

MEETING OF THE PARLIAMENT

Thursday 15 September 2005

Session 2

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Scottish Parliament

Thursday 15 September 2005

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

Family Law (Scotland) Bill: Stage 1

The Presiding Officer (Mr George Reid): Good morning. The first item of business is a debate on motion S2M-3233, in the name of Cathy Jamieson, on the general principles of the Family Law (Scotland) Bill.

09:15

The Deputy Minister for Justice (Hugh Henry): First, I thank all those who were involved in preparing the stage 1 report on the Family Law (Scotland) Bill, in particular Pauline McNeill and the members of the Justice 1 Committee, and also members of the Finance Committee and the Subordinate Legislation Committee. I also want to express my thanks and appreciation to the many individuals and organisations that provided oral and written evidence.

The Justice 1 Committee's report is considered and balanced. I am grateful to committee members for their hard work and detailed consideration of the issues, for the constructive tone of the report and for their endorsement of the principles of the bill. Before I go into the detail of our response to the report, I will set out the context of the bill.

Family law is the one aspect of our legal system that touches everyone's lives. Not one of us here today is exempt from it. Many occasions are happy and joyous—the birth of a child and the marriage of a close friend or relative—but family law bites hardest when things go wrong, for example when a couple separates or one party falls ill or dies. We have consulted extensively on our proposed reforms, but it is important to hear people's views on these important matters and to reflect on them. An individual's opinion is often grounded in their own experiences, which are sometimes bitter, and there are many other people who argue from polarised positions. As we have discovered, the subject is not characterised by consensus, but I believe that the bill reflects the issues and interests of the majority and that our proposals have won general support from a broad band of responsible opinion.

I am in no doubt that family law needs to be reformed. We need a legal framework that supports families in today's Scotland. In the

1950s, around 90,000 children a year were born to married parents, compared with just over 4,000 a year to unmarried parents. Last year, by contrast, nearly 29,000 were born to married parents and more than 25,000 were born to unmarried parents. Of the 29,000 children born to married parents, many will subsequently be reared in lone-parent families or in families where adults other than their natural parents play a part. Therefore, we need to ensure that family law protects all those children, reflects their interests and recognises that they all deserve our full and equal consideration. We cannot and will not ignore their rights and needs. Family law in Scotland needs to reflect the reality of family composition, not try to determine it. I stress that we value families whatever shape they take.

We want to see stability in families. We want all our children to get the best start in life and we know that that can best be achieved in a stable, loving family environment. However, sadly, that is not always possible. Where a family faces difficulties, we want it to be supported and, wherever possible, its difficulties to be resolved at an early stage. Where family breakdown is unavoidable, we want the future to be resolved with the minimum disruption, conflict and acrimony and with improved outcomes for everyone, but especially for the children who are caught up in the dispute. That is why Scottish ministers have not been afraid to broach the difficult issues—to reform our divorce laws, to extend parental responsibilities and rights to include unmarried fathers, to introduce safeguards for cohabiting couples and to extend protection for the vulnerable.

Three core principles have guided our work: first and foremost, safeguarding the best interests of children; secondly, promoting and supporting stable families; and thirdly, updating the law to reflect the reality of family life in Scotland today. However, legislative reform on its own is not enough, which is why we are also working on a package of non-legislative measures. They include the development of parental agreements, which will be a tool to help parents who are separating to focus on their children and to consider their future needs; a charter for grandchildren, which recognises the importance of supporting children to continue to develop relationships with the people in their lives whom they care about; and an information campaign, because we know that reforming the law will not make any difference if people do not know about it. We all know that there are many myths and misunderstandings about the law that need to be addressed, and we will tackle that.

The stage 1 report is detailed in its consideration of the issues. I have responded formally to the specific issues raised and was able to respond to

a number of them positively. For example, the Justice 1 Committee expressed concern that the law on interdicts is becoming increasingly complex and that our proposals would add to that complexity. Domestic abuse or violence is an insidious problem, and we accept that readily accessible remedies are needed. We are happy to take on board the committee's request that we simplify the rules for attaching powers of arrest to interdicts. I will lodge amendments on that matter at stage 2.

On a related matter, we are aware that Scottish Women's Aid is deeply concerned about safe contact for children and their mothers, and we share that concern. Domestic abuse is a scourge on our society. When women and children escape an abusive situation, their continued safety and well-being must be ensured. However, we also share the committee's concerns about the dangers that are inherent in introducing presumptions into this aspect of family law. The welfare of the child is the paramount consideration. Judges consider the facts and circumstances of each individual case before concluding what is in the child's best interests. We are considering the issues that were raised directly with ministers and with the committee during its evidence taking.

Today's debate is not about the details, but about the general principles of the bill, which, in the main, have received broad support. However, I will pick out a few of the key issues that were raised by the committee. We have proposed reforms to the rules on divorce. I recognise that it is a difficult and thorny issue, that there are many conflicting views, and that no reform will please everyone. The driving force behind our proposals is the belief that, where it is safe, children are entitled to the loving involvement of two parents in their lives, irrespective of how the parents feel about each other.

We do not propose to encourage or advocate divorce. As I have said, the best outcome would be for couples to confront and overcome their relationship difficulties, but the state cannot force people to remain married. A certain and increasing proportion of marriages will end in divorce. We want to reduce acrimony in divorce, especially where children are concerned, and enable couples who are determined to end their marriage to do so without unnecessary conflict and recrimination.

Forcing people to stay married when a relationship has clearly broken down adds nothing. I understand that people who accept the principles of divorce will have differences of view about the appropriate periods and that others will argue about the periods but will be opposed to divorce altogether. However, although I accept that we should do nothing that encourages the break-up of a relationship that might otherwise survive, we

need to reflect on the increasing break-up of marriages. Our proposals accept the reality of life in Scotland today. I note that the committee has not yet reached a consensus view, and I look forward to further debate on this important issue at stage 2.

I accept that providing effective support for families is a key component, and I welcome the committee's recognition that the Executive has introduced measures to build capacity in the services that support family relationships. Centrally, we support the national organisations, and we have set them a challenging task—to raise their game, to provide services in a more integrated and coherent way, to maximise their efficiency and to strengthen the local network of services. However, there is only so much that central Government can do. We all know that the services that work best are those that are developed in response to local needs.

Local authorities have no less a role to play in developing and supporting services for families that face relationship difficulties than they do in any of the other services for families and children who are at risk. After all, such services are indirectly a service for children. The Convention of Scottish Local Authorities has argued consistently against ring fencing, because it believes that local authorities are best placed to make local decisions about the use of funding, but I know from many letters that I have received that there are concerns that in many areas insufficient support is provided for those services. I will discuss that with COSLA, but the Scottish Executive cannot be a substitute for local decision makers making local funding decisions on services for which they are currently responsible.

