. I am pleased to note that the BBC and the unions are meeting today at the Advisory, Conciliation and Arbitration Service to discuss their differences. It would be inappropriate for me to comment further until we hear the outcome of those talks.

**Ms White:** I, too, am glad that the unions and the BBC are meeting at ACAS, but I am afraid that the Deputy First Minister did not answer my question. Is he aware of the comments that have been made by the Scottish Trades Union Congress and others about the serious implications that the cuts will have in Scotland? In particular, is he aware of one official's comments that

"London determines how much production Scotland gets", and that

"The cultural identity of Scotland will suffer, without a doubt"?

Does the Deputy First Minister agree that now is the time for powers over broadcasting to be brought under the auspices of the Scottish Parliament?

**Mr Wallace:** No, I do not agree that that change should be made. Although I would certainly welcome a greater role for BBC Scotland in the

BBC's decision-making processes, I do not accept that Scottish viewers would benefit from what Sandra White proposes.

Patricia Ferguson met Ken MacQuarrie earlier this week, and the BBC has indicated that network production in Scotland, Wales and Northern Ireland will increase by 50 per cent, with drama production outside London increasing from 30 per cent to 50 per cent. I certainly hope—we will work to ensure it—that BBC Scotland benefits from those developments. The creative industries in Scotland are important and we are well placed to ensure that we get some of that work.

**Pauline McNeill (Glasgow Kelvin) (Lab):** The Deputy First Minister is aware of my key concern about the 195 proposed job cuts at BBC Scotland, the effect that those cuts will have on the quality of output and the move to local news at the expense of national news, which would be a retrograde step. Earlier this year, I asked him whether he would raise the issue at Cabinet level. Will he confirm that there has been, or that there will be, a discussion at Cabinet level or with the Department for Culture, Media and Sport on the impact of the cuts on the devolution settlement? Such a discussion would be a more realistic and desirable way forward and should include consideration of the impact on culture and training.

**Mr Wallace:** I agree with Pauline McNeill that that would be a more desirable way forward and I confirm that I recall her question, which was specifically about ensuring that we maintain a good skills base. Following the undertaking that I gave to Pauline McNeill at question time some four or five weeks ago, I took the matter to the Cabinet. I also confirm that I have written to Ken MacQuarrie to emphasise the importance that ministers attach to skills development in Scotland in the context of the proposed redundancies in the BBC.

**Carolyn Leckie (Central Scotland) (SSP):** I welcome some of what the Deputy First Minister says. However, does he share or regret the First Minister's view that the BBC's draconian job cuts and sell-off programme are

"a great boost for the creative industries in Scotland"?

Will he follow the example of the many members who will join the National Union of Journalists, the Broadcasting Entertainment Cinematograph and Theatre Union and Amicus on the picket lines next week? Will he also encourage the First Minister to join the picket lines if the BBC does not reach an agreement with the unions?

**Mr Wallace:** I will not comment on sensitive negotiations that are taking place, which I hope will avoid the need for picket lines or industrial action next week.

What the First Minister said has been grossly misrepresented. He said what I have just said when he talked about the importance of the creative industries in Scotland. The BBC has highlighted opportunities, and we want to ensure that, as part of our strategy for the creative industries, we take the opportunities that will be presented by the relocation of work when production is taken out of London to Scotland, Wales and Northern Ireland.

**Lord James Douglas-Hamilton (Lothians) (Con):** Mr Gorbachev was temporarily imprisoned during the Russian peaceful revolution, but he knew exactly what was happening because he was able to listen to the BBC. Will the Deputy First Minister bear it in mind that the BBC has admirers in high places abroad and that the baby must not be thrown out with the bath water?

**Mr Wallace:** I pay tribute to the reputation and work of the BBC. However, I recall that, when I was a member of Parliament at Westminster, I had to campaign to help to save the BBC world service mostly when the Conservative party was in power.

**Nora Radcliffe (Gordon) (LD):** I want to take the argument from the global to the local and highlight the apprehensions of people in the north-east who think that the north-east suffered a disproportionate impact with previous cuts. Will the Deputy First Minister give an assurance that he will continue to recognise the importance of maintaining regional broadcasting throughout as well as in Scotland?

**Mr Wallace:** I certainly give that assurance. Those of us who represent places that are even further away from the central belt than the north-east know about the importance of BBC Scotland's being an organisation for the whole of Scotland.

### Football-related Hooliganism

**6. Donald Gorrie (Central Scotland) (LD):** To ask the Deputy First Minister what steps the Scottish Executive and the police will be taking to control football-related hooliganism following their recent discussions. (S2F-1675)

**The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace):** The Executive supports the work of the police in tackling football hooliganism. We have consulted on football banning orders and welcome the strong support that they have received from the police, clubs, associations and others. We will now consider legislating on them in the near future.

I am pleased to note that the police are preparing for an evidence-gathering exercise for next season, which will be essential for effective implementation of banning orders.



**Donald Gorrie:** That was an encouraging answer.

In the light of the clear connection between alcohol abuse and football hooliganism, will the Deputy First Minister assure us that the Licensing (Scotland) Bill will help the police to deal with that problem and that it will, for example, speed up the ability of the police and the courts to deal with offences that arise from drunkenness that is related to football matches?

**Mr Wallace:** Donald Gorrie is well aware that the approach towards alcohol-fuelled football hooliganism is already covered by the Criminal Justice (Scotland) Act 1980. Ministers decided last May to retain controls on the ground that the current arrangements have worked well and continue to play an essential part in reducing the incidence of drink-related disorder. I can also confirm to Donald Gorrie that the Licensing (Scotland) Bill, which is currently before Parliament, will formalise the police's powers to close immediately a pub where disorder is taking place, and will allow the police to continue to close licensed premises in and around stadiums on match days.

12:30

*Meeting suspended.*

14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Enterprise, Lifelong Learning and Transport

##### Public Service Obligations (Highlands and Islands Air Routes)

**1. Maureen Macmillan (Highlands and Islands) (Lab):** To ask the Scottish Executive whether the use of public service obligations will be extended to cover additional air routes in the Highlands and Islands. (S2O-6882)

**The Minister for Transport (Nicol Stephen):** The suitable use of public service obligations is crucial to the delivery of our commitment to improved and more affordable air services in the Highlands and Islands.

**Maureen Macmillan:** I am pleased to hear the minister's reply, because it seems that he accepts that affordable internal air travel will make a considerable difference to economic prospects in the peripheral areas of the Highlands and Islands. Does he agree that, as models in other countries show, the best method of securing affordable air travel is through PSOs, which give control over the specification and timetables, and that the £12 million that is required would be a sound investment in the economy and social fabric of those fragile areas?

**Nicol Stephen:** Yes. As Maureen Macmillan knows, a core part of the partnership agreement was to evaluate the Highlands and Islands strategic transport partnership's proposals for air PSOs. That work is being completed, but we have gone much further than that by allocating funding of £12 million a year to improve air services in the Highlands and Islands and to make them more affordable. On 16 May, I met Charlie King and other HITRANS representatives and, because of the importance of the issue, I indicated that I wished to have another meeting by the end of June so that we can get moving on the issue, to which I give high priority.

**Jim Mather (Highlands and Islands) (SNP):** Given that HITRANS has received a legal opinion that there is no legal barrier to extending the use of public service obligations, and that a STAG—Scottish transport appraisal guidance—appraisal has suggested that PSOs would grow the economy in the Highlands and Islands, will the minister, in deciding on the matter, calculate the full economic impact of the alternatives,

particularly the full economic advantage that would accrue from the extension of the use of PSOs?

**Nicol Stephen:** As Jim Mather knows, HITRANS has already done a considerable amount of work on that, which shows that there is no doubt that the introduction of PSOs would have significant economic benefit. My priority is to get on and get the new services and the PSO network in place to ensure that fares are more affordable, so that we get tangible benefits, rather than estimated or calculated benefits. That is why I want another meeting as soon as possible with HITRANS. We have funding available; let us get on and put the improvements in place.

**The Deputy Presiding Officer (Murray Tosh):** Question 2 has been withdrawn.

### Erskine Bridge (Tolls)

**3. Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Executive whether it considers that there are economic and environmental benefits to removing the tolls on the Erskine bridge. (S2O-6865)

**The Minister for Transport (Nicol Stephen):** The economic and environmental impacts of toll changes on the Erskine bridge, including the removal of the tolls, were considered in phase 1 of the tolled bridges review. Phase 2 of the review is considering the wider impact of tolling and options for the future management and operation of all tolled bridges, including the Erskine bridge. The consultation on phase 2 will run until Friday 8 July.

**Jackie Baillie:** I look forward to contributing to that consultation. The minister will be aware of research that his department has carried out that points to the clear conclusion that removing the tolls from the Erskine bridge will have a positive environmental benefit throughout the west of Scotland by alleviating congestion on the Kingston bridge and in the Clyde tunnel, which is estimated to cost our economy £19 million each year. I know that the minister wants to improve our economy and our environment, so when will he remove the tolls?

**Nicol Stephen:** Jackie Baillie is right to say that work has been done on the issue. It shows that, under certain assumptions, the removal of tolls would have benefits for the environment as a result of the effect on congestion as well as clear benefits for the economy in the area that Jackie Baillie represents and in the wider area around Glasgow. We will consider those issues in phase 2 of the review, so it would be wrong to prejudge the outcome of that review.

I encourage Jackie Baillie, all other MSPs and individuals from business and the local community to make their views known loud and clear. A

decision on the future of the tolled bridges will be made as soon as possible after 8 July.

**The Deputy Presiding Officer:** I will allow supplementary questions on the issue after question 4.

**4. Trish Godman (West Renfrewshire) (Lab):** To ask the Scottish Executive whether an analysis has been conducted of the potential economic and social benefits arising from the abolition of the tolls on the Erskine bridge. (S2O-6874)

**Nicol Stephen:** I refer the member to the answer that I have just given to Jackie Baillie.

**Trish Godman:** And I refer the minister to the answer that he gave to Jackie Baillie. I, too, will respond to the consultation, although I am having some difficulty with the format and objectivity of the consultation document. It is clear throughout the document that the Erskine bridge will not be de-tolled—that is the whole emphasis of the document.

**The Deputy Presiding Officer:** Question.

**Trish Godman:** The impact of tolling on the local economies on both sides of the bridge cannot be overstated. Is the minister aware that many of my constituents have to travel to the other side of the river for out-patient clinics? Does he agree that the existence of tolls acts as an additional levy on patients and that low-paid workers are disadvantaged further by the tolling of the bridge when they have to pay more than £6 a week to go back and forth to their work? Will he agree to meet the Clyde valley community planning partnership board to discuss those and other matters pertaining to the Erskine bridge? Like my colleague Jackie Baillie, I ask the minister when he will de-toll the bridge.

**Nicol Stephen:** If Trish Godman has interpreted the consultation document as being biased against the case that she makes, I give her a guarantee that that is not how it should be interpreted. The document is intended to be neutral in its treatment of the arguments. It is a genuine and open consultation. My mind is not closed to any of the outcomes that are considered, one of which is and will remain the abolition of tolls on the Erskine bridge. The arguments that Jackie Baillie and Trish Godman have made are important, but we must consider all the toll bridges and whether there are differences between them. The strongest case that can be made for the Erskine bridge should distinguish it from the Tay and Forth bridges. Arguments relating to cost, to communities and to particular individuals will apply to all the bridges, but if we were to reduce tolls on the other bridges there could be significant congestion consequences and greater damage could be done to the economy by Scotland grinding to a halt. We have to be conscious of the

different arguments relating to each of the bridges—I would hope that that is reflected in the arguments that members make in their responses. As Trish Godman knows, I am always willing to meet MSPs and community representatives, and I would be pleased to do so on this issue.

**Alasdair Morgan (South of Scotland) (SNP):** I will try to make my speech shorter than the previous two were. Although I am not against the removal of tolls on the Erskine bridge, does the minister agree that the removal of those tolls would increase the sense of discrimination that is already felt by those who use the Tay and Forth bridges? If he decides to remove the tolls on the Erskine bridge, will he reconsider the position of the Tay and Forth bridges? Does he agree that the environmental damage that is caused by a car crossing the Tay or Forth bridges is no more than the environmental damage that is caused by a car entering Dundee or Edinburgh by any of the land routes?

**Nicol Stephen:** It is important to emphasise, particularly in relation to the Forth road bridge, the suggestion in the evidence that has been prepared for the bridges review that if the tolls were removed, there would be significant congestion consequences. The Forth Estuary Transport Authority, which operates the bridge, has emphasised that point. There are also serious issues to do with the cost of the maintenance of the bridge. It is essential that the bridge continues to be maintained to the highest of standards. There are differences between the bridges in terms of the estimates of the social impacts but also in terms of the economic and environmental impacts, which are important. All those issues will be fairly evaluated in the toll bridges review. I do not want there to be any sense of injustice at the end of the review. I want it to be clear why we are taking the approach that we will in due course take on each of the bridges. That approach should be logical and defensible.

**Mr Andrew Arbuckle (Mid Scotland and Fife) (LD):** Will the minister bear in mind that Fife is doubly disadvantaged by having toll bridges to the north and south? Tolls should not be seen as a method of introducing congestion charging. If any city or community requires congestion charging, it should be done around that city or community, not on one of the main arteries.

**Nicol Stephen:** On the first point, I realise that there are significant issues with the Tay bridge. One of the concerns is the bridge's condition. This week's announcement of a £16 million investment to upgrade the bridge—for which the Scottish Executive is providing support—emphasises the scale of the challenge with which the maintenance costs for the bridges present us. The original building cost of the Tay bridge was £6 million.

I acknowledge the points that Andrew Arbuckle makes on Fife and I hope that they will be made in the review but, so as not to mislead the Parliament, I repeat that the Forth Estuary Transport Authority is considering for the future a form of road user charging on the Forth road bridge. I support that proposal, because it would allow for charges to be varied according to the time of day at which a road user crosses the bridge and for the imposition of a higher charge on single-occupancy vehicles, which make up 70 per cent of the vehicles that cross the bridge. It is appropriate to consider such variable charging for the future.

**Des McNulty (Clydebank and Milngavie) (Lab):** Does the minister accept that the unique case for the removal of tolls from the Erskine bridge is that it would address congestion, which is his department's top priority? We are supposed to reduce congestion by a significant percentage by 2020, and removing the tolls from the Erskine bridge would rebalance traffic and the environmental consequences between the different Clyde crossings. Faced with the likelihood of 53 weeks of road works in the Clyde tunnel and the temporary closure of the on-ramp from the Clydeside expressway to the motorway—

**The Deputy Presiding Officer:** You are close to answering your own question, Mr McNulty.

**Des McNulty:** Does that not make a case for an urgent response from the minister on the Erskine bridge? The sooner he responds, the better.

**Nicol Stephen:** Des McNulty makes a powerful case. I am sure that he will make that case as part of the review by making a written submission alongside those of Jackie Baillie and Trish Godman. I will give full, fair and objective consideration to their case in due course.

## Haulage Industry

**5. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** To ask the Scottish Executive whether it has made any estimate of the impact on the economy of the effect of fuel costs and the European working time directive on the haulage industry and whether this impact will be significant and adverse. (S2O-6823)

**The Minister for Transport (Nicol Stephen):** Fuel duty and European working time legislation are both reserved to Westminster. However, I am keeping in close contact with the Road Haulage Association, the Freight Transport Association and the relevant Westminster departments in assessing how those issues are impacting on Scottish business. I regard the issues as vital for Scotland's economy.

**Fergus Ewing:** Does the minister agree that the majority of haulage businesses in Scotland are

staring liquidation in the face as the inevitable consequence of the rocketing cost of fuel and the working time directive, which forces haulage firms to take on more drivers at a time when they cannot afford to increase their costs? Can he set out any measures that the Executive can take to help the Scottish haulage industry in its time of need?