I am particularly glad to note that the committee welcomes the extension of parental responsibilities and rights to unmarried fathers and that it shares our view that legislation should encourage and promote fathers' participation in their families.

Before I finish, I want to say a few words about our proposals to introduce a package of legal safeguards for cohabiting couples. That is perhaps the most complex and controversial aspect of the bill and it is important that I set out what we are trying to achieve. I want to remind members of why we need the legislation. We need to introduce greater certainty, fairness and clarity to the law, and to protect the legally vulnerable when a relationship ends. What we have seen in the course of preparing for the bill, and what has come out during the committee's evidence taking, is that there are myths in Scotland about the rights that people have when they cohabit and myths about common-law marriages. Some people mistakenly believe that they have rights where no rights exist.

That leaves them vulnerable and we need to address that.

Our proposals are not about undermining marriage or about creating marriage-equivalent rights for couples who have chosen not to marry. It is just as important to protect the right of adults to live unfettered by financial and other legal obligations towards partners and to balance that with the need to protect the vulnerable. Our focus has been on those cohabiting relationships that offer some evidence of the partners' commitment to a joint life. We have set out to create what I would argue is a fair regime to safeguard the interests of those in cohabiting relationships who may be vulnerable by virtue of their exposure to risk or harm, and to provide a fair and just basis for sorting out disputes between cohabitants when things go wrong.

The bill will bring Scottish family law into the 21st century. It will increase protection for the vulnerable and, most important, it will improve outcomes for our children. Our children should be able to live in family units free of acrimony and bitterness, whatever shape those family units might form or however they might be re-formed. Their needs should be at the forefront of all of our minds, particularly at the most difficult stages of family life. They should be innocent to the problems faced by the adults in their lives and free to enjoy their childhood without being used as pawns in adult disputes.

I move,

That the Parliament agrees to the general principles of the Family Law (Scotland) Bill.

09:27

Stewart Stevenson (Banff and Buchan) (SNP): Today we debate the role of the state in supporting families and family structures in modern Scotland. Stability and comfort come through enduring relationships, with the finance and the leisure time with which to enjoy them. Our communities as a whole share the benefits derived by individuals in such stable and comfortable relationships. By contrast, chaos and lack of stability in families lead to lack of social cohesion and of shared purpose in our communities, and damage far too many beyond the problem family with difficulties. A bill that aims to increase stability without compromising individual freedom ought to be one that gains wide support.

We should prefer the enabling that is implicit in a well-designed, well-structured, liberal family law bill. That is entirely consistent with the discomfort of many members at the previous focus on punitive control measures—antisocial behaviour orders and the like—designed to deal with the failures in too many families. Therefore, we

welcome the move to positive support for families and, to some extent, away from punitive measures to address issues with families and offspring.

Children are at the heart of almost all couples' aspirations, so I welcome the emphasis on children in Hugh Henry's comments today. However, the first thing that I must say is that the proposals in the bill are strangely silent about children. We can glimpse the effects on their lives in some of the proposals—in the area of relationships post break-up, for example—but the core policy intentions for children, which have been articulated fairly clearly, are far from clear in the bill. However, the bill in its current form is the basis on which we can address and resolve those matters in subsequent stages of our consideration.

The Executive is in a hurry. Across the political parties, committee members have felt under considerable and perhaps unnecessary pressure to complete consideration of the bill. Indeed, we hear that the Executive would like stage 3 to happen before the end of the year, which is ambitious. I do not criticise the Executive for being ambitious, but is that unrealistic? Will it devalue and debase the bill that we ultimately pass? The distant sound of the tambours of election war already clamours in the Government's ears, to judge from the indecent haste with which the—as I shall argue—ill-developed legislation is being pursued. The consultation on which the bill is founded stretches back over a decade, so why there should be so many areas of uncertainty, continuing debate and change in the bill is a little bit of a mystery.

I will attempt to answer three questions. First, is the bill needed? Secondly, are the changes proposed necessary, sufficient and beneficial to—in order of priority—children, couples, society and the state? Thirdly, are the risks of the proposed changes high enough to sound alarm bells that we should take notice of?

Clearly, the bill touches on issues of personal morality, belief, religion and lifestyle, so the Scottish National Party will not be applying a party whip and I expect that the contributions from our benches on some of the proposals will reflect a range of views. I hope that my colleagues will largely support the onward passage of the bill, and I speak in the belief that most, and perhaps all, of them will do so, but I also speak from a position of personal involvement with the issues through the committee and elsewhere.

It was appropriate that Hugh Henry acknowledged that there will not be a universal welcome for the bill. Cardinal Keith O'Brien's submission to the committee restated the Catholic Church's position, stating that the

"Church opposes divorce in principle".

Of course, the cardinal is therefore unhappy with the proposed reduction in the periods required for divorce. He quoted Pope John Paul II as saying:

"What is missing in non-marital cohabitation is trusting openness to a future life together".

That is not a view that I hold, but it is one that will be important in our future consideration of the bill. We must take account of all views.

The minister will know that I have suggested that we should respond to lobbying from the Catholic Church by ensuring, for example, that when unmarried couples are registering their first child they are made fully aware of the options for building on and strengthening their relationship for the benefit of the child. Perhaps the state could make that information available to people in the hope that more people will enter into civil partnerships or progress to marriage to protect the future of the child. We would have to make people aware of the range of options.

I turn to some of the detailed comments that the committee has made. We certainly share the minister's concerns about the uncertainty surrounding marriage by cohabitation with habit and repute, in so far as it may exist. We support the idea of an informational campaign and recognise the need after the bill is passed—which I assume will happen—to raise awareness of the effects of its provisions. At the same time, we must ensure that marriage is also explained to the general public.

The minister will know that family support services are something in which I have taken an interest in the past, and I welcome what he has said about the Executive's objective of building capacity in the services that support family relationships, notably counselling and mediation. The reference to independent local voluntary bodies is entirely appropriate, and I would counsel that we need more support for them and perhaps less focus on the national bodies. That is of concern to my local bodies, which are already working together, collaborating and sharing premises, and are showing good practice for elsewhere. Local authorities have a role, but we must not let that role be to suppress the initiatives that are taken in the voluntary sector.

The minister's comments on the Protection from Abuse (Scotland) Act 2001 are welcome. The committee and I consider that that is a good basis for consolidating an increasingly confusing use of interdicts to protect people in relationships. The bill contains good, helpful provisions on parental responsibilities and rights. There are some difficulties with cohabitation. The Matrimonial Homes (Family Protection) (Scotland) Act 1981 already gave a definition of cohabitation, and we now have a new, different definition. As we move

forward we might consider whether, by considering the definition within the context of a family law bill, we might be excluding some people who have relationships that are not familial in the conventional sense. For example, brothers who are bachelors and who live together might have similar interrelationships to the ones that are described and might reasonably expect to have similar protections. There are other examples. In other words, sex is not the only important factor and determinant.

We welcome the focus on long-term and enduring relationships. Financial interdependence, which the Executive is now focusing on, is a useful clarification of where we are going and how we should recognise cohabitation. On page 17 of the minister's response to the Justice 1 Committee's report, he talks of a couple who have given their energies and emotional and financial resources to a relationship and whose choices, particularly self-denying choices, are driven by expectations of a joint life. That is a useful clarification and one that I welcome.

Despite the clarifications about the distribution of assets at the termination of a cohabitation through death or break-up of the relationship, I continue to have concerns that the new way in which the fixed pot of money is to be redistributed in some circumstances will disadvantage children. The minister has pointed to some flaws in the committee's working on that issue but we must continue to watch it with great care.

I said that there were three important questions. Is the bill needed? Yes, I believe that it is needed and that it is time for an update. Are the proposed changes necessary, sufficient and so on? For children, the changes may be necessary and, to some degree, sufficient, although not necessarily to all degrees; for couples, they are necessary and, to some degree, sufficient, but the risk remains, particularly in reducing the time to divorce, that we may inadvertently be devaluing and destabilising relationships and attacking marriage, although I accept that that is not what we are trying to do. Society will benefit from greater clarity on and the extension of protections to people who are cohabiting, so the state and all the people in it will benefit. Therefore, I will support the bill at decision time. I hope that many members across the chamber will join me in doing so.

09:38

Margaret Mitchell (Central Scotland) (Con): I apologise to the chamber for not being here at the beginning of the minister's speech.

When the Scottish Parliament came into being in 1999, one of the first bills that was mooted was a

family law bill, so it was under consideration for almost six years before it was finally allocated to the Justice 1 Committee in February to be made a reality. The six years are significant, as they reflect the enormous complexities that surround family law, which has the potential to affect virtually everyone in Scotland. The bill covers a wide range of relationships—marriage, cohabitation, separation and divorce—and all the complicated issues that flow from them, which in turn have the potential to impact on different aspects of Scots law. The bill also confers parental responsibilities and rights on unmarried fathers on joint registration of a birth. That gives some insight into the enormity of the issues that are contained in the provisions of the bill. I put on record my thanks to the Justice 1 Committee's family law adviser, Professor Norrie, for his expert advice, thoroughness and infinite patience in analysing and explaining the potential consequences of what were often oversights and in some cases instances of misinformation in the proposals.

Relationships are rarely straightforward, a fact that was spelled out in triplicate during the committee's consideration of the provisions of the bill at stage 1. Quite simply, that process generated more questions than answers. That brings me to a fundamental point which, if the minister and the Executive take nothing else from today's debate, I hope that they will at least reflect on and take to heart for consideration of the bill at stages 2 and 3. I am talking about the totally inadequate timetable that was set for taking evidence from a host of interested parties and subsequently compiling the stage 1 report. As Stewart Stevenson confirmed, the inflexibility and rigidity of the time allocated to the bill have put the convener, committee clerks and committee members under huge and unjustifiable pressure, and have resulted in, for example, vital decisions being taken in a few brief minutes snatched from an already overcommitted lunch time. We may be a young Parliament, with much to learn, but surely the Scottish Executive and the business managers must realise that that is no way for Scotland's legislators to do business. Common sense dictates that the overwhelming priority must be to get legislation right rather than to ensure that rigid and arbitrary timetables are strictly adhered to.

On the policy intent and content of the bill, there are three key principles on which the reforms in the bill are founded: safeguarding the best interests of children; promoting and supporting stable families; and updating the law to reflect the reality of family life in Scotland. It is encouraging to see those principles reflected in the non-legislative proposals for the parenting agreement and the charter for grandchildren—documents that advocate a realistic and flexible child-focused approach, which seeks to encourage parents to

co-operate to try to ensure that children of divorced or separated couples experience quality contact time with both parents and with the wider family.

Equally, however, there are proposals for which little or no evidence is available from the Executive to support the assertion that the reforms will safeguard the interests of children and support stable families. Specifically, those include the proposal to reform the forbidden degrees of marriage, to remove the barrier to marriage between individuals and their former in-laws; the proposal to reduce the period of separation prior to divorce from two years to one year for non-contested cases and from five years to two years for contested cases; and the proposal to provide new legal safeguards for cohabiting couples and their children, which the minister has confirmed affects the law of succession and could have an adverse effect on the legal rights of children in the event of a claim on the estate by a surviving cohabitant when a partner dies intestate.

Furthermore, while the committee has been clear that the reforms in the bill must not undermine the status of marriage, there is real concern that the proposals are heavily weighted in favour of mediation and hence seem to accept the inevitability of separation leading to divorce rather than to promote couple counselling and reconciliation in an effort to save the marriage.

Despite the Executive having the summer months to respond to the very real concerns that were expressed in the Justice 1 Committee's stage 1 report, fundamental questions remain unanswered. For all the reasons that I have just outlined, not least the totally inadequate time that was allocated to consideration of the bill, the Conservative group will abstain in the vote to approve the Family Law (Scotland) Bill at stage 1.

09:45

Mike Pringle (Edinburgh South) (LD): The Family Law (Scotland) Bill has been a long time in coming and the need for many changes cannot be denied. That was, I think, accepted by all parties in the Justice 1 Committee. I am sure that Margaret Mitchell will agree that we need change, despite the Tories' intention to abstain today.

The Deputy Minister for Justice has described the main focus of the bill, which I do not need to repeat. Society has moved on since 1989 when we—although, obviously, not me—first started to consider family law reform. Then, more than 50 per cent of families were within marriage. By 2001, that figure had fallen to 43 per cent and it continues to fall. Up to 50 per cent of children are now born in unmarried families. The current situation is different from that of 1989 in many

respects, one good example of which is the change in society's attitude towards same-sex couples. Thank goodness, most now treat those relationships as perfectly acceptable.