**Nicol Stephen:** I fully realise the concern of the haulage industry in Scotland. I also appreciate the knock-on consequences that any damage that is done to that industry could have on other aspects of industry in Scotland, particularly in the more remote and rural areas. I take those issues seriously. We must consider the impact of the European working time directive and discuss with the United Kingdom Parliament whether any kind of opt-out or flexibility might be necessary.

It is important to keep closely in touch with the industry and support it through the introduction of the changes to the working time directive. It is also important to consider the impact of fuel duty. That is clearly a matter for Gordon Brown and I am sure that he will consider it over the next few weeks. He will be well aware of all those issues, due to his deep interest in the Scottish economy. I hope that together we will be able to propose an approach that will help to support the freight industry. I do not rule out any options on that. From the several meetings that I have had with the industry over the past few weeks, it is clear that support will be required, but I do not rule out any options at this stage.

**Phil Gallie (South of Scotland) (Con):** Not only do those issues affecting the haulage industry have a knock-on effect, as the minister suggested, on industries such as fishing and agriculture, but the working time directive itself has a major impact on those industries, especially on fishing. Given that he has wiped his hands of any responsibility for such transport matters because they are reserved, will he take up the working time directive issues with the Westminster Government, albeit that it may have even less say in the outcome than he has because the powers lie with the European Union?

**Nicol Stephen:** It is too early to assess the impact of the working time directive and to make the kind of sweeping statements that Phil Gallie has made. He is correct to say that there are concerns, but I have been struck by the number of people in the industry who support the general principle of the working time legislation. They have emphasised that they have no difficulty in supporting the aims of the legislation, but they genuinely believe that it could have adverse impacts, especially in the more remote and rural parts of the European Community. We must remember that the core Community treaties emphasise the importance of islands and remote

and rural areas. If issues need to be raised, I will be the first to raise them, both with the UK Government and with the EU.

### **Coal-fired Power Generation (Carbon Emissions)**

**6. Christine May (Central Fife) (Lab):** To ask the Scottish Executive what assistance its Enterprise, Transport and Lifelong Learning Department is giving to industry to reduce carbon emissions from coal-fired power generation. (S2O-6884)

**The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson):** This is a reserved issue. The United Kingdom Government has committed £13 million between 1999 and 2007 to developing cleaner fossil-fuel technology research and development. The UK Government is also in the process of developing a carbon abatement technology strategy to address the future requirements for reducing carbon dioxide emissions from large-scale UK power generation that uses fossil fuels, including coal.

**Christine May:** Is the minister aware that evidence shows that an increase to 20 per cent in the level of biomass that is mixed with coal for use in electricity generation would result in a 10 million tonne reduction in CO<sub>2</sub> emissions, which is some 11.5 per cent of the total UK target? Given the importance of coal-fired generation in Scotland, our opportunity for biomass co-firing and the consequent CO<sub>2</sub> reduction is significant. However, I am concerned that there might be a shortage of biomass in Scotland to meet our needs. What steps is the minister's department taking to facilitate large-scale production of energy crops in Scotland, where we suffer from a financial disincentive by comparison with England?

**Allan Wilson:** There were a few questions in there. First, the UK Government recognises the value of coal-fired generation in meeting peaks in demand and in covering for supply intermittency in other forms of generation. It is important that we have a diverse energy supply, including coal, gas, hydro, renewable and nuclear power.

On the issue of biomass energy crops, the difficulty in obtaining accurate figures on Scotland's total wood-fuel resource is widely recognised. The Forestry Commission's wood-fuel resource study will help, but we recognise that additional information is necessary. The Forestry Commission has recently undertaken to consider and closely monitor whether there is a need for greater incentives for the growing of energy crops in Scotland, as the forum for renewable energy development in Scotland recommended. We are not too far away from an announcement that will, I think, please the member.

## Justice and Law Officers

### Prisons (Drug Rehabilitation)

**1. Richard Lochhead (North East Scotland) (SNP):** To ask the Scottish Executive what steps are being taken to measure the effectiveness of drug rehabilitation programmes in prisons. (S2O-6830)

**The Minister for Justice (Cathy Jamieson):** The Scottish Prison Service delivers two drug rehabilitation programmes: the drug relapse prevention programme and lifeline. Both programmes are being evaluated and it is planned that SPS research bulletins will outline the findings later this year.

**Richard Lochhead:** I look forward to reading the results of the programmes in the bulletins. I am sure that the minister will share the concern that I and others have at today's reports about Cornton Vale prison, which reveal that 98 per cent of inmates are drug users. As she is aware, the situation in other prisons throughout Scotland is similar. What steps are being taken to measure the success of existing drug rehabilitation schemes in our prisons? What is being done to measure what proportion of those people who are released, reoffend and come back to prison are drug users? Does she agree that, if we made the issue a top priority in Scotland, we could not only slash crime rates but save many lives and much misery for our communities?

**Cathy Jamieson:** I thought that I had dealt with the member's first question in my initial answer. It is important that we recognise that a significant number of people in our prisons have drug misuse problems—indeed, I referred to the issue in a couple of recent parliamentary debates. That is why I want to ensure that we focus on reoffending as we take the Management of Offenders etc (Scotland) Bill through Parliament and in work subsequent to the bill. That will include examining how drug misuse is linked to offending behaviour. I look forward to receiving the member's support as we pursue the bill and the policy associated with it. It is important that we evaluate all programmes. The work that the SPS is undertaking will be evaluated and reported on in due course.

**Dr Sylvia Jackson (Stirling) (Lab):** The report on Cornton Vale by Her Majesty's chief inspector of prisons for Scotland, to which Richard Lochhead referred, gives statistics for drug-related and mental health problems. How does the minister see the new building programmes helping and supporting the women in Cornton Vale? Will she join me in visiting Cornton Vale soon to examine the future plans for the prison?

**Cathy Jamieson:** I would be more than happy to go again to Cornton Vale, which I have visited

on a number of occasions. It is useful for us to reflect on the comments that were made today by the chief inspector of prisons, who recognised that the building programme that is under way at Cornton Vale will provide additional facilities that will be of benefit in allowing people to undertake necessary treatment and rehabilitation work. He also commented that a large majority of the women who come to Cornton Vale have substance misuse problems and that many of them have been abused and have mental health problems. We intend to continue addressing those issues.

### Prisoners (Mental Health)

**2. Michael Matheson (Central Scotland) (SNP):** To ask the Scottish Executive what action it is taking to improve support for prisoners with mental health problems. (S2O-6835)

**The Minister for Justice (Cathy Jamieson):** The Scottish Prison Service published its strategy for positive mental health in December 2002 and has since established multidisciplinary teams that support prisoners who are experiencing mental health problems. It has also run mental health first-aid training and is considering how to expand that. An updated suicide risk management strategy will be implemented from September.

**Michael Matheson:** The minister will know that, in September 2004, the SPS closed most of the hospital units in its prisons. Is she aware of the growing concern among prison officers and governors about the impact that that is having on the management of prisoners with mental health problems? In particular, is she aware that, in some establishments, prisoners with mental health problems are being held in anti-ligature cells, which are inappropriate to their needs? Is she prepared to ask the SPS to consider making available mental health beds in its old hospital units to such prisoners or, at the very least, having qualified nurses on duty in prisons 24 hours a day to support and advise prison officers who are caring for prisoners?

**Cathy Jamieson:** We must always be careful not to equate the provision of beds with the provision of appropriate treatment. The SPS must focus on managing prisoners, including those who have a range of mental health problems. Let us remember that mental health problems range from anxiety and depression through to recognised psychiatric conditions for which prisoners will require psychiatric treatment. It is important to recognise that the SPS has attempted to bring together the requisite number of professionals and to ensure that treatment is undertaken. If the member knows of specific instances in which he believes treatment has been inappropriate, I invite

him to write to me with details. I would be more than happy to take up such cases with the SPS.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Will the minister, in building on the strategy to which she referred, give renewed focus to the mental health problems of young offenders in particular, especially in a community setting, and ensure that there are no arbitrary barriers between mental health services at that crucial point between youth and adult offending?

**Cathy Jamieson:** The member will be aware of the interest that I have taken in the topic, particularly in relation to young people who end up in secure accommodation. Part of the rationale behind rebuilding our secure estate was to provide additional and updated places, as well as to deal with exactly the kind of difficulties to which he refers.

### Judicial Appointments Board for Scotland

**3. Mr John Home Robertson (East Lothian) (Lab):** To ask the Scottish Executive whether the establishment of the Judicial Appointments Board for Scotland has led to more openness in judicial appointments. (S2O-6875)

**The Minister for Justice (Cathy Jamieson):** Yes. Posts are advertised in the national and professional press and the board conducts its competitions in a way that is entirely consistent with best practice in public appointments.

**Mr Home Robertson:** Has the minister read the article in the *Journal of the Law Society of Scotland* to the effect that lay members of the Judicial Appointments Board for Scotland are a bunch of numpties who have recommended appointments of judges and sheriffs that could "devalue judicial office"? Although I appreciate that the legal establishment, perhaps including Mr Alistair Bonnington, might like to return to a cosy system of appointments of their learned friends for their learned friends by their learned friends, I ask the minister to stick to the principle of independent selection of the best candidates for judicial appointments. Can we have that principle underpinned by legislation in the Parliament?

**Cathy Jamieson:** I hesitate to think that the article, which I read, used all the words that the member quoted, but I understand what he is saying. It is important to put on record the fact that legally qualified members of the board must be satisfied as to the legal ability of any candidate; if they are not, they will not recommend that candidate. Of course, lay members of the board make a good and useful contribution, which is welcomed and appreciated by their legally qualified colleagues. It is important to recognise that, although being a good judge is partly about having good legal ability and a good legal brain,

judicial office also calls for a variety of personal qualities, such as good communication skills. We have set out our agenda. We set up the Judicial Appointments Board for Scotland and we intend to move at a suitable point to put it on a statutory footing.

**Mr John Swinney (North Tayside) (SNP):** Once a judicial appointment has been made, what criteria does the minister apply to guarantee the fitness for office of all the candidates?

**Cathy Jamieson:** The important point is that, when the appointments are made, they are made by the board, which is independent of ministers—it is not for ministers to interfere politically. However, as the member will be aware, if there is a concern that someone is not fit for a particular office, there are procedures to deal with that—ministers would follow the appropriate procedures at the appropriate time.

### Fife Constabulary

**4. Mr Andrew Arbuckle (Mid Scotland and Fife) (LD):** To ask the Scottish Executive how many police officers are employed by Fife constabulary and how these figures compare to those for 2004. (S2O-6843)

**The Minister for Justice (Cathy Jamieson):** At the end of March this year, Fife constabulary comprised the whole-time equivalent of 996 regular police constables and 118 special constables. In the corresponding period in 2004, the figures were 980 and 119 respectively.

**Mr Arbuckle:** I am pleased that there has been an increase in policing, although that runs counter to public perception. What specific instructions has the minister given to police forces to deal with increased levels of petty vandalism and antisocial behaviour in many of our communities throughout the country?

**Cathy Jamieson:** I suspect that I would be in some difficulty in the chamber if I were to give specific instructions to chief constables. Having said that, I have had useful and interesting discussions with them on how they can utilise resources to ensure that the types of antisocial behaviour and petty crime to which the member refers are dealt with. We have put new legislation in place and I hope that every chief constable and local authority chief executive takes account of that legislation and uses it where appropriate.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Although I acknowledge that there has been a small increase in the number of operational police officers in Fife over the past year, it is nonetheless true that Fife has a much smaller number of police officers than the population deserves. Does the minister agree that we need police on the beat, that Fife needs its due share and that that

approach is the best way of tackling antisocial behaviour and petty crime?

**Cathy Jamieson:** Tricia Marwick and I have had exchanges on that matter. I remind her that the number of regular constables in Fife has gone up from 905 in 2002 to 996 and that the number of special constables has gone up from 99 in 2002 to 119. Those rises are not insignificant. It is also worth remembering that the police grant-aided expenditure working group's interim report resulted in four forces gaining a significant amount of additional money, of which £1.3 million went to Fife. In 2004, the group produced a new formula to ensure that the distribution of funding is more closely related to need. Fife constabulary, Grampian police, Central Scotland police and Northern constabulary were identified as the net beneficiaries of the exercise.

### Antisocial Behaviour Orders

**5. Mr Bruce McFee (West of Scotland) (SNP):** To ask the Scottish Executive what action it is taking to ensure that antisocial behaviour orders are used appropriately by local authorities. (S2O-6832)

**The Deputy Minister for Justice (Hugh Henry):** Local authorities are finalising their antisocial behaviour strategies and the outcome agreements on which future funding depends. I expect to see clear indications that agencies are working together to implement the full package of measures under the Antisocial Behaviour etc (Scotland) Act 2004, including the enhanced antisocial behaviour order powers.

**Mr McFee:** As the minister knows, rates of application for antisocial behaviour orders vary widely across Scotland. There have been low application rates by authorities such as Renfrewshire Council and Inverclyde Council, which has made only one application in the past five years. If the Executive genuinely believes that antisocial behaviour orders are a useful tool for curbing antisocial behaviour, what remedies does it propose for citizens who live in areas where the local authority fails to take antisocial behaviour seriously and where communities remain under attack?

**Hugh Henry:** We will closely monitor the use of the measures that are contained in the act, but the main thrust of the approach is to monitor the outcomes that local agencies achieve through antisocial behaviour outcome agreements. We intend to ensure that implementation strategies are well publicised and that information is published on how local authorities are using antisocial behaviour orders. We will look closely at how the money that we have allocated to local authorities has been used. If it is not being used in

a way that we consider to be appropriate, we will reflect on that.

Bruce McFee touched on a different issue, which Scottish National Party members have raised in relation to other matters that are the responsibility of local agencies. I think that he wants Executive ministers to start to dictate to local decision makers what they should do. If he wishes to come back to us with proposals that we should take powers, we will look closely at them. However, implementation of strategies at a local level is the responsibility of the local agencies.

**Christine May (Central Fife) (Lab):** The minister is aware of the actions that Fife Council has taken in using antisocial behaviour orders in relation to housing, but is he aware of the action that it has taken in seizing motorbikes from young people who are using them inappropriately? Will he visit my constituency in order to see for himself the good relationships among the constabulary, the local authority and the local community?

**Hugh Henry:** I have met police and local authority representatives in Fife and have seen and heard at first hand how the new powers are being implemented. Indeed, I look forward to further meetings with representatives of Fife constabulary and Fife Council.

We intend to issue a good practice note for the whole of Scotland. We want to collect information on how agencies have used their powers and share it with others who are perhaps more reluctant to use such powers. Ultimately, the issue depends on how local agencies implement local strategies. All I can say is that there are examples of the powers being used to good effect and I congratulate the agencies that have used them in that way.

**Des McNulty (Clydebank and Milngavie) (Lab):** The minister may be aware of the concerns of agencies that represent people with autism down south that antisocial behaviour orders may be inappropriately used as a result of perceptions that autistic behaviour is threatening to neighbours. Will he ensure as best he can that antisocial behaviour orders are not used where there has been autistic or similar behaviour?

**Hugh Henry:** Des McNulty raises a difficult issue. Such circumstances demand appropriate understanding, knowledge and ability. Trish Godman has raised with me and others cases from her constituency involving individuals with autism whom she felt were being inappropriately dealt with by the police and other agencies. I have spoken to the police about that and they are concerned to ensure that their training fully meets the need for knowledge about a wide range of conditions, including autism. I hope that that training and knowledge will be used to ensure that

there is an appropriate response to people who have certain conditions and to other matters that need to be handled more sensitively.

### **Dungavel House (Children)**

**6. Mr Adam Ingram (South of Scotland) (SNP):** To ask the Scottish Executive what representations the Minister for Justice has made to the Home Office regarding the conditions for children at Dungavel House immigration removal centre, in light of the recent report by Anne Owers, HM chief inspector of prisons. (S2O-6829)

**The Minister for Justice (Cathy Jamieson):** Immigration and asylum, including the operation of Dungavel, are matters for the Home Office. However, officials have asked the Scottish Children's Reporter Administration to inform the Home Office immediately if any children who are being held at Dungavel are referred to the reporter.