There are, of course, a considerable number of contentious issues in the bill and it did not take long to find the first of those issues, in section 1 and new section 3. In essence, section 1 removes the barriers to some marriages between individuals who have no blood ties and are prevented from marrying at present. Our discussion on that during the committee's early consideration of the bill was contentious. New section 3 will deal with marriage by cohabitation with habit and repute. There has been a long-held view in Scotland that such couples were, in effect, married. More and more couples now cohabit and the bill gives greater protection to that type of relationship; I will say more about that later, but I am glad that the Executive will abolish marriage by cohabitation with habit and repute with prospective effect.

Section 10 deals with reductions in the times that are required for divorce, from five to two years in contentious cases and from two years to one year in uncontentious cases. Often, divorce is the end of a very long and slow process, with the couple agreeing to divorce only at the end of that period. Some divorces happen very quickly, but most take a long time. Once the couple have come to the decision to divorce, is it not better to shorten the time that is taken for the process to reach a conclusion?

I think that we all received recently a paper from Couple Counselling Scotland, which says:

"Once the decision has been made that the relationship is at an end waiting rarely changes it. A clean break rather than a difficult period with legal barriers still in place would be less stressful. If parents do decide to separate then counselling work with them on their role as parents as well as giving them the tools and insight via separation and divorce counselling so that they can part amicably thus benefiting any children involved."

Many other countries have a shorter timescale for divorce periods. In the Netherlands, for example, it is no time at all, and in Finland and Sweden it is only six months. I think that a year for uncontentious divorces is not unreasonable. I agree with everything that the minister said on that issue. I know that a fuller debate will take place on the issue during stage 2, and I look forward to that. Clearly, however, there was not a unanimous view in the committee.

The issue of religious divorce provoked a great deal of discussion in the committee. I am inclined to agree with the committee's view that the law should not conflate civil and religious divorce.

Stewart Stevenson: I hope that the member would agree that, while not interfering, we should not make things difficult for religious divorces.

Mike Pringle: I agree entirely. That is one of the issues that the committee will have to examine closely. I am sure that those detailed discussions will include the minister.

Section 17 aims to promote unmarried fathers' participation in their families through their acquiring parental rights and responsibilities if they register the birth jointly with the mother. That must be good for children and, as I have said before, the bill is about a better deal for children. Under section 4 of the Children (Scotland) Act 1995, a father can gain parental rights and responsibilities, but the courts grant them in only about 500 cases a year. Five years ago, in 2000, 14,000 births were registered by unmarried couples and the figure is even higher five years on.

The committee had very little time to discuss in any detail at stage 1 the issue of parental rights and responsibilities for step-parents and I believe that more detailed discussion will be needed and should take place at stage 2. A significant number of step-parents need the protection of parental rights and responsibilities. That would be in the best interests of the children of those families. Members are aware of the moving examples that have been presented to us by step-parents.

Alan Finlayson OBE was asked to prepare a parenting agreement to help separating couples. We saw the first draft of the agreement just this week. It is an extremely good document, which has been well worked out and will bring about favourable consequences for separating couples. The document is worth while and I am sure that the Executive will accept it. However, further resources will be needed and I hope that the Executive can commit some resources to promoting the parenting agreement. There is also a charter for grandchildren, which I think is positive.

Perhaps the most radical provisions in the bill are those in sections 18 to 23, which relate to cohabiting couples. The provisions intend to establish a firm statutory foundation for disentangling the shared lives of cohabitants when their relationships end. I believe that the changes will lead to greater certainty, fairness and clarity in the law for cohabiting couples. I look forward to further discussions on the matter at stage 2.

As everybody is aware, the bill is complicated. It is impossible to cover all the relevant points in one speech. I believe, however, that the Family Law (Scotland) Bill will make a considerable difference for families and for children in particular. That is what it is all about. I am, therefore, more than happy to accept the general principles of the bill.

09:52

Pauline McNeill (Glasgow Kelvin) (Lab): We have a one-in-20-year chance to reform, and thereby improve, family law provision in Scotland. The bill will probably affect a majority of our citizens at some time in their lives, so we must take the time to get it right. At stage 1, the Executive showed itself to be sensitive to the very real issues that the bill covers, and it has responded to many of the questions that were posed by the Justice 1 Committee. I know that the ministers appreciate the very hard work that the committee and its staff put into the stage 1 report. It is important that members do not miss the point of this process, bearing in mind the fact that many of the issues that we will be asked to address are not contained in the bill itself.

The eventual act is likely to be known for reducing the time limits for divorce, and probably more so for the introduction of a framework of rights for cohabiting couples. There are other complicated and technical provisions, many of which will pale into insignificance when we consider what the bill is doing in providing that framework.

I fully support the status of marriage, and indeed the status that will stem from the Civil Partnership Act 2004. It is morally right that we give basic protection to the lives of couples whose finances are independent from those of each other but who are committed to each other and cohabit. It is right that we legislate as has been proposed. The Scottish courts need clarity in this area. Provisions for cohabitants will be different from the laws that cover marriage and more work needs to be done to get them right.

I am sure that no member underestimates the complexities and sensitivities of the bill. We cannot assume that families come in standard shapes and sizes any more and the law will have to deal with the circumstances of modern-day life.

It is fair to say that the Justice 1 Committee members have had their heads turned in trying to consider the complexities of real-life situations, particularly when it comes to applying the law in relation to cohabitants. For those who were previously married and later cohabit, who benefits from the estate on death? Is it the former spouse or the current cohabitant? The committee has had to wrestle with such difficult questions. How should children's succession rights be balanced with the need to provide something for the partner of the deceased cohabitant? Mike Pringle put it succinctly when he said that if we chop up someone's estate in a different way, there will have to be changes in who benefits. That is one of the realities of changing the law.

I believe that it is right that we legislate for the rights of unmarried fathers, but that will be meaningless unless they are able to exercise those rights in the interests of their child. The committee said that a lot of work needs to be done with health boards and schools to ensure that unmarried fathers have the right to get information about their child. It is not acceptable for our public authorities not to comply with legislation that we pass.

The committee said quite a bit about the review of counselling and mediation services, to which other members have referred. The Executive does not agree with the committee on that point, but I make it clear that, having considered it carefully, we thought that in the context of family law changes, the right thing would be to bring together the services and review what is required, rather than just continue to expand what is already there.

I will focus some of my remarks on a system—I say system, because the bill does not address everything that we want to discuss—that I believe has failed many parents post separation, when the non-custodial parent is, more often than not, the father, although it can be the mother. It is my held belief that grandparents' concerns are an extension of the problem. I have read too many letters and e-mails from parents who have had appalling experiences in the court system. The system is too costly—extremely costly in some cases—and the outcomes are not in the interests of the child. I am afraid that I do not accept the evidence of the Law Society of Scotland that going to court over such matters is inexpensive—Sylvia Jackson will talk about that.

Many decent ordinary human beings have been fighting in the courts in the interests of their children for five, six or seven years, at the end of which they have a huge bill but absolutely nothing in the interests of the child to show for it. There are cases in which the parent with the order for residence refuses to comply with it and is therefore in contempt of court, but we do not appear to have a remedy for dealing with that. In one case in Glasgow, after a father had been fighting in court for many years, the sheriff decided that it had been so long since the child had seen their father that it was best to overturn the contact order. I appreciate that I do not know all the circumstances of that case, but I cannot for the life of me understand why that would generally be in the interests of the child.

Margaret Smith (Edinburgh West) (LD): I have had a constituency case like the one that the member describes, in which the delay of more than two years was caused by the Scottish Legal Aid Board. By the time that the mother was told that she had legal aid to fight the case, she was denied contact with her children because of the

time that had elapsed. I throw that example into the mix.

Pauline McNeill: The member demonstrates ably that both mothers and fathers are affected, although there might be a gender imbalance in that area. Lawyers and sheriffs have told us that this is a no-go area for us, because we would be interfering with their discretion and that they are best placed to make decisions. I do not underestimate how difficult it is for lawyers and sheriffs to make hard decisions, but, as a politician, I am struggling to justify the situation.

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

Pauline McNeill: No.

Family law is sensitive. We have a one-in-20-year chance to change it. If we think that something must be done, we must consider it seriously.

There is light at the end of the tunnel. Glasgow sheriff courts operate a model whereby specialist sheriffs are hands-on in resolving disputes. The committee would like to see in more depth how that operates. I ask the minister to assist us in urging the profession to debate with us how we can resolve some of those sensitive issues.

There should be a deterrent against the refusal of one parent to comply with an order for reasonable access in the interests of the child, except of course in cases of domestic violence or where there are other legitimate concerns. I hope that we can resolve the issues that are faced by women who are subject to domestic violence.

The parenting agreement provides another opportunity to make available to the courts something that might be an important mechanism in achieving consensus between parents. Alan Finlayson is to be congratulated on his work on the parenting agreement. The agreement has been written in straightforward language and I think that it could be used, but it must have relevance in the courts. Sheriffs must be able to question parents who break the agreement that is made in the interests of the child. The only way forward that I can see is for the bill to refer to the parenting agreement. As we discussed in the Justice 1 Committee meeting yesterday—I am sure that the Executive would also say this—if we believe in the agreement, it must be made available by mediation and counselling services; it must be available absolutely anywhere where an agency comes across parents who are talking about what is happening post separation. The agreement could be put to good use, and I ask ministers to discuss with the committee how we could strengthen its importance.

On the difficulties that we face and the concerns that have been raised by grandparents, who are asking for a presumption in favour of the right to see their grandchildren—the committee supports the Executive on its decision in that regard—if we could ensure better-quality access and deal with some of the more difficult cases, we might be able to resolve issues for other family members who wish to have contact, in the interests of the child.

We need to be bold and to get this bill right. Let us debate it this morning, then take our time to do so.

10:02

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I apologise to the minister for missing the first two minutes of his speech. However, the rest of it—and the speeches that we have heard thus far—exemplify the sensitivity of the issues involved and the care that politicians of all parties take in addressing them.

It is important that the people whom we represent in this Parliament see that those of us who are proud to be in political parties and to support those parties' economic and political platforms, can, nonetheless, take different views on matters of conscience. It is not that people expect that we should all vote in accordance with the party whip. The opposite is true: the people whom we represent expect that the party whip has no province in matters of conscience and morality. That is not to say that I stand up today to indulge in any polemics or any moral-majority campaign. I do so simply to express my views, which may or may not represent the views of all those in my constituency, which is the most populous in Scotland; in fact, it would be impossible for any of us to represent the views of everybody.

I agree with the minister that today's debate should be about high principle, not the detail, which comes later. I agree with the sentiments that have been expressed by all speakers so far that we should all promote marriage. It is quite possible for us to promote and cherish marriage, to seek to have it adopted more widely, to confound the statistics and reverse the trend as far as we can with whatever influence we have as legislators and representatives of the people of Scotland. However, it is important to accept that those of us who feel strongly about these issues and who promote marriage are not impliedly or explicitly disparaging those who choose, for whatever reason, not to enter into marriage. To believe that marriage is the bedrock and the basis for the best possible chance for the upbringing of children does not entail any criticism of people such as single parents, who might in fact do a better job than do some of those who have entered into the state of marriage.

I have been happily married since 1983. Margaret chose St Andrew's night as the day on which we should be married because, of course, that would leave me with absolutely no excuse for forgetting her wedding anniversary.

I stand before the chamber as an example of the imperfection of the human species—

Members: Hear, hear.

Fergus Ewing: It is rare for any statement of mine to be greeted with such widespread unanimity.

As such, I suggest that it is not the institution of marriage that is imperfect but some of us who enter into it.

The bill cannot in any way be said to undermine fundamentally the institution of marriage, but I think that it tinkers away at the edges. I believe that people who enter into marriage should do so "till death us do part". That is not always possible, but it is the ideal.

Scots law was reformed in 1976. Iain MacCormick, himself a Catholic, piloted the bill through the Houses of Parliament, which was a brave thing for him to do, given his background and beliefs. The Presiding Officer will remember those times. Iain MacCormick moved the law forward substantially by introducing non-cohabitation as a justification for the sole ground of divorce, which is, of course, the irretrievable breakdown of relations between husband and wife. In that regard, he introduced a period of two years for couples who had no children and a period of five years for couples who had children. The bill that we are discussing proposes to reduce those periods to one and two years respectively, as has been said.

As a solicitor practising in this field, I was conscious that a little-known provision of the Divorce (Scotland) Act 1976 is that lawyers have a duty to promote reconciliation. From time to time, someone—usually a woman—would come to see me about a divorce but, after the first meeting, I would not see them again. I accept that that happened in only a minority of the cases, of course. I would not see them again not because they had gone to another lawyer but because, I suspect, second or third thoughts took place over a period of time and a decision was taken to reconcile. I do not think that we should put barriers in place to prevent that from happening and I am slightly concerned that the reduction of the period from five years to two years does that.

I think that it is fair to say that, if only a short period of non-cohabitation is required in cases in which children are involved, there is a diminution in the status of the institution of marriage. I think that a period of two years is too short.