**Mr Ingram:** The minister will recall that the chief inspector of prisons in England and Wales made an unannounced inspection of Dungavel on 14 to 16 December 2004. Six children who were incarcerated at Dungavel and who were subject to investigation by the chief reporter to the children's panel were deported around that time. Were those two events connected and were the children deported before the issue of their welfare became a public embarrassment?

**The Deputy Presiding Officer:** Order. I do not consider that a visit by the inspector and a question on deportation are relevant matters for the Minister for Justice. That question is out of order.

### **Binge Drinking**

**7. Donald Gorrie (Central Scotland) (LD):** To ask the Scottish Executive what plans it has to encourage the police and courts—

**Christine Grahame (South of Scotland) (SNP):** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** It really is rather poor that someone should interrupt. You might have let Donald Gorrie ask his question first.

**Christine Grahame:** I apologise. I will let him continue.

**The Deputy Presiding Officer:** Please do.

**Donald Gorrie:** To ask the Scottish Executive what plans it has to encourage the police and courts to make more use of the existing law about not serving alcohol to people who are drunk, as part of the campaign against binge drinking. (S2O-6845)

**The Deputy Presiding Officer:** Do you wish to make your point of order now, Ms Grahame? We will let the question hang in the air, meanwhile.

**Christine Grahame:** Thank you very much. I apologise to Donald Gorrie for that. It was very rude of me.

Questions have been asked previously on the issue that Adam Ingram raised, as it concerns the welfare of the children and referrals to the children's panel. That is the issue and I am concerned that such questions are now being ruled out of order.

**The Deputy Presiding Officer:** No. The question that I heard was specifically about whether the deportation was related to the inspection. Those are not matters that fall remotely within the competence of Scottish ministers.

I invite Colin Boyd to respond to Donald Gorrie's question.

**The Lord Advocate (Colin Boyd):** The police and the Crown Office and Procurator Fiscal Service take such matters seriously and take appropriate action when it is in the public interest for them to do so. There have been prosecutions under existing legislation and the proposals in the Licensing (Scotland) Bill will further strengthen the powers that are available to local licensing boards, as well as to the police and the courts, to control irresponsible drinks promotions and to deal with those who fail to comply with their licence conditions.

**Donald Gorrie:** I asked about the matter less than two years ago. At that time, the latest figures showed that nobody had ever been prosecuted successfully for serving alcohol to a drunken person. From what Mr Boyd says, it seems that the situation has improved a bit since then, although the matter is clearly not treated as a high priority in police activity. I recognise that there are problems in enforcing the legislation, but we really should enforce existing laws if we are trying to introduce new laws to improve the situation. Will the Lord Advocate assure me that that and other laws to enable the proper control of drinking will be enforced and that he will encourage the police to do that?

**The Lord Advocate:** In the past year, 19 charges under section 76 of the Licensing (Scotland) Act 1976 were reported to the Crown Office—or, rather, to the local procurator fiscal. Of those, nine were prosecuted on summary complaint, six were dealt with by way of alternatives to prosecution and no proceedings were taken in four cases. The provisions of the Licensing (Scotland) Bill will strengthen the available methods of enforcement and make a new range of sanctions available to the licensing board, including modifying and revoking licences,



the appointment of licensing standards officers, who will put a new and more effective enforcement mechanism in the hands of the boards, and requiring licence holders and their staff to undergo training, which will make them aware of their responsibilities, including those concerning to whom alcohol can be served.

## Business Motion

14:55

**The Deputy Presiding Officer (Murray Tosh):** We come to the next item of business, which relates to a stage 3 timetable.

As business motion S2M-2875, in the name of Ms Margaret Curran, on behalf of the Parliamentary Bureau, was not moved this morning, and as it is clear under rule 8.2.7 of standing orders that such motions must be taken, I now invite Ms Curran to move motion S2M-2875, which sets out a timetable for stage 3 consideration of the Prohibition of Female Genital Mutilation (Scotland) Bill. If any member wishes to speak against the motion, they should press their request to speak button now. I call Margaret Curran to move the motion.

**The Minister for Parliamentary Business (Ms Margaret Curran):** Thank you. Before I move the motion, I apologise for failing to do so this morning; this was due to an oversight in my office.

*Motion moved,*

That the Parliament agrees that, during Stage 3 of the Prohibition of Female Genital Mutilation (Scotland) Bill, debate of 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):

Group 1 – 30 minutes

Group 2 – 45 minutes.—[*Ms Margaret Curran.*]

*Motion agreed to.*

## Prohibition of Female Genital Mutilation (Scotland) Bill: Stage 3

14:56

**The Deputy Presiding Officer (Murray Tosh):** For the first part of the stage 3 proceedings, members should have the bill, the marshalled list and the groupings. The usual rules will apply to voting times. We will go straight to the amendments as soon as I can find them in the great heap of papers I have for this afternoon.

### Section 1—Offence of female genital mutilation

**The Deputy Presiding Officer:** Group 1 is on the meaning of “action” in the offence of female genital mutilation. Amendment 1, in the name of the minister, is grouped with amendments 3 to 9 and 11 to 14.

**The Deputy Minister for Justice (Hugh Henry):** The amendments in the group will allow Scottish ministers to amend by instruments that are subject to the affirmative procedure certain aspects of the offence of female genital mutilation, and the circumstances in which no offence is committed. The Equal Opportunities Committee proposed those powers at stage 2 and I promised to return to the issue today.

Amendment 7 will insert the order-making power that will allow Scottish ministers to add, amend or delete the procedures, as listed in section 1(1), that are unlawful if performed on female genitalia. It will also allow ministers to add to the list of procedures that are not offences under the bill and to add to the list of approved persons who may carry out such procedures. Ministers will be able to amend or remove any new procedures or approved persons that are added to the lists.

Amendment 9 seeks to ensure that actions that amount to the offence of female genital mutilation and actions of self-mutilation that it is an offence to aid and abet will always be the same. The other amendments in the group are technical amendments that will be needed as a consequence of the order-making power.

I lodged the amendments because there are a number of factors that we expect might change in the future, so I want to ensure that we can modify the offence of FGM to take account of such changes. We want to be able to take account of future developments in elective genital procedures. Some forms of genital surgery can be similar to some forms of FGM, which is why the bill contains specific exclusions that will make sure that operations that are required for physical and mental health are not offences. We are satisfied that the bill deals with those issues effectively and

we believe that it will not make therapeutic surgery, cosmetic surgery, piercing or tattooing unlawful. However, genital cosmetic surgery is developing quickly. Further regulation of such procedures might be introduced and we might need to modify the legislation as a result.

The World Health Organisation plans to change its definition of FGM to reflect changing practices. That new definition might include procedures that are not currently offences under the bill, so the powers that I seek will allow us to ensure that such procedures are unlawful, if that is considered appropriate at the time.

I have written to the Subordinate Legislation Committee to explain the procedures. The number of women and girls who are either at risk of FGM or who choose to have elective genital procedures is very small and it could be difficult to find parliamentary time to introduce and debate primary legislation on the issue. As a result, I believe that, as the Equal Opportunities Committee suggested, the use of instruments that are subject to the affirmative procedure is the right way forward in this respect.

I move amendment 1.

15:00

**Elaine Smith (Coatbridge and Chryston) (Lab):** On amendment 3, I should explain that, on behalf of the Equal Opportunities Committee, I moved at stage 2 an amendment on reinfibulation, but withdrew it to allow further discussions on the matter. The Scottish Executive has made it clear that the term “infibulation” in amendment 3 covers reinfibulation, which means that the action will be unlawful. I and, I believe, the rest of the committee accept that.

I am also pleased that the Executive has lodged amendment 8, which will allow any necessary changes to be made to the actions that are defined in the bill.

**Dr Sylvia Jackson (Stirling) (Lab):** As the minister said, he sent a very useful letter to the Subordinate Legislation Committee, on whose behalf I am speaking. In the letter, he made it clear that new powers were needed to take account of any future development in, and regulation of, elective general surgery, piercing or tattooing and the future revision of the WHO’s definition of FGM. The provisions in amendment 8 will give the minister flexibility to make any changes that are needed, and the committee considers it appropriate that the affirmative procedure will be used to make such changes. Indeed, without amendment 8, any change to section 1 would require primary legislation, which would be difficult to arrange in the parliamentary timetable. As a

result, we feel that the amendment represents a perfectly acceptable way of addressing the matter.

**Cathy Peattie (Falkirk East) (Lab):** I welcome Sylvia Jackson's comments. It is unusual to request that provisions be introduced through instruments that are subject to the affirmative procedure. However, we all know that the definition of FGM might well change, so the Equal Opportunities Committee was keen for the minister to have the opportunity to bring such matters back to Parliament for discussion if necessary. As a result, I welcome amendment 8.

**Ms Sandra White (Glasgow) (SNP):** I welcome the amendments, particularly amendment 8, which seeks to allow modifications to be made to section 1. That issue was much debated during the Equal Opportunities Committee's consideration of the bill. I welcome the fact that the minister has written to the Subordinate Legislation Committee on the matter and that he has taken on board the committee's suggestion that the affirmative procedure be used in respect of any changes that might be brought before Parliament. After all, the definition in the bill might well change if the WHO revises its own definition of FGM.

**The Deputy Presiding Officer (Trish Godman):** I call the minister to respond to the discussion.

**Hugh Henry:** I have nothing further to add, Presiding Officer.

*Amendment 1 agreed to.*

**The Deputy Presiding Officer:** Group 2 is on the nature of the offence of female genital mutilation. Amendment 2, in the name of Hugh Henry, is grouped with amendment 10.

**Hugh Henry:** I welcome the Equal Opportunities Committee's strenuous efforts at stage 2 to ensure that every type of FGM would be made an offence under the bill. Amendments 2 and 10 seek to clarify the amendments that were passed at that stage and which added the prepuce to the list of genitalia that are covered by the offence of FGM. We acknowledged that the reference to the prepuce could be interpreted as making male circumcision unlawful. At stage 2, I undertook to remove that ambiguity at stage 3, and the amendments will ensure that only mutilation of the prepuce of the clitoris will be an offence under the eventual act.

I move amendment 2.

**Elaine Smith:** As the minister said, amendments 2 and 10 seek to ensure that there is no ambiguity by clarifying that the term "prepuce"—which was inserted in the bill by a committee amendment that I moved at stage 2—refers to the female clitoral hood. I am pleased that the Executive has, as it promised at stage 2,

lodged the amendments and I very much welcome them.

*Amendment 2 agreed to.*

**The Deputy Presiding Officer:** Amendments 3 to 14 in the name of the minister have previously been debated. I invite the minister to move the amendments en bloc.

*Amendments 3 to 14 moved—[Hugh Henry].*

**The Deputy Presiding Officer:** Does any member object to a single question being put on amendments 3 to 14?

**Members indicated disagreement.**

*Amendments 3 to 7 agreed to.*

#### **After section 1**

*Amendment 8 agreed to.*

#### **Section 2—Aiding and abetting female genital mutilation**

*Amendments 9 to 12 agreed to.*

#### **Section 3—Extension of sections 1 and 2 to extra-territorial acts**

*Amendments 13 and 14 agreed to.*

**The Deputy Presiding Officer:** That ends stage 3.

## Prohibition of Female Genital Mutilation (Scotland) Bill

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S2M-2772, in the name of Cathy Jamieson, that the Prohibition of Female Genital Mutilation (Scotland) Bill be passed.

15:05

**The Deputy Minister for Justice (Hugh Henry):** The bill will provide better legal protection against female genital mutilation. Such mutilation has been a specific offence for the past 20 years, under the Prohibition of Female Circumcision Act 1985, but we were concerned that people could evade the law by taking a girl overseas to mutilate her. We introduced the bill to stop anyone so evading the law. We do not want any girl in Scotland to be mutilated in such ways.

The bill will help to make Scotland a safer place. It will also extend protection so that it is unlawful for any person here in Scotland, or any United Kingdom national, or any permanent United Kingdom resident who is overseas, to aid and abet the mutilation of any girl in whatever country she is, regardless of her nationality or status.

The extraterritorial powers in the bill that we introduced were very wide-ranging. However, the Equal Opportunities Committee and others called on us to extend that protection further and we listened to those calls. The powers in the bill are a huge step forward—we have gone further than the rest of the UK. Our laws will now give stronger protection not just to the daughters of UK citizens and residents, but to the daughters of asylum seekers, foreign students and people under humanitarian protection who are living in Scotland. I am proud that we have been able to take this important and significant step.

The bill will also introduce new safeguards here in Scotland for the girls who are most at risk of FGM. Section 6 adds the offences in this bill to schedule 1 to the Criminal Procedure (Scotland) Act 1995, which will make it easier to mobilise our child protection measures. Courts will be able to refer any victim of FGM who is under 17 to the reporter to the children's panel, who can then refer her to a children's hearing. It is not just the victims who can be protected in this way. Any other child who lives in the same household as the victim or the perpetrator, or who does so in the future, can also be referred to a children's hearing. Adding FGM to schedule 1 of the 1995 act also provides additional powers of arrest without warrant and should raise awareness of FGM among social workers and other professionals.

The bill makes all forms of FGM unlawful. The amendments that we have discussed today will ensure that our legal protection remains as strong in the future. Order-making powers will allow us to take account of developments in elective genital procedures and to take account of any new World Health Organisation definition of FGM. Parliament will be able to scrutinise any future proposals for amendment of the act.

The bill also changes the words that we use to describe these horrific procedures. In line with international practice, the bill uses "female genital mutilation" rather than "female circumcision". It is important to use the right terminology because the words that we use can affect the way people think. It is misleading to pretend that there is some analogy with male circumcision, because there is not.

Other provisions in the bill reflect the seriousness of female genital mutilation. The bill will increase the maximum penalty for the offences from five years' imprisonment to 14 years' imprisonment, which is the maximum sentence that our courts can impose short of life imprisonment. That should make it clear that FGM is not acceptable and it will help to deter anyone who is considering FGM for their daughter.

One of the challenges that we have faced is that it is very difficult to find out the extent to which FGM is taking place in Scotland today. FGM is a very private practice that is rarely spoken about in public. I thank the Somali women's action group and Khadija Coll of the African-Caribbean women's network, who have helped us to understand more about FGM and the problems with which it presents them. I believe that some of those women may have come to watch today's debate and I thank them for their courage in speaking out. *[Applause.]*

I also thank the Equal Opportunities Committee for its hard work on the bill and especially for gathering such detailed evidence at stage 1. This was the first time the committee was lead committee in a bill's consideration and I know that the experience was harrowing and sometimes traumatic for everyone concerned. I thank Kathleen Marshall, who is Scotland's commissioner for children and young people, for her work on how child protection measures will work in the context of FGM.

Female genital mutilation is horrific. Along with other members of Parliament, I have been shocked to find out what can happen and I am determined that no girl in Scotland should suffer such mutilation. I and the Executive believe that the bill will make Scotland a safer place to live for girls who are at risk of having FGM carried out and that, with the extended extraterritorial powers that it contains, it sends out the clearest signal of our

determination to do what we can to eradicate the practice.

I move,

That the Parliament agrees that the Prohibition of Female Genital Mutilation (Scotland) Bill be passed.

15:11

**Ms Sandra White (Glasgow) (SNP):** I thank the clerks to the Equal Opportunities Committee, who have worked hard and are a dedicated team. I also thank the many witnesses who gave evidence and who in some cases—as the minister said—had suffered harrowing experiences. I also thank the many experts who gave evidence, whose knowledge of the terrible consequences of FGM was invaluable.

FGM has short-term and long-term consequences for the women who are subjected to it, their families and future generations. Sometimes, older women realise that they do not want the procedure to be carried out on their daughters, but have to have it done because of cultural and community pressures. Some such women were brave enough to speak to the committee's reporter Elaine Smith, and to the committee itself, so it is incumbent on us to thank them. The minister says that they might be here today. I thank them very much and welcome them to Scotland. When the bill is passed, it will offer them the full protection of the Scottish courts.

I use the term "female" deliberately because, as we all know, even babies can be the victims of FGM. It would not be right to describe young children, some of whom are as young as two years old, as women. We must ensure that everyone knows that FGM can be carried out on such young children. Unfortunately, that happens in certain areas of the world, but once the bill is passed it will not happen on Scottish soil or, if the person who tries to commit the offence is resident in Scotland, outwith Scotland.

I thank the minister for his continued dialogue with the committee. We had some good arguments with him about amendments to the bill that we wanted to make. I am very pleased that we will pass a bill that is not merely an equivalent of the Female Genital Mutilation Act 2003, but is separate Scottish legislation. I accept what the minister said about reinfibulation—which I raised at stage 1 and stage 2—and the information that he has provided in his letter to the Subordinate Legislation Committee, and I welcome the amendments that deal with that.

I am glad, too, that specific reference has been made to the Somali women's action group and health professionals, who I assume will write the guidance. It is important that we reiterate to professionals such as social workers that FGM is

against the law. When the minister sums up, I would like him to mention the intended timescale for production of the guidance. Dr Hepburn has significant experience of dealing with women who have suffered the terrible experience of being subjected to FGM and I hope that she will work with the Somali women's action group, Comfort Momoh and others to produce the guidance. I look forward to hearing when it will be published.

I will touch on some of the amendments that have been outlined so far. Executive amendment 1, which amends section 1, alleviates many of my concerns and those of other committee members—no doubt they will raise them. Those concerns led to committee amendment 13 at stage 2, which was an important amendment, but one that led to difficulty for the minister and the committee. We got over those difficulties and I am pleased that the minister lodged amendment 8, which means that, if the bill needs to be changed in the future, an order will come before Parliament. It is fantastic that the minister took the issue on board. As I have said previously, the World Health Organisation may reconsider its definition of FGM, so it is important that we can come back to Parliament if that happens.

I am also particularly pleased at the extension of section 1, which relates directly to FGM being arranged outwith Scotland. As the minister said in his speech, it is a big step forward—indeed, it is groundbreaking legislation. People who come into our country as asylum seekers will now be fully protected from FGM. If anything happens to them, they will know that they have the full weight and protection of the law behind them. If a person is fleeing persecution and knows that FGM might be planned for them, I am sure that it will give them some comfort to know that Scotland will protect them.

I will conclude because many members want to speak in the debate. I am sure that every single person agrees that FGM in all its forms—not just in its most extreme form—is a vile, cruel and inhuman act. Through the bill, we must ensure that we reach out not only to the women who are affected by FGM but to the men in their communities. We have to make it clear to men and women in those communities that FGM will not be tolerated in our society.

I said that the bill is groundbreaking legislation, which it is, but I have heard folk outwith the chamber say that other matters are more important than FGM. If, by passing the bill, we save even one female from going through the terrible trauma of female genital mutilation, we will have done something good. I am very proud to have been involved.

I look forward to the day when we do not have to speak about female genital mutilation and when

the suffering of many thousands—maybe millions—of females throughout the world is ended. Scotland is leading the way. As I said, I am proud of the committee. I thank the minister and everyone else who was involved in the bill. This is legislation of which Parliament should be proud. It is an issue on which we can reach out to the world and on which we can say that we have done something that is slightly different from what Westminster has done. With the bill, we are saying to the rest of the world that female genital mutilation will not be tolerated, not just in Scotland but throughout the world. I welcome the bill and fully support the Executive amendments today.

15:18

**Mrs Nanette Milne (North East Scotland) (Con):** I am pleased that this important bill, which has attracted cross-party support throughout its parliamentary progress, has now reached the stage when it will soon become law. Although the Prohibition of Female Genital Mutilation (Scotland) Act 2005 will not affect many people in this country, it will give to a small number of very vulnerable women and girls protection from an horrific practice that is endemic in some ethnic communities.

The procedures that constitute FGM were first outlawed by the Conservative Government in the Prohibition of Female Circumcision Act 1985. Essentially, part 1 of the Prohibition of Female Genital Mutilation (Scotland) Bill restates the provisions of the 1985 act but—as we have heard—replaces the euphemistic term “circumcision” with “mutilation”, which describes much more accurately the barbaric practices that the bill will outlaw.

The creation of extraterritorial offences, which will make it unlawful to send someone abroad to have FGM carried out or for a United Kingdom national to perform FGM outside the UK, and the increased penalties for committing those offences should—coupled with the education of the communities concerned—lead eventually to eradication of the mutilating practices that are endured by girls and young women within those communities.

At stage 1, when I was still a member of the committee, the Equal Opportunities Committee expressed the concern, which I share, that a restriction in section 2(2)(a) of the bill made it an offence to aid and abet FGM overseas only if the victim was a

“United Kingdom national or permanent United Kingdom resident”.

Our concern was that many of the girls in this country who are most at risk of FGM would not be protected against being taken abroad to have the

practice done because they do not have indefinite permission to remain in the UK and would therefore not be covered by the definition of being a permanent UK resident. Such people obviously include the daughters of asylum seekers and students who are studying in this country. I am pleased that the minister managed to overcome the legal complexities that are involved in taking extraterritorial jurisdiction and agreed to remove the restriction in section 2(2)(a) so that those vulnerable people will be protected by law. That amendment to the bill is hugely significant, and is a great step towards protecting all girls from being taken abroad to be mutilated.

FGM is a deep-seated cultural practice in several African countries, the middle east and Asia. Its increasing appearance in the western world is usually among immigrant and refugee populations. As a rite of passage to womanhood and a requirement for marriageability, the horrendous practice of FGM is frequently performed at the hands of older women in the community who have themselves undergone FGM. To them, it is a necessary ritual that is perpetrated as an act of love to ensure the best future for their daughters and granddaughters. It will probably take generations to eradicate FGM, and it will require education that is reinforced by law to overcome such an entrenched custom.

There is broad consensus that FGM is a form of violence against women and children that should be eradicated internationally. Its health consequences are well documented, and the women who are affected suffer from many long-term health problems, as well as the immediate trauma that is experienced when FGM is performed. We all heard the minister at stage 1 quote the experiences of a victim who was put through the ritual by her loving mother. I have rarely been so moved or appalled by anything I have heard. The chamber was stunned into absolute silence that afternoon by the portrayal of such an horrific act of violence.

The Female Genital Mutilation Act 2003 that was approved by the UK Government gave protection against FGM to people who are resident elsewhere in the UK. The policy intention of our bill is to ensure that equal legal protection is afforded in Scotland. Thanks to the stage 2 amendments that were accepted by the minister, the bill will go further than the UK act to protect some of the most vulnerable people in our society, which is due in no small measure to the perseverance of the Equal Opportunities Committee in seeking to protect people who seek asylum within our shores.

I am happy, on behalf of the Conservative party, to give my full support to the bill, which will assist in the eventual eradication of a brutal act of violence that has for many generations blighted

the lives of girls and women in communities that have accepted it as part of their culture and heritage.

15:22

**Nora Radcliffe (Gordon) (LD):** I begin by adding my thanks to all the witnesses whose evidence helped us to refine and improve the bill, and by thanking the minister, his officials and our committee clerks. The topic has not been easy to deal with, but none of us doubts its importance.

In Scotland, the number of women and children who are at risk might be small, but the procedures that we seek to protect them from are hideous. We all hope that no one will ever be prosecuted under the legislation, but that it will alert relevant professionals and act as an effective deterrent.

There is no point in all members of the Equal Opportunities Committee going over the same ground, so I endorse all the points that have been and will be made by my colleagues. I want to talk about two matters. My first comments are on the consultation that the Executive carried out on the draft bill, which I am afraid fell short of the standards that we set for ourselves and expect.

There is some justification for that, in that originally the bill replicated Westminster legislation that would have been extended to Scotland through a Sewel motion had we not been going through our election at the time. When the committee started work on the bill, we quickly agreed that the Scottish bill should be adapted in the light of the information that we collected and the experience that had accrued since the Westminster act was passed, rather than rubber-stamp identical legislation, so this has not been a mechanical exercise.

The consultation period on the draft bill ran from 20 July until 31 August 2004, despite the Scottish Executive consultation good practice guidance, which was published earlier in 2004, stating on page 5:

"In order to meet existing SE consultation commitments you must ... allow consultees at least 12 weeks to respond, except in *very exceptional* circumstances".

The fact that the truncated consultation period spanned the summer holiday period made the situation even worse. The officer who gave evidence on behalf of Glasgow City Council highlighted the difficulties that were caused for the council in contacting people whom it would have wanted to consult and because there was no time—as the council was in recess—for a report to be prepared and go through the committee structures. Despite those difficulties, Glasgow City Council gave us some useful evidence and was able to put us in touch with the Somali women's

action group, whose assistance to the committee was absolutely invaluable.

The committee was informed that consultation papers were sent out to national health service boards, local authorities and representatives of ethnic minority groups and domestic abuse groups. All the material that was sent out was in English, and it was not clear whether translation into other languages had been offered, although it was stated that no requests for translations were received.

Given that part of the reason for a shorter than usual consultation period was said to be that the bill applied to a limited number and range of people, I would have expected more thought and attention to have been given to how best to reach those people. That could have included publishing material in appropriate languages and considering whether alternative formats to written material might be necessary. We did not get an impression that a great deal of effort had been put into targeting those communities that originate from or have connections to those countries where FGM is thought to be carried out, and which could be considered to be most at risk.

Effective and inclusive consultation is not an easy process. It might seem a bit negative to go on at length about the perceived shortfalls of the consultation on the bill, but my criticism is intended to be constructive. We must learn lessons as we go along and improve how we involve and consult people. That is not easy, and it takes an awful lot of effort, but that effort is well worth making.

Moving from one end of the passage of the bill to the other, I want to highlight what will happen from now on, specifically to ensure that information about FGM and appropriate training are made available to all the professionals who may encounter women who have been subjected to FGM, and to women and girls who might be at risk. That will not necessarily be an easy or cheap task to accomplish, given that—thankfully—the number of people involved is very small, but failure to know about FGM and ignorance of how to cope with the after-effects of it, on women who are having babies for example, can lead to devastating consequences for everyone involved. The committee heard of one woman's delivery being carried out by Caesarean section simply because the health professionals who were attending her did not know how to deal with her in any other way. That is not acceptable.

I commend the series of recommendations on guidance, education and training that the Equal Opportunities Committee made in its stage 1 report. There is good material available and there are examples of good practice to draw on. In particular, the committee learned from Comfort Momoh, and we were all impressed by the

expertise that she brought to us and by her work in the field. I am sure that I speak for all my fellow committee members when I urge the Executive to act on the report's recommendations and to make a determined effort to utilise everything that is available to it to ensure that a small but vulnerable group of females are properly served by this country.

As other members have said, the bill is a short piece of legislation, but it is an important one, which breaks new ground. I commend the bill to the Parliament.

15:28

**Cathy Peattie (Falkirk East) (Lab):** As convener of the Equal Opportunities Committee, I am pleased to speak in the debate. The bill represents a landmark for the committee, as it was the first time that we had been designated as a lead committee on primary legislation. The bill's sensitive subject matter and the vulnerability of the people at risk from FGM, as well as the devastating and irreversible impact that FGM can have on the lives of those whom it affects, presented us with a real challenge. I am pleased to say that the committee and its clerking team rose to that challenge. As a result of our detailed scrutiny, I am confident that we have made improvements that strengthen the bill's provisions.

During stage 1, we heard a considerable volume of evidence from a range of people who are involved in the issues that the bill covers, and we became convinced of the need to make specific changes both to enhance the clarity of the provisions and to increase the protection that they aim to provide.

Initially, concerns were raised that certain changes to the bill could not be made because they might lead to legislative inconsistencies with provisions in the rest of the UK. However, from the evidence that we received at stage 1, certain issues emerged that we felt had to be explored further, even if that did result in inconsistencies with similar legislation passed at Westminster.

Through continued dialogue with the Executive, we managed to achieve several improvements to the bill. I pay tribute to the Deputy Minister for Justice and his officials for listening to the committee and working with us to improve the bill. The exercise is a positive example of how committees and the Executive can work together to improve legislation.

I will describe how a few of the committee's key concerns were resolved. FGM is most often performed on young girls. In evidence, concern was expressed that child protection services might not be able to act to protect a child if FGM was suspected, so I welcome the Executive's stage 2

amendment to give potential FGM cases priority in the child protection system.

Evidence to the committee made it clear that protecting asylum seeker children is an issue. We were happy to see a stage 2 amendment to prevent UK nationals from performing FGM on non-UK nationals outside the UK. That change is significant. As we have heard, it goes far beyond the existing UK legislation. That sends the important message that, whenever possible, we in the Scottish Parliament will seek to enhance legislation from an equalities perspective.

The definition of FGM in the bill caused us concern. At stage 1, we heard evidence that the definition should mirror the World Health Organisation definition. We were pleased that the Executive lodged amendments at stages 2 and 3 to reflect more accurately the FGM procedures that are set out in the WHO definition. I also welcome the Executive's acceptance of the committee's stage 2 amendment on the definition of FGM.

The committee was firmly of the view that the provisions should outlaw the practice of reinfibulation following childbirth. Doubt had been expressed about whether the bill covered that procedure, so I welcome the minister's assurance in a letter to the committee that the bill will outlaw reinfibulation. I also welcome the commitment of the minister and the Executive to work with health professionals to produce guidance and ensure that no confusion is felt in the medical profession about the legality of some medical procedures.

The Equal Opportunities Committee worked on the bill diligently and with commitment. I thank our first-class clerking team and my committee colleagues for all their hard work and dedication to the issue. In particular, I thank Elaine Smith, who, in her role as gender reporter, met the Somali women's action group twice, which ensured that the group's valuable and extremely relevant views were taken into account. I compliment committee members on their responsible and consensual approach to considering this important equalities issue.

It is fair to say that the committee's scrutiny of the bill greatly improved it. The bill as introduced closely mirrored a private member's bill that was passed at Westminster. The work that the committee and the Scottish Executive did greatly clarified the bill and will provide those who work on issues that relate to FGM with a clear set of guidelines to follow. The bill will enhance the protection for all women and children in Scotland who are at risk of FGM. Our Westminster colleagues may wish to examine the bill, which we hope to pass, and amend their legislation accordingly.



The bill will not only continue protection of women who are at risk of FGM, but ensure that children also have the protection to which they are entitled. I am proud and pleased to support the bill.

15:33

**Shiona Baird (North East Scotland) (Green):** I look forward to the bill's passing on two grounds. First, it is hoped that the legislation will go a long way towards outlawing the unacceptable practice and will give the communities concerned the confidence to resist the pressures that are put on their women to undergo such unnecessary, long-term damaging and sometimes life-threatening processes. Secondly, the bill has given the Parliament the opportunity to show the value in having our own Government and the ability to scrutinise and amend legislation and to improve on legislation that was passed in Westminster.

Equal Opportunities Committee members discussed and analysed truly consensually the evidence with which we were presented. Party-political allegiances were never allowed to detract from the work in hand. We were united in trying to ensure that the best possible piece of proposed legislation was presented to the Parliament. To the Executive's credit, it has moved considerably from its position of not wanting to differ from the Westminster legislation. Initially, the Executive did not want to countenance any inconsistency between the bill and that legislation, but the bill that we now have is not only a vast improvement on the Westminster legislation, but also, by definition, much more effective.

By accepting the order-making power that the committee proposed in an amendment at stage 2—to which I spoke—the Executive will now have flexibility to amend the definitions, should the need arise. The Executive has accepted that the law on the matter is developing and now it has a mechanism to update the bill, if necessary. I hope that the Executive has learned from the exercise that, though we may be a young Parliament, we must have confidence in our ability to scrutinise and acknowledge weaknesses and must be prepared to move ahead to construct more robust legislation. The committee wanted the best legislation for Scotland; the onus is now on other countries to amend their legislation to bring it up to the high standard that we have set for Scotland.