Pauline McNeill: I do not disagree with the member's point about the need to be sensitive about how the time limits are reduced. However, does he agree that, perhaps, five years is too long a period in many people's lives and that that issue should be the starting point for our thoughts on this matter?

Fergus Ewing: I have not reached a final conclusion on that matter. On balance, I think that the member is probably correct and that a period of three or four years might be better. I look forward to the debate on that subject, although I do not expect to be able to attend all the relevant meetings of the Justice 1 Committee.

It is to be welcomed that both the Moderator of the General Assembly of the Church of Scotland and Cardinal Keith O'Brien speak out on these issues. However, it is unfortunate that some of what they have said has been greeted with a negative reaction. We should congratulate them on entering into the debate. Some people would regard it as the duty of such people to do so and I welcome, not excoriate, their contributions.

The provisions in the bill relating to cohabitants can be criticised in substantial ways. If we are to have that new status, it has to be clear who is and who is not a cohabitant but that is not the case at the moment. Goodness knows how any sheriff could conceivably interpret the relevant section.

I am grateful to have had the opportunity to make this speech. I stand before members as an example of imperfection, seeking perfection in the law. I suspect that that task might be beyond all of us but, no doubt, we will try as best we can.

10:09

Patrick Harvie (Glasgow) (Green): During the short period of time that I have been a member of the Scottish Parliament, I have spoken to what seems to be an increasing number of members who have expressed concerns about the time that is available to them to do their work as well as they are capable of doing it. We have heard similar concerns today from the Justice 1 Committee and I repeat those concerns now.

The issues that the bill addresses are complex. The committee report describes the bill as "disparate" and says that it was difficult for the committee to identify the basic principles that we are here to debate. However, I think that some simple principles should underlie our approach to the subject. Some people would prefer family law to be based on a set of unchanging, absolute truths, which I believe are irrelevant in a modern society. The social change that has occurred in recent decades, to which Mike Pringle referred, has had mixed consequences, of course, but the

changes have been overwhelmingly positive and family law must keep up with the situation.

Some people argue that accepting any change to family law will undermine marriage. The phrase “undermine marriage” crops up often—it has done so a couple of times today—but it is an idea that, honestly, I have never fully got my head round. If I treat my fellow citizens with respect, that does not undermine my status as a citizen. If I value the skills and abilities of my colleagues, that does not lessen the value of my skills and abilities, however different they might be. I like to think that I treat even my fellow MSPs with respect and I hope that that does not undermine my ability to do a decent job. Respecting and legally recognising different forms of relationships and family in society undermines nobody’s relationship. It could undermine the idea that one family is better than another. However, we should undermine the idea that one loving and committed relationship is superior to another. We should get rid of that idea completely. Love is love; commitment is commitment; and all families are due respect.

Marriage by cohabitation with habit and repute should be done away with, if for no other reason than the fact that its name is far too complicated. When I was working on the issue of civil partnership during the early months of this session, I met many mixed-sex couples who came out to me as bidie-ins or as having a common-law marriage. They told me many things about how their relationship was perceived by other people and by the state. It is right that the situation should be cleared up with regard not only to the law, but to people’s perceptions.

The Deputy Minister for Justice recognised that people have various views about divorce. Some people are opposed to it in principle while others are not. That is precisely why the law has to give people the freedom to act on their own terms. Some people would not pursue divorce out of principle but, for others, a formally recognised relationship is a purely personal matter and is not the business of people and institutions other than themselves and the state. People have to be free to act in the interests of their family, on their own terms, if their relationship breaks down.

As Couple Counselling Scotland and Family Mediation Scotland observed earlier this week in a briefing session to MSPs, divorce is not, by definition, the end of all family relationships. Parents remain parents and children remain children. It is important to support couples who choose to stay together, but we also need to provide support to those couples who have no option but to separate. If we provide that support to them, they will be better able to remain active parents who can support their children.

John Swinburne (Central Scotland) (SSCUP): Does Patrick Harvie acknowledge that grandparents remain grandparents and that—sadly—the bill does not address their needs or those of grandchildren?

Patrick Harvie: The contribution that grandparents make should be greatly appreciated in terms of human values, but I am not convinced that it should be legislated on. However, I am open to debate if the member wants to try to convince me.

I am pleased that the committee’s report reflects the importance of support services. The organisations that have briefed us on the bill make the case on human values for the work that they do. They also make the case in hard cash terms. They tell us that the conflict that their work tries to prevent or resolve costs the state far more than such services would.

The Executive has recognised the need to bear in mind non-legislative measures, but other bills that are on the Executive’s agenda for the coming year will have an impact on families. Resistance to social change is already being expressed in relation to the proposed adoption bill. That resistance includes misleading interpretations of the Executive’s intentions that have been expressed by some in public life who should know better. Some may simply fail to understand the consequences of the Executive’s proposals—they are being misled rather than misleading. Others couch their objections in terms of such open prejudice and bigotry that anything less than a negative reaction would be dishonest.

The Greens will support the bill’s principles at stage 1 and we look forward to supporting the Executive if it applies similar principles to its further work this year to support all families and children on equal terms.

10:16

Murdo Fraser (Mid Scotland and Fife) (Con): The debate has been considered and has attracted quality speeches from members of all parties. That is absolutely right, because we are dealing with serious and sensitive issues. Before we examine the bill’s detailed provisions, we must consider what the Government’s approach to marriage should be. Should the Government support, oppose or be neutral on marriage? Before we answer that question, we must examine the impact of marriage on society.

Marriage has always been highly prized in the western legal tradition because of its social benefits to adults and children. All the evidence suggests that children whose parents are married do better than those whose parents are not married. That in no way denigrates the efforts of

single parents, who often do very well in what can be difficult circumstances. However, the general rule—the evidence supports it—is that the children of married parents tend to live longer, have fewer illnesses, do better at school and have better nutrition, comfort and conviviality levels. They are more likely to be employed and less likely to be criminals than those who come from other homes.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): Will the member give way?

Patrick Harvie: Will the member give way?

Murdo Fraser: I will in a second.

Furthermore, adults who divorce have a greatly increased incidence of heart disease, cancer, alcoholism and suicide. Those are the facts.

Who would like to intervene?

Mike Pringle: All of us.

Murdo Fraser: If nobody wants to intervene, I will continue.

Given those facts, we should not apologise for saying that marriage, in the generality, is good for society. On that I disagree with Patrick Harvie, because I think that the evidence supports what I said.

Patrick Harvie *rose*—

Murdo Fraser: I will not give way at the moment.