I pay tribute to our convener, Cathy Peattie, for the sensitive way in which she handled what was sometimes a harrowing inquiry. She exemplified the best of the role of convener as she gently guided us through the intricacies of the bill process. My thanks and admiration also go to the team of clerks behind Cathy Peattie, all of whom played their invaluable part. I give a special mention to Zoé Tough, who did a lot of work on

the subject and who ably enlightened me on procedural issues. The bill does great credit to the Scottish Parliament.

15:37

**Elaine Smith (Coatbridge and Chryston) (Lab):** I thank the convener of the Equal Opportunities Committee, the clerking team, the Scottish Executive's team and the many organisations such as UNIFEM—the United Nations Development Fund for Women—that have diligently pursued the eradication of FGM and lobbied for legislation for many years. I thank all the witnesses who gave evidence to the committee, particularly those from the Somali women's action group, whom I met on several occasions, as members have heard. The committee found the subject harrowing, but that pales into insignificance when compared with the trauma that those women must have felt when they recalled their personal experiences of the horrendous practice.

FGM is clearly violence against women. It is a damaging, agonising and, at times, fatal act of injury that is perpetrated against women and girls. However, the pseudo legitimacy and prevalence of the practice in many communities, particularly in Africa, has led many women to consider it to be a normal and necessary part of womanhood. Last year, the BBC reported the testimony of Amina Ahmed, a woman who had undergone FGM. She said:

"One day, I was wearing a beautiful coloured dress and my mum called me. I was held by a strong woman who sat on my chest and hands, leaving me breathless and motionless. There was an old woman there who held dirty old scissors and a sharp knife. This woman was the circumciser. She had no medical training or experience and even her eyesight wasn't very good ... She cut me up and removed my clitoris, put it in a bag and threw it away. I cried, I was screaming but I couldn't escape. The scars and pain from all the health problems I have suffered are still with me today."

Amina was told that the operation was her secret and that she should not say anything about it. That is particularly relevant, because the shroud of silence that helps to perpetuate such appalling abuse must be swept away, so that girls and women know that FGM is an abnormal and unacceptable act of violence and mutilation.

During the stage 1 debate, the minister told us of Waris Dirie's experience and we have just heard about Amina Ahmed. There are hundreds of thousands of girls who have survived and could tell us similar stories. The unheard victims, such as Waris Dirie's sister, are those who died because of FGM. We should take the time to remember that we are talking about real people and real experiences.

Originally, we heard that the bill was to be similar to its counterpart at Westminster and that we could have progressed through a Sewel motion. It is fair to say that there was a wee bit of cynicism about whether the Executive would accept the changes that the committee proposed, but it did, and I am pleased to commend the Executive for taking on board most of the committee's suggestions, and for giving reasonable explanations when it was unable to accede to others.

One of the most important changes was at stage 2 and removed the restriction that stated that aiding and abetting FGM overseas was an offence only if the victim was a United Kingdom national or permanent resident. We heard reference to that earlier. When the Somali women's action group commented on that in its written submission on the bill, it said:

"Now we see that it will not protect many of our members who are most at risk—asylum seeker women and children. We cannot believe that what you deem a criminal offence against a 'UK national or a permanent UK resident' is not a criminal offence if committed against asylum seeker women and children. We are distraught."

I hope that the group is pleased with the change that has been made.

Throughout the evidence taking on the bill, most respondents thought that protection should be extended if possible to all women and girls. There were difficulties in international law regarding further extension of the extraterritorial provision in the bill, which was needed to protect all girls. The Executive agreed to explore how the provisions of the bill might be extended to provide further protection for asylum seeker children from FGM. I commend the Scottish Executive for investigating those legal complexities and resolving concerns. That allowed me successfully to lodge an amendment at stage 2, which means that all girls and women are protected from FGM, regardless of their nationality and status.

I make a plea for assistance to groups such as the Somali women's action group that cannot carry out their work without resources. Attitudes towards FGM are deeply ingrained among many people, and while the legislation is welcome, much more is needed to change views. Marilyn Livingstone will expand on that. The progress of the bill was a conciliatory process, helped by the genuine commitment of the Scottish Executive to eradicate the practice. I hope that that will mean funding and direction from the Executive to raise awareness of the legislation, to raise awareness about the harm of FGM and to help community groups in their work to eradicate FGM. I hope that the bill is passed unanimously at decision time. I am happy to support it.

15:42

**Frances Curran (West of Scotland) (SSP):** We should welcome the bill—it is a good bill, which I hope will make a difference to the lives of ordinary women. The bill will add to a growing worldwide understanding that FGM means abuse and torture, and that it is gender-specific. The bill will help to change attitudes around the world. For me, though, the acid test of the bill is whether it protects women such as those from whom we took evidence, their daughters and their daughters' daughters. We can see how that plays once the bill is passed today.

There is one specific case—a test case. Let us call the woman Julie. She is a 33-year-old African woman who is in Scotland with her two daughters, aged three and five. She comes from a country where FGM is obligatory; everybody accepts it. However, her mum stood up for her belief that FGM is abuse and torture and did not visit that torture on her daughter—a fact that had to be kept secret in a culture where FGM is the norm. When Julie was 28, she gave birth to her first child. Immediately after giving birth she was genitally mutilated, with all the horrors that that brings. It was almost unbearable to listen to some of the evidence given to the Equal Opportunities Committee. Julie had terrible health problems and fled with her daughters to our country, with its justice and humanity, where she claimed asylum for herself and her daughters. She went through the intrusive medical examination, and it was accepted that she had been through the trauma of FGM, but she lost her case. Attaching electrodes to men's genitals is considered torture by Amnesty International and organisations throughout the United Nations. We need to reach a situation in which mutilation of the female genital area is considered torture. We need to send a message that FGM is criminal and that anyone who carries it out will be prosecuted. We need to send a message that we will protect those who are fleeing that torture, and their children.

I welcome the bill, which is good, and the Scottish Socialist Party will vote for it, but the question is: if the Home Office sends those children back, is it criminal? If they are not allowed to claim asylum on the basis of the torture of FGM, is the Home Office in the dock? I hope that the bill will protect Julie. She is still in limbo; she is supposed to go back to the country that she came from with her daughters. Will the bill protect women who flee to Scotland? If it does not, it is not worth the paper that it is written on.

I sincerely hope and want to believe that the Parliament will change the situation and that the bill will protect women and children who grow up in Scotland. It is about humanity. We should pass the bill, but we must ensure that we protect the most

vulnerable women and young female children in our society.

15:45

**Marilyn Livingstone (Kirkcaldy) (Lab):** As we have heard, the bill proposes to extend protection by giving the offences that it outlaws extraterritorial effect to protect women and children who are sent abroad to have FGM carried out on them. My colleagues on the Equal Opportunities Committee and the minister have outlined the specific provisions in the bill and the statutory protection that it will offer women and children. I add my thanks to the Executive, Cathy Peattie and my other colleagues on the committee, the clerks and all the witnesses for the support that they have given us in scrutinising the bill. I also thank the Executive for the amendments that it moved this afternoon, which will strengthen protection.

We heard in evidence that, on its own, the law will not put an end to FGM and that we need to use other strategies. The minister is aware that a major part of our evidence pointed out that legislation, however powerful it is, needs to be supported by awareness raising, education and training for the communities that are involved and by the resources to support those strategies.

We received much valuable evidence from many witnesses, but I make special mention of the evidence that was given by Comfort Momoh, who is an FGM-specialist midwife at St Thomas' hospital in London. We in Scotland can learn much from the work that is carried out there. Comfort Momoh and Dr Pamela Buck from the Royal College of Obstetricians and Gynaecologists gave us evidence on the totally unacceptable physical and psychological symptoms that women face following FGM. The brochure that Comfort Momoh developed for health professionals recommends raising awareness and changing attitudes through training and empowerment and that such training should include FGM and cultural issues. Comfort Momoh also said that child protection legislation should apply in cases in which FGM is likely to occur or has already occurred. I would particularly like the Executive to take on board her recommendation that written and verbal information about FGM should be given to women, but we need to ensure that such information is given in a format that is accessible to all. The community must be involved in all levels of that awareness raising.

We can learn much from best practice and the work that people whom I have mentioned have carried out. I ask the Executive to consider the evidence to determine what best practice can be used to help to protect and support women and children in Scotland.

I finish by reading on behalf of the Equal Opportunities Committee a poem by Dahabo Ali Muse. Shiona Baird read it to the committee at stage 2, but it is so poignant that we can all benefit from hearing its strong message. It is called "Feminine Pain":

"And if I may speak of my wedding night:  
I had expected caresses. Sweet kisses. Hugging and love.  
No. Never!

Awaiting me was pain. Suffering and sadness.  
I lay in my wedding bed, groaning like a wounded animal,  
a victim of feminine pain.  
At dawn, ridicule awaited me. My mother announced:  
Yes, she is a virgin.

When fear gets hold of me.  
When anger seizes my body.  
When hate becomes my companion, then I get feminine advice,  
because it is only feminine pain. And I am told feminine pain  
perishes like all feminine things.

The journey continues. Or the struggle continues.  
As modern historians say, as the good tie of marriage matures.  
As I submit and sorrow subsides, my belly becomes like a balloon.  
A glimpse of happiness shows, a hope. A new baby. A new life!

But a new life endangers my life.  
A baby's birth is death and destruction for me!  
It is what my grandmother called the three feminine sorrows.  
She said the day of circumcision, the wedding night and the birth of a baby are the triple feminine sorrows.

As the birth bursts, I cry for help, when the battered flesh tears.  
No mercy. Push! they say. It is only feminine pain!

And now I appeal:  
I appeal for love lost, for dreams broken,  
for the right to live as a whole human being.  
I appeal to all peace loving people to protect, to support and  
give a hand to innocent little girls who do no harm.  
Obedient to their parents and elders, all they know is only smiles.  
Initiate them to the world of love, not the world of feminine sorrows."

I urge the Parliament to support the bill.

15:50

**Lord James Douglas-Hamilton (Lothians) (Con):** I rise to speak in the debate to give strong support to the bill.

So far, almost every speaker has been a woman; I speak not as a man but as a member of the human race. The practice is barbaric and is an appalling cruelty to women, so everything possible should be done to stop it as soon as possible. The fact that many millions of girls have suffered from the practice in some 28 African countries, the middle east, Asia and other parts of the world is no

excuse for not doing everything that we can to bring it to an end. It reminds me of the appalling practice of suttee in India, whereby widows were expected to be burnt on the funeral pyres of their husbands, which I am glad to say our countrymen and women played a part in ending.

Against such a terrible injustice, the bill will operate as a signal to other parts of the world that we wish to strike a blow for the dignity of man and womankind.

**The Deputy Presiding Officer:** We now move to wind-up speeches.

15:52

**Phil Gallie (South of Scotland) (Con):** My role today is that of the Conservative member of the Equal Opportunities Committee. I did not participate in the committee's stage 1 investigations because I did not become a member of the committee until the bill was being considered at stage 2. However, I heard the stage 1 debate, which illuminated in the minds of many of us the full horrors of the problem that the bill seeks to solve.

I compliment my Equal Opportunities Committee colleagues on their work on the bill, but I save my greatest admiration for Hugh Henry, who seems to have taken the bill through in a listening, caring and positive way. I compliment him on that.

15:53

**Linda Fabiani (Central Scotland) (SNP):** I am not a member of the Equal Opportunities Committee, but I am impressed by the way in which the committee carried out its inquiry. From what I have read and from what my colleague Sandra White has told me, I am also impressed by the way in which the minister and the committee came together to work out the issues. We have ended up with a very good piece of legislation.

Listening to the evidence, which is harrowing even to read, must have been difficult for the committee but, as Elaine Smith said, such difficulties bear no comparison with those faced by the courageous people who came forward to give that evidence. They have my utmost respect for standing up for and speaking out on behalf of those who suffer.

I noted Nora Radcliffe's constructive remarks on the consultation on the bill, and I expect that the Executive will take those on board. I am glad to hear that asylum seeker children in Scotland will have protection. Of course female genital mutilation should be recognised as a ground for asylum. I know that many members will keep pushing for that recognition under the current settlement.

I am glad that the bill is to be passed, but creating legislation will not of itself solve the problem. I note the Equal Opportunities Committee's comments on the need for the bill to be backed up by education and awareness raising, not only within the communities in which FGM is practised but among the professionals who deal with those communities. Legal and cultural training is needed—for men as well as for women, as Sandra White noted. As Elaine Smith said, the Somali women's action group may be able to play a role in disseminating that training, which should be adequately funded.

Monitoring the legislation and the on-going development of guidance are very important. I note from the minister's letter that he hopes that Dr Hepburn will be instrumental in developing guidance. I look forward to hearing from the members of the Equal Opportunities Committee about how they believe the legislation is progressing.

15:55

**Hugh Henry:** This has been a good debate. It has also been a difficult and emotive one. Many speakers this afternoon and during the passage of the bill quoted the powerful words of women who have personal experience of horrific female genital mutilation. Those profound and emotive words can hardly begin to describe the pain, agony and suffering that those women have experienced. Anything that can be done to help even one woman is something that is to be commended to this Parliament.

I hope that what we have delivered today will help to make a contribution to providing greater safety for women and girls in Scotland. I also hope that the significant steps that we have taken will be examined by people beyond our borders and applied by them to their legislation. I hope that we have given encouragement to others to go as far as we have gone.

It is right to put on record our thanks to a number of people. The Equal Opportunities Committee did a thorough and exacting piece of work on behalf of the Parliament and, through its efforts, significantly improved and added to the bill. I therefore want to thank the committee and all its members.

I thank those who made kind remarks about my role in the process. However, in truth, those words should be directed at the officials who supported me in a difficult process. They made it much easier for me to exercise my responsibility to move things forward and I thank them for making this piece of legislation possible.

Sandra White asked about the timescale for the production of guidance. We listened to what the

committee had to say in that regard. Our officials are contacting community groups and organisations that work with them for advice about what would be most effective. We will learn from some of the good practice that is being developed in England and will use it. Professional bodies are already issuing guidance to their members and female genital mutilation is already included in guidance on the domestic abuse and sexual health strategy.

**Rosie Kane (Glasgow) (SSP):** Does the minister agree that the woman in the case that Frances Curran outlined in her speech should be eligible for asylum because, if she is sent back, her children will almost certainly be mutilated? Could the minister comment on that?

**Hugh Henry:** No, I could not. As Rosie Kane knows, the matter that she is referring to relates to a reserved power. Today, I am concentrating on the positive contribution that this Parliament is making and will make to giving protection to females in Scotland, regardless of where they come from. I do not want this debate to stray into an argument about reserved matters that will lead to political point scoring. A good mood has built up as we have heard the arguments today and I will not stray into a discussion of immigration law and deportation because that is not within my area of responsibility.

The point that I was going on to make was about guidance to health professionals. We will issue such guidance by circular letter by the autumn and development work with communities will be an on-going process.

Nora Radcliffe mentioned a number of points of concern that were raised by members of the committee. I addressed many of those points in my evidence to the committee and I have explained the communications and the consultation. As I said, we can always do more to reach out to people to give them information, and we will learn from this experience about how we can do more to reach out to the communities that are affected by FGM.

I put on record again my comments about the consultation process. I believe that it was justified to shorten the consultation process in order to ensure that we achieved the parliamentary time slot for the bill. It would not have been right to require a long, extended consultation period and then to have missed the opportunity to introduce legislation. Under the circumstances, it was appropriate to take the action that we took.

Thanks are due to the people whom I mentioned for making the bill possible and for making the process so smooth. I join other speakers in thanking yet again those members of the affected communities who gave evidence and advice and

whose personal experience shocked us into producing what I hope will be more effective legislation.

I genuinely hope that we never have to prosecute anyone using the legislation because I shudder to think that any young girl or woman in Scotland might suffer to make a prosecution possible. However, I hope that the passing of the bill will give a warning and a message to those who think that female genital mutilation is appropriate: it will not be tolerated in Scotland.

## Points of Order

16:02

**Alex Fergusson (Galloway and Upper Nithsdale) (Con):** On a point of order, Presiding Officer. Over the past two weeks or so, the agricultural industry has been highly concerned by the impact that the Scottish Executive Environment and Rural Affairs Department's reassessment of support paid under agri-environmental schemes would have on individual producers. It is commendable that the Minister for Environment and Rural Development has ordered a swift rethink, but in doing so, he has publicly and strongly condemned officials for the unsatisfactory state of affairs that has come about.

In her response to Tricia Marwick's point of order yesterday, the Minister for Parliamentary Business stated:

"it is not appropriate to call into question the actions of officials who cannot answer for themselves in this chamber."—[*Official Report*, 25 May 2005; c 17211.]

If it is wrong for Tricia Marwick to call into question the actions of officials, may I ask why it appears to be in order for ministers to do so?

**Tricia Marwick (Mid Scotland and Fife) (SNP):** I thank the member for his point of order. I point out that the Minister for Parliamentary Business, who criticised me yesterday, said in her defence that it was the fault of her officials that she was late in moving an important motion this morning. I point out that the minister's job is hardly onerous. She is required to be here on time and she is required to say, "Formally moved." It is a bit much that she blamed her officials for her failure to get here on time.

**The Minister for Parliamentary Business (Ms Margaret Curran):** Yet again we see the graciousness of the Scottish National Party as it conducts its business. It is to Tricia Marwick's great discredit that she debases this Parliament time and again to discuss trivia. It is time that we put an end to that.

I want to say for the record that I would be surprised if all my Parliamentary Bureau colleagues did not agree with me when I make it clear that I make strenuous efforts to ensure that the Executive complies with all appropriate parliamentary procedures. There is all the difference in the world between a genuine mistake being made and people malevolently misusing the name of officials in the Executive. I am very clear about that difference, and no matter how much the SNP tries to pretend that there is no difference, we will maintain the standards of common sense and

rationale. Just now and again, it would be nice if the SNP and the Tories adhered to them as well.

**Rosie Kane (Glasgow) (SSP):** On a point of order, Presiding Officer. [*Interruption.*] Members should not hum and haw at me—other members have had a go.

I wonder whether Alex Fergusson and Tricia Marwick agree with me. I nearly made the point that I am about to make yesterday and am glad that I have been given a second chance to make it today. The same thing happened with the report on the M74 northern extension—[*Interruption.*] Members should not draw breath.

Ministers and back-bench members condemned the reporters in the same way, so there is a wee bit of the pot calling the kettle black.

**The Presiding Officer (Mr George Reid):** I return to Mr Fergusson. I am not sidestepping the issue, but the simple fact is that I can rule only on what is said in the chamber, what is in the *Official Report* and what is subject to verification. As I said in response to yesterday's point of order, I have no way of knowing whether what has been said is true. I cannot be expected to rule on anything that is said outwith the chamber.

## Motion without Notice

16:06

**The Presiding Officer (Mr George Reid):** We are ahead of ourselves, so I am minded to take a motion without notice to bring forward decision time.

*Motion moved,*

That Decision Time on Thursday 26 May shall begin at 4.06 pm.—[*Ms Margaret Curran.*]

*Motion agreed to.*

## Decision Time

16:06

**The Presiding Officer (Mr George Reid):** There are seven questions to be put as a result of today's business.

On this morning's debate on student and graduate debt, if amendment S2M-2866.2, in the name of Jim Wallace, is agreed to, amendment S2M-2866.1, in the name of Murdo Fraser, will fall. On this morning's debate on age discrimination in the national health service, if amendment S2M-2861.3, in the name of Andy Kerr, is agreed to, amendment S2M-2861.1, in the name of Nanette Milne, will fall.

The first question is, that amendment S2M-2866.2, in the name of Jim Wallace, which seeks to amend motion S2M-2866, in the name of Fiona Hyslop, on student and graduate debt, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 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)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)

Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Martin, Campbell (West of Scotland) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 White, Ms Sandra (Glasgow) (SNP)

#### ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)

Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)

**The Presiding Officer:** The result of the division is: For 60, Against 44, Abstentions 7.

*Amendment agreed to.*

**The Presiding Officer:** Amendment S2M-2866.1, in the name of Murdo Fraser, therefore falls.

The second question is, that motion S2M-2866, in the name of Fiona Hyslop, on student and graduate debt, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 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)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 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)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)



Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 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)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Martin, Campbell (West of Scotland) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 White, Ms Sandra (Glasgow) (SNP)

#### ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)

**The Presiding Officer:** The result of the division is: For 62, Against 44, Abstentions 7.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament agrees that the support arrangements for students ordinarily resident in Scotland should continue to be based on fairness and affordability; agrees that such a system should include free tuition, regardless of family income, and bursary support for those from less well-off backgrounds; welcomes the increased level of the Young Students' Bursary and its extended eligibility; notes that liable graduates pay the graduate endowment in respect of the higher education benefits that they have received with the payments adding to the fund to pay support bursaries for students from poorer backgrounds, and recognises that the publication of the survey of Scottish students' income and expenditure, later this year, will allow for a better understanding of the situation facing students and the continued development of policy to meet their needs.

**The Presiding Officer:** The third question is, that amendment S2M-2861.3, in the name of Andy Kerr, which seeks to amend motion S2M-2861, in the name of Shona Robison, on age discrimination in the national health service, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 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)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McCabe, Mr Tom (Hamilton South) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 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)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Martin, Campbell (West of Scotland) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 White, Ms Sandra (Glasgow) (SNP)

#### ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Curran, Frances (West of Scotland) (SSP)  
 Fox, Colin (Lothians) (SSP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

**The Presiding Officer:** The result of the division is: For 61, Against 41, Abstentions 12.

*Amendment agreed to.*

**The Presiding Officer:** Therefore, amendment S2M-2861.1, in the name of Nanette Milne, falls.

The next question is, that motion S2M-2861, in the name of Shona Robison, on age discrimination in the NHS, as amended, be agreed to. Are we agreed?

**Members:** No.

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

For

Alexander, Ms Wendy (Paisley North) (Lab)  
 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)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 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)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### Against

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Martin, Campbell (West of Scotland) (Ind)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Murray (West of Scotland) (Con)

#### Abstentions

Adam, Brian (Aberdeen North) (SNP)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ewing, Mrs Margaret (Moray) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Kane, Rosie (Glasgow) (SSP)  
 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)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)

Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 63, Against 17, Abstentions 34.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament welcomes the work of NHS Quality Improvement Scotland on its 2004 review of older people in acute care and its recommendations on how to improve services; welcomes the independent inquiry set up by NHS Lothian in response to recent criticisms of its standards of care, and welcomes the fact that the Scottish Executive has commenced work on an overarching framework for healthcare and community care for older people in Scotland, having due regard to David Kerr's report on the future of the NHS.

**The Presiding Officer:** The final question is, that motion S2M-2772, in the name of Cathy Jamieson, that the Prohibition of Female Genital Mutilation (Scotland) Bill be passed, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Prohibition of Female Genital Mutilation (Scotland) Bill be passed.

## Rural and Special Needs Schools (Aberdeenshire)

**The Deputy Presiding Officer (Trish Godman):** The final item of business today is a members' business debate on motion S2M-2770, in the name of Richard Lochhead, on the proposed closure of rural and special needs schools in Aberdeenshire. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes with concern the proposals by Aberdeenshire Council to close or amalgamate a number of local schools; recognises the strength of feeling amongst parents and the wider community over the implications of closing those schools, as illustrated by the formation of the Garioch Schools Action Group and other local campaigns; notes in particular the proposal to close St Andrew's school in Inverurie, a school that is widely recognised as providing an excellent educational environment for children with special needs; recognises the opposition to the current proposals by local parents at St Andrew's who are genuinely concerned by the impact some of the options proposed by Aberdeenshire Council will have on their children; notes the ongoing confusion over the exact nature of the local authority's proposals which is causing considerable distress amongst parents; believes that Aberdeenshire Council must make available to parents all the necessary information in relation to all those schools proposed for closure as part of the current consultation process; considers that Aberdeenshire Council should recognise the strength of the arguments put forward by parents and the wider community for the retention of their local schools, and further considers that the Scottish Executive should play what role it can to ensure that Aberdeenshire Council's proposals do not damage the educational welfare of the children and wider interests of the community.

16:14

**Richard Lochhead (North East Scotland) (SNP):** I thank everyone who signed the motion—they were from all the parties bar one—and I hope that many members will take the opportunity to speak in this debate. The debate is about the welfare of children in Scotland who are attending special needs schools—especially in north-east Scotland—and our rural schools. It is also about ensuring that the educational welfare of our children is put before bricks and mortar.

Many councils the length and breadth of Scotland face difficult decisions on the future of educational provision. A few months ago, Aberdeenshire Council launched 24 projects under its 21<sup>st</sup> century school improvement programme, on which it is currently consulting. Many of those projects are welcome, but one or two are questionable and one or two are, I believe, indefensible.

However, there is good news today. The education committee of Aberdeenshire Council met and a proposal to amalgamate four schools in

the Garioch area—Rayne North, Old Rayne, Chapel of Garioch and Logie Durno schools—has been reduced to a proposal to rebuild Logie Durno school, which effectively means that the other schools have been saved. I pay tribute to the campaigners in that area, who have achieved a significant victory today. I also pay tribute to the communities. I believe that the decision is a victory for common sense. I would like to think that it also indicates the power of Scottish National Party motions in the Parliament.

One of the serious points about the Garioch schools proposal is that the parents at three out of the four schools went through the same process a couple of years ago, when the future of the schools, with the exception of Chapel of Garioch, was similarly up for discussion and a vigorous campaign had to be fought. Despite the fact that the schools have been saved before, they have been forced just a few months later to jump through hoops and the local communities have again had to launch vigorous campaigns against Aberdeenshire Council. That is unacceptable. I hope that the minister takes on board the fact that the timescale was so short. Once the axe that is hanging over a school is taken away, it should not be put there again a couple of years down the line. The cycle of uncertainty is damaging to the morale of staff and parents in the affected schools.

I visited all the schools. Indeed, I went to Logie Durno a couple of days ago. The status quo is not an option for that school. A supposedly temporary portakabin has been in the playground for 27 years and older children have to cross the playground just to go to the toilets. The school needs to be modernised and I am delighted that the council has chosen to rebuild it.

The issue of special needs has risen up the political agenda during the past few years; the delivery of special needs provision is certainly high on the agenda in north-east Scotland and areas such as Gordon, west Aberdeenshire and the city of Aberdeen. Indeed, in Aberdeen, a campaign is under way to save the well-respected Raeden centre, whose future is on the line. Many parents are concerned that splitting the current provision at Raeden across three sites in the city will mean that much of the expertise and the reputation that have been built up over a long time will be lost.

The consultation options have been expanded for Carronhill School in Stonehaven as part of the Aberdeenshire proposals. I understand that Aberdeenshire Council's education committee has added the option of upgrading Carronhill School, rather than just closing it. That proposal, too, will now go to consultation, which is a small breakthrough for the campaigners in that part of the world, whom we wish well.

A crux of the debate is the future of St Andrew's special school in Inverurie. Currently, the school

has more than 100 pupils, 40 of whom are autistic, with the others representing a wide variety of complex needs. The school has an excellent reputation and is one of only seven in Scotland accredited by the National Autistic Society. An enormous campaign is now under way in Inverurie and throughout Aberdeenshire to save the school, which has an excellent reputation. Despite the fact that the children seem happy there and the parents are extremely happy with the education that is provided for their children, the school is now facing closure.

Until today, the only options that Aberdeenshire Council has given are the closure of the school and perhaps the establishment of two special educational needs bases at a local primary school and the local academy. I understand that the council has now added a new option for a stand-alone new build, on which it will consult. That is a significant breakthrough for the community and for the parents who have been campaigning to save the school. The campaign has attracted enormous public support. Almost 15,000 signatures have been gathered from across the local community—that speaks volumes about the school's reputation.

When I visited the school a few weeks ago, I was stunned by the dedication shown by the staff. The head teacher has turned the school around. One of the parents refers to the school as an oasis because of the ethos that has been built up there and because of the contentment among the children who attend it. The head teacher and the staff are an inspiration and I pay tribute to them. I am talking about staff who come in during the summer to knock cupboards together to make more room for the children and who come in during their holidays to paint the school and undertake other modifications. That speaks volumes about the dedication of the staff in that school.

The status quo is not an option. A rebuild is the best way forward, but the parents are concerned that it should not split resources and expertise among other sites. They believe that inclusion and mainstreaming are appropriate for some, but not all, children.

In an e-mail, Owen Williams, whose two sons are at the school, told me:

"The loss of St Andrew's School as a stand-alone institution would be disastrous for Paul and Niall. Neither Niall with his physical and educational difficulties nor Paul with his developmental and emotional difficulties would be able to deal with life in, or at close proximity to, a mainstream educational establishment."

That is the crux of the parents' concerns. They want the current stand-alone situation to continue on a new-build site. I hope that the Parliament will support their sentiments.

What can the minister do? For a start, the consultation process has been vague and confusing and the fact that the council's options have been difficult to understand has caused the parents much needless distress over the past few months. The minister should investigate how the consultation process has worked in Aberdeenshire and how it can be improved. He should also review the inclusion policy to ensure that it is not putting undue pressure on education authorities such as Aberdeenshire to do something that might not be right for children.

We should consider the economic and social impact of rural school closures, because I do not believe that authorities examine those factors hard enough when they contemplate closing such schools. I understand that, even though special circumstances must be taken into account, central Government has not issued specific guidelines for local authorities that are contemplating closing special needs schools. I wonder whether such guidelines could be issued. Finally, I urge the minister to use his influence to ensure that education authorities do what is best for children's educational welfare, not what is best for the school estate or for economics. I hope that the minister will reaffirm that number 1 priority this evening.

I pay tribute to all the staff and parents who have been involved in the various campaigns over the past few months. As we have heard today, many inroads have been made. I hope that, after this debate, the outcome of the consultation, which closes at the end of September, reflects first and foremost the best interests of the children and the affected communities.

16:22

**Richard Baker (North East Scotland) (Lab):** I congratulate Richard Lochhead on securing the debate. Obviously a cross-party element has already generated some movement on the matter. I want to focus on the two issues that have been causing parents concern: rural school provision in Aberdeenshire and services for children with special needs in the area.

I, too, acknowledge that it is right for local authorities to review the way in which they provide education to ensure that maximum value for pupils is gained through local spending on education. However, we must remember that there are sustainable rural schools whose rolls are not falling, whose teachers are providing excellent education and whose pupils should not be disadvantaged because of an overall restructuring strategy. Those issues have exercised campaigns in Aberdeenshire such as that run by the successful Garioch schools action group, and the local authority must pay careful heed to them. I welcome today's news about that campaign and

hope that there will be further acknowledgement of some of the other campaigns.

Of course, Aberdeenshire Council's proposals to close St Andrew's and Carronhill schools have caused parents great anxiety. Indeed, a petition against the closures has gained enormous support and has attracted 25,000 signatures, because parents have been unclear about the alternative provision that is being proposed for their children and are now concerned at what some of the alternatives might be. I very much welcome the fact that new proposals are being considered.

Like other members, I have met parents, particularly those associated with St Andrew's School and the Raeden centre, who are worried about the proposals and I have written to Aberdeenshire Council to express my concerns about the plans. I am particularly concerned by remarks apparently made by some local councillors that the local authority has to pursue plans to close St Andrew's and Carronhill because of Executive guidelines. At a previous question time, the minister helpfully clarified for me that such a view is wrong. Rightly, these are local decisions that are based on local need. Not only are local authorities not forced to put children with special needs into mainstream education, but Executive guidelines state that there must be the facility to review the progress of children with special needs in mainstream education. If the system is not working for a child, the capacity must exist to put them back into a special school setting. I sincerely hope that in future such a misconception—indeed, misrepresentation—of the guidelines is not relayed to parents, who are now aware of what the guidelines in fact say.