Of course some marriages break down—we all know of circumstances in which that has occurred. However, the fact is that most people marry and most marriages last for life. Some 65 per cent of children in Scotland live in a married couple household.

I return to my original question. I believe that Government policy should be neither opposed to nor neutral on marriage; it should support marriage. That is by no means a moral judgment. The judgment is based purely on the objective evidence that is available to us. In that respect, I support Fergus Ewing's comments.

Susan Deacon: Will the member accept that the sweeping generalisations that he makes are in severe danger of masking the huge variation in all the different shapes, sizes and forms of family? Will he accept that it would be wrong of the Parliament to legislate if it failed to recognise the variation in the quality of relationships in a range of family environments?

Murdo Fraser: If Susan Deacon had listened carefully to me, she would have heard me say that I accept that exceptions to the rule always exist. However, the evidence is clear that, in the generality, marriage is good for society. Even the Scottish Executive admits that. Its document

“Family Matters: Improving Family Law in Scotland” says:

“marriage remains the dominant family form in Scotland ... and is ... the preferable setting for bringing up children.”

If we accept the premise that marriage should be supported, we should examine the detailed proposals in the bill. The bill will reduce the periods of separation before a divorce can be granted. As we have heard, some religious groups are concerned that that will lead to quickie divorces and increase the incidence of divorce. I am concerned that the Executive has not yet made the case for the reductions—it is interesting that the majority of the Justice 1 Committee agrees with that stance. Before the Executive proceeds with the changes, it needs to establish that they will not undermine marriage.

I am concerned about the lack of emphasis on reconciliation in the bill. Reconciliation and mediation are by no means the same thing. The Executive promotes mediation services, which provide a means to resolve conflict between couples who are divorcing. Those services are valuable, but they should exist in tandem with encouragement for reconciliation, which involves saving marriages through counselling. The evidence is that many people who divorce live to regret it. The standard research shows that more than 50 per cent of men and 28 per cent of women regret divorcing. We know that many couples become reconciled after considering divorce. If we accept that marriage is a good thing, surely it is worth putting some effort into achieving reconciliation.

In the short time that remains, I will express one more concern about the bill, which relates to the proposed new rights for cohabiting couples. People have a perfect right to cohabit if they wish. However, by so doing, they make a conscious decision not to enter into the legal contract that is marriage, with all its attendant rights and responsibilities. The bill intends to give cohabiting couples some of the rights that married couples have.

The suggestion is that cohabitation is a long-term alternative to marriage, but the evidence is to the contrary. The Executive admits that cohabitation is primarily a transitional state that often lasts about two to three years. Two thirds of cohabiting couples proceed to marry and about one third separate. As I practised law for many years, it is perfectly obvious to me that if people want the legal rights and protections that accompany marriage, they should marry. Civil marriage has no religious connotations, so there should be no civil or religious objections to it.

When I practised as a lawyer, I remember advising clients—usually young men who owned

property—who told me, “My girlfriend wants to move in with me. I need to know the legal implications.” I could tell such a man that his girlfriend would acquire no rights if he allowed her to move in. The presumption was that if the answer had been different, the couple would continue to live apart.

I listened intently to the deputy minister’s speech, in which he said that there was doubt about what the law was. He is right. Confusion is felt about where the law stands—people do not necessarily understand the legal position. However, at least the current law is clear. Cohabiting couples have no rights. My concern is that we will move from clarity in the law to a position of uncertainty that involves subjective tests on cohabitation. That will not be a positive development.

Entering into a contract of marriage requires a conscious decision on the part of both parties. They both decide to take on the rights, responsibilities and legal protections in the role. The same cannot be said of cohabitation and I see no advantage to society or to individuals to create a form of marriage lite, which is what cohabitation with legal rights would be.

Much in the bill makes sense and should be supported, but we have reservations about other parts of it. I do not believe that I can support the bill’s general principles. We should not rush to change the law without making a compelling case that change will be for the better for individuals and society. I regret that the bill does not yet pass that test.

10:24

Mrs Mary Mulligan (Linlithgow) (Lab): I am pleased to hear that romance is not dead.

The Justice 1 Committee spent much time on producing the stage 1 report. I regret that we could not answer all the family law questions that needed to be answered, which reflects how difficult some of the issues have been. I welcome the fact that the Executive has placed the child’s welfare at the centre of the bill.

I totally reject suggestions that the bill is anti-marriage in any way. I do not want to make personal comments, but I believe that the minister and the deputy minister would both be totally opposed to any such bill and that they recognise the value of marriage in our community.

It has been said that the bill addresses our changing society, but there have always been cohabitants and single parents. Perhaps we are only now accepting our responsibility to protect those people—and their children in particular—through legislation.

The first issue on which I will focus is section 10 of the bill, which proposes to reduce the separation periods before a divorce from two years to one year if there is consent and from five years to two years if there is no consent. Many different views on the proposal have been expressed in the committee and in the debate. The fact that I might have the same reservations as Fergus Ewing is a bit scary, but if what I have said about valuing marriage is accepted, the proposal in section 10 could be seen as perverse, particularly when no one—not even the Executive—can produce any hard evidence showing why a reduction would be desirable.

I accept that there was little—if any—reason for setting the limits at two years and five years and that any alternative period that I suggested would be arbitrary, too. Children in Scotland suggested that one reason for making the change to the five-year period is that five years is a very long time in a child’s life. It is indeed a very long time in a child’s life, but it is the parents who are divorcing. Children in Scotland and other children’s organisations stress the importance of parents retaining contact with their children, so why should it matter whether the parents have a piece of paper that says that they are divorced?

Some may say that the long period involved increases acrimony between parents and that that will affect the children. However, as I have said, there is no hard evidence to support the suggestion that reducing the time limit for divorce will reduce acrimony. If there is acrimony, could it not continue, even after the divorce is granted? Acrimony most frequently arises from issues to do with access and involvement with the children or money. Such issues will not be resolved by simply stating that a divorce has taken place, whereas counselling or mediation support that is aimed at resolving differences might help to reduce acrimony.

Margaret Smith: I accept that there might not be hard statistical evidence to support the proposals, but I believe that we should take a commonsense approach. Mary Mulligan mentions the financial side of life. The financial matters of couples who are separating can at least reach a close with a divorce, because each of the partners then knows where they stand with respect to property and so on. That can give stability. I totally agree that people must then allow contact to continue, but that is a totally separate matter.

Mrs Mulligan: The member is saying that things will then stay the same and that a decision that is taken at the point of divorce will never change, but children’s lives change and people’s relationships with their children change. There will be on-going involvement, so the position is not quite as simple as she suggests. Counselling or mediation may

reduce acrimony, but the issue needs to be considered further—we should not see the proposed reduction in timescales as a panacea to resolve acrimony and disputes.