In his reply to my letter, the council's director of education makes it clear that the proposals, including the proposal for co-located units that are linked to schools, abide by Executive guidelines. However, parents are concerned that the proposal for co-location is not an adequate alternative to the mainstream provision that Executive guidelines refer to. There remains a need for further dialogue with parents. That dialogue will have to be more useful than the earlier dialogue and it should, as the motion suggests, recognise

“the strength of the arguments put forward by parents”.

It should represent genuine consultation.

This is not the first time in the chamber that I have discussed services for special needs children in the north-east. It is important that those services improve. There is concern over the proposals for the Raeden centre. Along with Lewis Macdonald and Anne Begg, I visited the Raeden centre to hear the concerns of staff and parents. Lewis Macdonald has put the issue on the agenda for the next meeting between Grampian NHS Board

and local MPs and MSPs. Again, the decision is a local one and I am bewildered that people are saying that the Executive is forcing the changes. It certainly is not. The Executive is determined to have excellent services for children with special needs and the Raeden centre has in the past been excellent at providing such services. Grampian NHS Board should bear that in mind when making any further decisions.

When we next discuss these issues, I hope that the goal of providing improved services for children with special needs will have been achieved. That will mean that the local authorities and Grampian NHS Board will have to have listened to parents and responded to their concerns. The parents, after all, are the ones who are most keenly aware of and concerned about the needs of their children. I am sure that the local authorities and Grampian NHS Board want to provide excellent services in education and health. Through the right partnership working, they can achieve that.

16:26

**Fiona Hyslop (Lothians) (SNP):** I congratulate Richard Lochhead on securing the debate. The motion focuses on Aberdeenshire, but it raises national themes. I have met parents from St Andrew's and Carronhill schools and the minister should reflect on the pertinent points that they raised.

We have to respect the fact that local authorities must manage the education services in their areas. However, some key points must be addressed. The case for special schools must continue to be made. The Standards in Scotland's Schools etc Act 2000 encourages the presumption of mainstreaming, but ministers have said time and again that special schools should not close as a result of mainstreaming.

We welcome the funds that are available for estate management, new build and refurbishment, but arguments for those funds could conflict with the arguments on the need for special schools. We should be more creative in using the talents and expertise of the teaching staff in special schools. Staff could be exchanged with mainstream schools. Those schools could learn a lot from working with staff who have experience of special needs children and children who need additional support for learning.

We have to address the consultation process and the guidance. The minister will know about the petitions from Argyll and Bute and from Midlothian and he will know that revised guidance was finally produced last year. That guidance is still not satisfactory, however. When special schools have a wide remit and a catchment area that is far wider

than the local community and local schools, their cases should be referred to ministers. Unfortunately, the guidance treats special schools just like any other schools.

I am glad that there have been changes and I welcome the movement that we have heard about today for St Andrew's School, Carronhill School and other schools in the Gordon area. Because there were specific proposals for Carronhill, the parents of the pupils there were in a different form of consultation process from the one in which the parents of the pupils at St Andrew's were engaged. It had not been decided at that point what association Carronhill would have with any other school. The Carronhill parents were perhaps more involved in the process than the St Andrew's parents, but the consultation process is still woefully lacking.

There has to be a debate about the merits of co-location of special units with mainstream schools. That should not become the orthodoxy just because it is simpler to administer and cheaper from an estate management point of view. The sell-off of stand-alone sites means that people can make money through public-private partnerships and can save money for other purposes.

A choice must be offered. There has to be movement between mainstream and special schools when that is desirable for individuals, but the choice should not be between having stand-alone schools and mainstream schools with special units attached. The option of co-located schools is being pursued throughout Scotland, not just in Aberdeenshire.

Just as the estate management argument runs counter to the special needs agenda, the rural development policy is being largely ignored when it comes to the case for rural schools. The Education Committee made that quite clear to the Minister for Education and Young People when he appeared before us about a year ago. There should be a presumption against the closure of rural schools, but that does not mean that no rural school will ever be closed; rather, it indicates that educational merits must be put at the forefront. Time and again, when I hear from campaigners throughout the country, I worry that that is not happening.

Very special individuals support children with special needs. Their work needs to be acknowledged and supported and the parents of the pupils who attend such schools need to be reassured by the Parliament and the minister that they will not continue to be treated in the way in which they have been treated so far. I welcome the changes that have been announced today, but I think that we will have to return to the issue repeatedly during this session of Parliament.

**The Deputy Presiding Officer:** Before I call Nora Radcliffe, I remind members that the title of the debate is the proposed closure of rural and special needs schools in Aberdeenshire. Members should stick to what the motion says.

16:31

**Nora Radcliffe (Gordon) (LD):** I am keen to speak in the debate as I am fully alive to the issues and concerns that are outlined in Mr Lochhead's motion. However, I have not signed his motion because I find outrageous the suggestion that any education authority or local authority would set out to

"damage the educational welfare of the children"

for whom it is responsible or the

"wider interests of the community."

Aberdeenshire Council, and its predecessor council, Grampian Regional Council, have a long and proud track record of prioritising and protecting education provision, even in times of viciously tight budgets, when extremely difficult decisions had to be made. As individuals, many of the councillors have been elected and re-elected to serve their communities and I have no doubt that they will do their utmost to serve those communities well.

I commend what the council is trying to do in respect of its educational provision for the future. It is consulting—no more, no less—on options for a school estate that contains predominantly elderly buildings, some too large, some too small, some badly sited, some in poor repair and many without modern facilities.

**Richard Lochhead:** Does the member appreciate that I am not saying that Aberdeenshire Council is setting out to damage the rural economy or the educational welfare of the children for which it is responsible? I am saying that that could happen if the council goes down the wrong road. Surely Nora Radcliffe should support her constituents, many thousands of whom have expressed support for the future of St Andrew's.

**Nora Radcliffe:** I am well able to support my constituents, believe me.

I have criticisms of the report that the council's officers have produced and of the way in which the exercise has been handled, but the principle behind it is absolutely correct. Officers were asked to undertake a review of the entire school estate in Aberdeenshire and to lay out a set of options on which the council could consult. That is entirely laudable and to be commended. Unfortunately, the report is not as good as it could and should have been, and parents have pointed out a number of quite serious inaccuracies in the descriptions of some of the schools and their facilities.

I attended a meeting in connection with the proposed set of options for a group of schools in the Garioch, at which council officers could not explain or justify some of the statistics in their report or answer the perfectly reasonable questions that were put to them by members of the school boards. The two local councillors who were also present at the meeting will have drawn their own conclusions. Following the meeting, I spoke to other councillors about my concerns and encouraged the parents who were present at the meeting to make representations directly to the councillors on the council's education committee. This evening, Mr Lochhead has indicated that that has been effective and that the option that local parents want has been adopted.

The consultation on St Andrew's School in Inverurie has also been unsatisfactory in many respects and different interpretations of the proposals that are contained in the report have been advanced at different times.

I have known St Andrew's School for more than 30 years; throughout that time, it has had an enviable reputation.

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

**Nora Radcliffe:** St Andrew's now caters almost exclusively for children with highly complex needs. The staff do superb work under the leadership of head teacher Mrs Burnett, who, in creating facilities out of cloakrooms and broom cupboards, has done an extraordinary job that is comparable to the spinning of straw into gold.

It cannot be denied, however, that the constraints of a building that was not designed to the space standards that are required to accommodate wheelchairs and standing frames mean that that building should be replaced as soon as is practicable. I think that there is general agreement on that.

I am bound to say that I did not see the option in the report as the best option when I first read it. I said so immediately to the convener of the education committee. A visit to the school, meetings with the director of education, the head teacher and the chair of the school board, as well as with many parents of children at the school, have confirmed my first response. I believe that the argument for replacing St Andrew's School with a free-standing single school is incontrovertible for a number of reasons that I have put to the local councillor and many of his colleagues. I have encouraged everyone who has contacted me on the issue to make their views known to the councillors who will eventually have to take the decisions on what happens.

I do not discount for one moment the anxiety, stress and distress of the parents—and perhaps

the children—that this exercise has occasioned. However, it is important to emphasise that consulting is one thing; doing is quite another. It would have been helpful if some of my colleagues had proceeded on that premise. It is irresponsible to present the council's consultation and dialogue as proof of its having a policy of closing rural schools or schools that cater for special needs children when no such policy exists.

Are we to take the position that such matters cannot even be discussed? Of course they need to be discussed, unless we adopt the irrational view that the school estate can never change.

**The Deputy Presiding Officer:** You must finish now, Miss Radcliffe.

**Nora Radcliffe:** I have two paragraphs to go.

The cynical assumption that consultation is always a sham will ultimately exclude the public from actively participating in shaping decisions. I would worry about the future of a democracy if it were to become impossible to consult the public on difficult subjects.

I have confidence that the people of Aberdeenshire and their council can and will work together to arrive at workable and acceptable outcomes for the future that are in the best interests of the children whom they all care about.

16:37

**Mr David Davidson (North East Scotland) (Con):** I congratulate Richard Lochhead on securing the debate. The subject is an important one, on which all members who represent north-east constituencies have had much communication from parents and families. Conservative policy is, and has been for some time, against the routine closure of rural schools as and when authorities have difficulties with cash. Those schools are the centre of many communities; they hold the communities together.

As far as special needs education is concerned, I was first contacted by parents who have children at St Andrew's School. The parents were very anxious that the council appeared to be having a discussion without taking any input from the parents. I phoned Hamish Vernal, the director of education, and was assured that that was not the case. He told me that there would be proper consultation and that meetings would be held with parents and so on.

I visited St Andrew's School with Nora Radcliffe. I have also visited Carronhill School. I have met parents; I have met the chairs of the school boards; and I have talked at length with staff. There is no doubt that St Andrew's is a high-achieving establishment, but it needs new



premises; the premises are no longer fit for purpose.

Replacing the school with two separate tag-on units or bases would be a disaster; it would split up an excellent working team of professionals who are highly skilled and caring. How on earth can a decision on the needs of a child be taken on the basis of age? One would assume that children of primary school age would be attached to a primary school, but age has nothing to do with the conditions in which they should be looked after. It is a fallacy that that should happen and the council should not go down that route. I hope that St Andrew's gets a new-build school. There is ground on the site for such a building; the school should be made fit for purpose and its excellent staff should be kept together.

I am delighted that Carronhill will be upgraded. In fact, the school supplies support for teachers who work in the different bases that are scattered around Aberdeenshire, at which children who are able to do so take part in part-time mainstream education.

I will read from an e-mail that I got last evening from Mr and Mrs Petrie, constituents who live in the north-east:

"My wife and I are utterly disgusted that they should do this to a highly acclaimed school. It has been awarded a gold medal from the autistic society for its achievements with autistic children (our son being one of them) only two of these Gold medals have been awarded in Scotland ... We need the Scottish parliament to tell Aberdeenshire Council to leave our kids and school alone ... We as parents feel that our son's education will be compromised by the school closure, he has made such good progress, we don't want him to be cheated out of an excellent source of education, support, safety and facilities that St Andrews school has to offer our son."

That is just one of hundreds of communications that I have received on this subject.

We have to look at special needs education in a different light. Every child who needs support should be assessed separately. The Standards in Scotland's Schools etc Act 2000 declared that mainstreaming was a presumption, but that is politically correct nonsense and flies in the face of the way in which children with special needs should be treated. The minister will not interfere with the operation of a council, but I would like him to ensure through his office that Aberdeenshire Council is given adequate resources to continue to develop the two full-time bases and to provide the support that is given to the bases that are attached to some primary schools in the shire.

People at all levels of government in Scotland—local and national—must listen to the parents.

16:41

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Richard Lochhead's motion is misleading, to say the least. It would have been helpful if he had turned up to the special briefing that Aberdeenshire Council provided for parliamentarians—MSPs and MPs—to discuss what it intended to do. He would have been less confused about the council's intentions and the options for change that are being put before local people. However, for whatever reason, Richard Lochhead was unable to attend that briefing.

**Richard Lochhead:** Will Mike Rumbles give way?

**Mike Rumbles:** No. Richard Lochhead has had his say.

The proposal is not a master plan that has been put out and consulted on after the event. It is a consultation on options. Aberdeenshire Council—in particular its education convener, Councillor Richard Stroud—is to be congratulated on its approach to the issue. The council has not followed the consultation model that has been pursued disreputably by many of our health boards over the past few years—they have put up their plans, which have been worked up by officials, and then asked people to approve them. The situation in Aberdeenshire is not like that. The consultation process is working well. The council has performed its review of the school estate and has come up with options for multimillion-pound improvements, if it obtains the funding from the Scottish Executive. The council is involving local people in the decision-making process.

I want to focus on the options for Carronhill School in Stonehaven, in my constituency. To date, the consultation on Carronhill has received 11 responses from staff, pupils, parents and community representatives requesting the removal of the option to close Carronhill. No responses were received in support of the option to close the school. There was also an overwhelming response against the option of closing Carronhill in a petition of more than 10,000 signatures.

I know that Aberdeenshire Council will listen to everyone who has responded to the consultation. With no responses being received to date that support the closure of Carronhill, I cannot believe that our councillors in Aberdeenshire will do anything other than respond in a positive way and keep Carronhill open. I have full confidence in our local Aberdeenshire councillors. I do not have the same confidence in the way that Richard Lochhead has misrepresented the actions of our local councillors and misled local people.

16:44

**Stewart Stevenson (Banff and Buchan) (SNP):** I recall the briefing to which Mr Rumbles referred. It may come as a surprise to him but, given the inability of Richard Lochhead to attend, I ensured that what happened and what was said at the meeting was shared with my colleagues.

**Mike Rumbles:** So that is what went on.

**Stewart Stevenson:** That is as members would expect. I suggest to Mike Rumbles that we do not make this a party-political issue—

**Mike Rumbles:** Oh dear.

**Stewart Stevenson:**—unless he wishes it to be one.

The core of what matters is the parents and the children who are affected by the plans. They are, in large part, affected beneficially. In some areas, however, that is less clearly the case. In that spirit, I welcome in particular the St Andrew's School parents, who have joined us in the public gallery to watch the debate. Because the time of the debate was brought forward, they were not able to be here for it all. I hope that, now that we will finish somewhat earlier than planned and the minister has some spare time, he might be able, as a courtesy to the parents who have travelled down here to see us, to spare them a few minutes after the debate, so that we can actually engage ministers and parents. Parents at St Andrew's and other schools who want to influence the outcome of Aberdeenshire's options and plans have conducted their campaigns in an excellent, professional and reasoned way throughout the shire.

There are people in my constituency who, like people in Inverurie, will be dancing in the streets tonight following some of today's proposed changes by the education committee of Aberdeenshire Council. A number of closures are proposed for my constituency. They are, by and large, sensible and respond to the demographic changes that have taken place. In one case, the council is closing a school that had an open roofless toilet for its children, which is absolutely unsustainable in the modern world. Such responses to changing circumstances are entirely appropriate.

In the brief time that is available to me, I want to say a few words about Longhaven School, south of Peterhead, where the case for closure is not as strong by any means. In fact, its closure was considered among the options only because of a slightly loose remark, or rather a question, by a local councillor—no names, no pack drill; this is not the time for that. That councillor asked why Longhaven was not one of the schools that were being considered for closure. It did not come

under the initial considerations, although it ended up being recommended for closure.

That decision is a great mystery to parents and to me. The grounds for the school's closure relate to the state of the building, yet there is no evidence that it is inappropriate. It has had money spent on it in recent years, and I have visited it a number of times. Not only that, but the council has given a near six-figure sum to redevelop the village hall, which is located just a few feet from the school. Facilities are shared by the two buildings, and those improvements were required for the school. I hope that, when the full council considers the issues around Longhaven School, it is able to reconsider the case that parents have advanced and to examine more carefully whatever proposal the parents end up wanting to include among the options.

Dialogue has been mentioned in the debate. The issue of Longhaven School was voted on without any of the proponents of including the option of closure even speaking for their proposal. We need dialogue on Longhaven School. I welcome the fact that, elsewhere in Aberdeenshire, there is delight at the changes that are being made. I congratulate Richard Lochhead on bringing us the opportunity to consider—I hope objectively—this important issue.

**The Deputy Presiding Officer:** In order to allow members who wish to speak to speak, I am minded to accept a motion without notice to extend the debate by 10 minutes.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended until 5.12pm.—[*Richard Lochhead.*]

*Motion agreed to.*

16:49

**Mrs Nanette Milne (North East Scotland) (Con):** I am pleased that Richard Lochhead has secured this debate on an issue that is of great importance to many parents and pupils in Aberdeenshire. Aberdeenshire Council's proposed improvement programme is still out for consultation, and the proposals are not yet prioritised or costed. As yet, no funding has been made available for any of the proposals. Some of them are not contentious, but others have given local residents significant cause for concern.

I had not heard about the outcome of today's meeting of the council's education committee until recently, as I have been in the chamber most of the day. Members will be pleased to know that, as a result, my speech will be about half the length that it was going to be originally.

I warmly welcome the news about the Garioch schools. The decision is clearly sensible. It is the

same as the decision that was made two years ago after a successful campaign to keep the schools open. Naturally, the parents were disappointed when the debate seemed to reopen and I understand why parents were really upset when, at a meeting with officials, they were given the erroneous reports—to which Nora Radcliffe referred—about the current state of their schools. I regret the frustration and worry that the Garioch schools parents have undergone in recent weeks; thankfully, it has turned out to be needless.

The proposals for St Andrew's School and Carronhill School are also welcome. I have visited both schools in recent months. Carronhill is ideally situated. It has plenty of space and upgrading is the obvious answer for it. Parents will be delighted with the news.

**Richard Lochhead:** I thank the member for supporting the motion and will follow her comments about Carronhill. Does she agree that it was a bit bizarre for Mike Rumbles to say that the motion misleads Parliament when Aberdeenshire Council's leader, Audrey Findlay, was quoted in *The Press and Journal* on 11 May as saying that the consultation process had "gone pear-shaped"?

**Mrs Milne:** I agree with Mr Lochhead; Mr Rumbles often makes comments that are quite bizarre.

It is clear that the present St Andrew's School building in Inverurie is near the end of its life, but in it, pupils receive a first-class education that is appropriate to their needs. The atmosphere is calm, caring and inclusive. As Richard Lochhead said, of the 100-plus pupils for whom it caters, 40 are autistic, many of whom are at the severe end of the autistic spectrum and several of whom have very complex needs. Several of those pupils went to St Andrew's from mainstream schools in which they had failed to cope. All their parents are full of praise for the progress that they have made at the school. Those parents are aghast at the prospect of the free-standing St Andrew's School being replaced by support-for-learner bases that are co-located with mainstream schools, even if the bases are modern state-of-the-art units such as that which is attached to Banff Primary School or that which is incorporated in Banff Academy. Those bases are impressive and successful, but none of the pupils whom I saw at them has the complexity of disability that I have seen in St Andrew's and none has such severe autism. St Andrew's caters for children who meet the criteria for exceptions to mainstream education that are included in the Standards in Scotland's Schools etc Act 2000 because such education would not suit their disabilities and aptitudes.

Other local authorities are building new stand-alone facilities. Until today, that was not an option in the consultation for Aberdeenshire schools. A

parent asked me to quote her daughter's draft record of needs, which says clearly that she needs to be placed in a special school. Pupils' needs must be put first. The parents of severely disabled children are the best judges of how their offspring are coping. They are devoted parents. Many went through hell before their children went to St Andrew's and their desire for new stand-alone facilities to replace that excellent school must be listened to.

I am well aware that decisions on such matters are for the council to make in due course, but the concerns are real. The parents feel that they must fight for the right provision for their children, including their right to an education that suits them and which will enable them to reach their fullest potential. I hope that the minister understands those concerns and I look forward to his response to the debate.

16:53

**Shiona Baird (North East Scotland) (Green):** I warmly welcome Richard Lochhead's motion and the chance to debate the issue, which could have a serious impact on many children and families in Aberdeenshire. Two separate topics with their own special implications arise from the same mindset and lack of joined-up thinking.

The closure of rural schools flies in the face of all policies to encourage rural regeneration. There is no way that people will be encouraged to stay in or move to rural areas if local services are not provided. I am delighted to hear the news that Aberdeenshire Council has moved somewhat to allay many families' fears. Closure of rural schools, along with closure of post offices and local shops, has one consequence: it undermines any incentive to live in such areas, because it leaves them poorly serviced.

We need to address a distinct problem in our much larger and more remote rural areas, such as Aberdeenshire. It is essential that the Executive is aware of the need to provide funding support to enable local authorities to react sensitively to the needs of rural areas. To digress a bit, I was encouraged by the Kerr report on the health service, which was published yesterday and which emphasises rural communities' needs and the aim of providing services as locally as possible. In that context, we surely need a similar review of communities' need to remain vibrant and sustainable.

The proposals to close or amalgamate special needs schools such as St Andrew's and Carronhill raise issues about the value that society places on disabled people; such proposals call into question whether we value each member of society as an individual and whether we recognise everyone's

ability to contribute to society in whatever way, however small. "Inclusion" and "equal opportunities" are buzz words, but they need the broadest interpretation. To me, equal opportunities means enabling everyone to achieve the best that they can achieve within their abilities. Inclusion is about recognising that everyone has a part to play in whatever community best suits their needs. However, that level of inclusion and equal opportunities requires targeted and flexible funding. For many children who are disabled by a huge variety of needs, schools that provide dedicated services are the most effective way in which to develop to their full potential, whatever that may be. Like other schools, St Andrew's provides that service.

Our society grossly undervalues the contribution that disabled people can make in the workplace and the community. If we recognised that contribution, we would ensure that the best services were available for children from the earliest age. Early identification of need and early intervention are vital if children are to receive the basic education that will set them on the path to achieving the best that they can achieve. Surely that is what we want for all our children and what they deserve.

By investing at an early stage, we will enable children to become as independent as possible and therefore, one hopes, they will require less support in later years. I would like more vision from local authorities; they should take a more considered approach, before families such as those in Aberdeenshire, who already have enough stress in their lives, have to give so much time and effort to campaigns.

16:57

**Lord James Douglas-Hamilton (Lothians) (Con):** The proposal to close or amalgamate rural special needs schools is, needless to say, causing anxiety among the children who benefit so much from the schools and among their parents and local communities. The National Autistic Society Scotland estimates that 20,000 children in Scotland have autistic spectrum disorders. Schools such as St Andrew's in Inverurie cater for such children's specific needs. St Andrew's School, which is generally regarded as a centre for educational excellence, caters for more than 100 children who have severe and complex educational and/or medical needs. The school is one of only seven local authority schools that have received accreditation by the National Autistic Society.

St Andrew's provides children with the highly specialised care that they require in small group settings with a high staff to pupil ratio. The case that the parents have presented stresses the high

level of expertise among the teachers and the excellence of the school facilities, which include a hydrotherapy pool with a sensory installation that benefits children with physical impairment considerably—many children access the pool twice a week. The parents also state that they

"are not against mainstream bases and many children have moved on into a mainstream setting when they are able to do so",

but that

"The education that St Andrews school has provided has enabled the children to reach this stage",

which might not have happened otherwise.

One factor that causes grave concern and which Aberdeenshire Council would be wise to bear in mind is a finding of Her Majesty's Inspectorate of Education, which, in January 2005, stated:

"the authority did not have a policy on special educational needs nor a clear overall strategy for further development of its services in this area."

In view of that criticism, there is a moral obligation on the council to be particularly careful before it takes decisions that could have a detrimental effect on the most fragile and vulnerable members of the community. There is a moral obligation on any council in Scotland that deals with the most vulnerable children in the local community.

**Mike Rumbles:** Lord James makes a point, but that is what Aberdeenshire Council is doing. It is consulting widely and carefully.

**Lord James Douglas-Hamilton:** I am delighted to hear that, and I very much hope that the member will use his good offices to impress upon the council not only the fact that St Andrew's is a centre of educational excellence, which provides an extremely valuable service for many children with additional support needs, but the need for it to be particularly careful before it takes any decision that could have an adverse effect on the children. That is the message not only from Richard Lochhead and the SNP, but from all parties in the chamber. The council would be wise to bear that in mind.

The National Autistic Society has made it clear that it believes that, for inclusion to take place, educational provision must be adapted according to pupils' individual needs and that a child's individual needs should be the starting point for identifying what type of school they should attend and what support they will need in that setting. I say to Mike Rumbles that there is a meeting of minds on that point—we must be fair to the council. All we are saying is that the council would be well advised to be extremely careful in dealing with one of the most important subjects for our country.

17:01

**The Deputy Minister for Education and Young People (Euan Robson):** Any mention of school closures raises concerns and anxieties in the communities involved. I have been through that in my constituency, but I will return quickly to the subject of Aberdeenshire before the Presiding Officer reminds me of the geographical boundaries of the motion.

It is important that if there are concerns and anxieties, MSPs do not add to them by their actions. It is also important that we are clear about the process that Aberdeenshire Council is engaged in and that we see it from the proper perspective. It is particularly important that we are clear that, for most of the school building issues that the council has been considering and discussing with local communities, there is no question of the council having firm proposals to close schools or, indeed, to do anything else to them. What the council has been mainly engaged in is a series of informal discussions with local communities about possible future developments in the school estate in Aberdeenshire—all in the spirit of openness and of giving communities as much early notice as possible of ideas that the council has for their schools in the future. All of that is taking place in the context of a school building improvement programme, not a programme of school closures.

Aberdeenshire launched the discussions in January this year with its announcement of its 21<sup>st</sup> century school improvement programme, as members have said. It is worth recording that the programme that is under way has already resulted in the building of the new Meldrum Academy, major improvements at Meldrum Primary School and Banff Primary School, and construction of the new Port Errol School and Strathburn School in Inverurie. The building programme includes the replacement of Portlethen Academy and new primary schools for Kintore—Nora Radcliffe and I were there at the start—Banchory, Lairhilllock, Longside, Rosehearty and Rothienorman, all of which are set to be completed by 2006.

As part of its on-going interest in its school estate, following an assessment of all of its schools, the council prioritised a further 24 school projects on which it wanted to share information with local communities; that is the enterprise it embarked on in January. However, in most cases, those were simply ideas for discussion about projects over a 10 to 15-year timescale—projects that were dependent on the availability of finance and a range of other factors. In many cases, no school closures even figured in the council's thinking. In most cases, the consultation with local communities was purely informal. As the council said when it announced the consultation

arrangements, it was an information-sharing process, with further consultation to come if individual projects were to be taken further.

As councils are sometimes criticised for not consulting or for consulting with too short a timescale, it is disappointing to hear criticism of a council—Aberdeenshire Council—that seems to have gone out of its way to share its thinking and aspirations with its local communities at as early a stage as possible.

**Richard Lochhead:** The minister's comments will be viewed with some scepticism by parents in Aberdeenshire whose children attend the schools concerned. Does not he agree that it is a bit bizarre for him to be making those comments when the leader of Aberdeenshire Council, Audrey Findlay, was quoted on 11 May in *The Press and Journal* as saying that her consultation process had "gone pear-shaped"?

**Euan Robson:** Perhaps it has gone pear shaped because certain people have been misrepresenting it. I do not know, because I do not come from Aberdeenshire. However, I understand that the process started as early as possible with as long a consultation period as possible.

To return to the detail, it is certainly the case that, alongside informal consultations, there are three instances in which a full formal statutory consultation has taken place. Those involve proposals to close Longhaven School near Cruden Bay, Braeside School near Auchnagatt and Cairnorrie School near Methlick. The council will have set out its reasons for proposing those closures in the statutory consultation with parents and it is for the council to decide whether or not to proceed with any or all of the closures, taking account of the local representations that it receives. Indeed, I understand that the council is meeting today to decide on a number of matters to which members have referred and that changes have been made as a result of consultation responses. It is not for me to comment on those local issues, as the decisions are entirely for the council.

The statutory consultation process on school closures provides ample opportunity for those who are directly affected by school reorganisation proposals to make their views known before their local authorities reach decisions. Last September, we issued guidance to authorities covering a range of school estate issues, including school closures. Peter Peacock has already sent Richard Lochhead a copy of that guidance, which stresses the importance of consultation and for the emphasis to be on more consultation, more information and more time rather than less. It calls for a fuller process than the minimum that is required to comply with legislation.

Particular mention has been made of St Andrew's School in Inverurie. Stewart Stevenson has left the chamber, otherwise I would have accepted his informal invitation to meet the parents from that school after the debate. Aberdeenshire Council has said that St Andrew's School might be considered for closure as part of a much larger project to upgrade or replace Inverurie Academy, with bases for pupils with additional support needs being provided at appropriate local schools, but it has not proposed the school's closure. All that the council has said is that closure might be considered at some point in the future if it is able to identify funding for the wider project. I believe that there are other proposals for a stand-alone unit, but we are nowhere near to any decisions on that, as far as we are aware.

When authorities generate debate about potential changes to schools, including closure, there is bound to be an impact on the feelings of people in the community. When special schools are involved, that might especially be the case, because of parents' concerns about the particular needs of their children and how they might be met elsewhere. As I have said, Aberdeenshire Council has decided to bring local communities into its thinking at a very early stage. That is a commendable approach, and I urge everyone who is involved to use the opportunity to have a genuine and mature discussion about the possibilities for future school provision. It is in no one's interest simply to object and pull up the drawbridge.

**Fiona Hyslop:** St Andrew's School and Carronhill School draw children from a much wider area than their local communities. It does not make sense for consultations for such special schools to be carried out in the same manner as those for other schools. Will the minister reflect on that?

**Euan Robson:** If a school draws from a wider geographical area, we would expect consultation to be with the wider group of parents. If it is necessary to reflect on that point, I will certainly do so, but we have made the point clear in the past. If the council proposes the closure of particular schools, full statutory consultation will be required. At that point—if it is reached—there should be firm proposals and fuller information.

There is no evidence that authorities are abandoning special schools in favour of a blanket policy of mainstreaming. It will always be necessary to tailor provision to the needs of the individual child. Peter Peacock and I have said that repeatedly in the chamber, but that does not seem to have penetrated into certain people's understanding. Authorities must make available a range of mainstream and specialist provision,

including special schools, to meet the needs of all children.

I think that David Davidson will live to regret his extraordinary pronouncement that mainstreaming provision is utter "politically correct nonsense". Personally, I have never heard such nonsense.

**Mr Davidson:** The National Autistic Society Scotland has said virtually the same thing but in politer language. The real point is that if decisions ought to be made on the basis of individual children's needs, as the minister claimed a moment ago, the provisions of the 2000 act need to be rewritten to give parents confidence that they are.

**Euan Robson:** If the member read the act, he would know that it gives three qualifications for exceptional circumstances. I will send the details to him so that he can see them.

Richard Lochhead's motion suggests that

"the Scottish Executive should play what role it can to ensure that Aberdeenshire Council's proposals do not damage the educational welfare of the children and wider interests of the community."

As he should know, there are statutory obligations on Aberdeenshire Council to provide adequate and efficient education, on which the council is scrutinised by Her Majesty's Inspectorate of Education. The recent HMIE report on Aberdeenshire Council to which Lord James Douglas-Hamilton referred will be considered by the council, which will doubtless give due consideration to the point that Lord James raised as well as to the other issues that are highlighted in the report.

The guidance on school estate issues that we issued last September makes it clear that local authorities have stewardship of education services at the local level. The role of ministers is not to second-guess authorities' decisions on school provision—I make that clear now, as I have made it clear in my responses to questions that Richard Lochhead has asked on several occasions in the chamber. However, I also make it clear that I expect Aberdeenshire Council to involve stakeholders as fully as possible in its consideration of its school estate needs and to take carefully considered decisions that allow it to deliver the best possible outcomes for its young people and communities.

*Meeting closed at 17:12.*

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