The second issue that I wish to major on concerns what is referred to as mediation. I believe that we should consider providing support services beyond mediation. I recognise that the bill does not provide for such services, but I believe that they will be necessary if the legislation is to have the desired effect. It is sometimes glibly said that it is easy to get into marriage but much harder to get out of it. In a way, that is true. Should we not offer more information and education on what marriage means and the responsibilities that it brings?

We should offer counselling rather than mediation at the early stages for people who are experiencing difficulties with their relationships. If we value marriage, we should try to support couples through difficult times. Many couples would appreciate such support, but they do not currently feel that it is readily available. Mediation may have a role in resolving disputes when a relationship is ending. I suspect that Margaret Smith supports what I am saying. Options such as family group conferencing—as promoted by Children 1st—could also be helpful.

In his response to the Justice 1 Committee, the Deputy Minister for Justice, Hugh Henry, raised the issue of funding such services, which he has again mentioned this morning. I completely agree with him that such services should be provided locally and that it is not the Scottish Executive's role to provide for them, but I understand why organisations are nervous about that. The support services should be a one-stop shop. One reason why people do not use counselling or mediation is that they do not know where to go. Partnership conflicts and possible breakdowns of relationships are traumatic and we must ensure that it is easy for people to access the support services that they need.

Many issues—such as access, domestic abuse, which my colleague Marilyn Glen will talk about, grandparents and cohabiting—will be covered in the debate. Such issues have taken up a great deal of the committee's time and I am sure that they will continue to take up a great deal of the Parliament's time. However, we have an opportunity to adjust family law today. Family law will continue to evolve and we will continue to return to it. The bill's principles are clear, so I cannot understand why the Conservatives intend to abstain in the vote, even though they may disagree with the technicalities. We must ensure that we protect vulnerable people—particularly children—provide support services and make the law fair and understandable.

10:31

Brian Adam (Aberdeen North) (SNP): I have enjoyed listening to the measured tones of members in the debate. Sometimes we become rather heated in debates and adopt party-political positions, but this morning's approach has been much better, especially given the sensitivity of some of the matters that we are discussing.

The bill has been a long time coming. I understand criticisms relating to the great pace at which we are trying to reach a conclusion, but I also understand the difficulties in which the Executive might find itself.

Despite what members have said, I do not get the sense that we are trying to promote marriage and I do not see what in the bill promotes marriage. The case could be made that we should not promote marriage, but I do not think that we should make that case. Individuals have a series of choices. Some people choose to have fairly loose relationships and some people cohabit. There is a range of formally recognised relationships, including cohabitation, civil partnerships, civil marriages and religious marriages.

What is not clear, however, is the leadership that society wants and that the Scottish Parliament is going to give. Perhaps the issue comes down to value judgments. Some people will be critical if we choose to promote one type of relationship in preference to another type, but we should do so because there is evidence that marriage is the most secure and stable arrangement for children and, as many members have been at great pains to say, the bill aims to help Scotland's children.

Patrick Harvie: Murdo Fraser also spoke about evidence. Does Mr Adam accept that the majority of evidence that can be cited compares marriage with all other forms of relationship? In other words, it compares people whose relationships have gone well—people who have felt secure in those relationships and have chosen to get married at some point—with people in various different kinds of relationship. However, the proper comparison should be between different people with similarly strong relationships, as that would enable us to find out whether the difference is made by the love and commitment that are involved or by the piece of paper.

Brian Adam: It is inevitable that evidence that is gathered reflects a snapshot in time. I agree that the degree of commitment is important. However, if we consider Scotland's history, we will find that, three or four generations ago, if not longer, large numbers of children were also being born out of wedlock. That changed. The values and choices in society today may mean that we again have a large number of children born out of wedlock or

who find themselves, through no fault of their own, in situations in which there is perhaps only one parent or another type of family relationship. That is not to say that that is what we want or that things cannot change. Things have already changed. The circumstances that I have described, which pertained perhaps up to a century ago, reflected the society that existed at the time, especially in the north-east of Scotland, where many of the men were moving around on short-term, fee-in contracts, which inevitably led to that kind of thing.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Like Brian Adam, I believe that marriage is the most important thing in providing stability for the children. However, surely the issue is not what our personal beliefs are; the issue is whether the state should show a preference for one form of relationship over another. That is quite a different issue.

Brian Adam: I have tried to make that point. We ought to have a debate about that.

Not just in relation to the Family Law (Scotland) Bill, but in relation to many of the pieces of legislation that the Parliament has passed, we have tended to focus on the sexual nature of relationships—that factor has driven the type of legislation that has been passed. I would prefer the Parliament to take a lead in showing a preference while still trying to give rights to those who have chosen a different route. We need to offer more support to families who are in difficulty at an early stage, rather than trying to mediate and make the split less acrimonious. I know that some people in the voluntary sector are anxious to help the Government to achieve those aims. We can do more to support the family.

Although we need to make choices about where we would like society to go, we should still allow individuals to make their own choices. I do not think that the focus should be on the sexual nature of any relationship; it should be on individuals' rights. For example, I do not think that people should be disadvantaged financially just because they have not entered into a particular type of relationship; such factors should not be determined by the sexual content of the relationship.

Like others, I welcome the fact that we are addressing these issues. However, I have not yet decided how I will cast my vote tonight. I think that we have not quite got the principles right. We should be focusing on how we can encourage a strong, forward-looking family relationship arrangement for the future in Scotland, but I suspect that we are trying to put patches on things that have gone wrong.

10:38

Dr Sylvia Jackson (Stirling) (Lab): The aspect of the Family Law (Scotland) Bill that I will discuss concerns access rights and the difficulty that some non-resident parents have in seeing their children even when court orders have been granted. The key issue is the enforcement of child contact orders.

I have become very aware of the serious issues surrounding the dispensing of family law, which leads in certain cases to both financial and emotional problems for non-resident parents. Possibly the best way of giving members an idea of the problems is to quote directly from the submission of a constituent of mine to the Justice 1 Committee. He says:

"I have now been going to court for eight years, I have a court order for contact but the family courts fail to uphold their own order. Despite the number of court hearings involved, I have been unable to defend myself against accusations against me regarding my children ... The court has never allowed the production of evidence to the contrary. I find this highly frustrating and unjust ... I have lost all my savings, life insurance, sold my home to release funds to cover legal costs and now find myself in a position where once again I will be required to sell my current home to cover further accrued legal costs. Thus I have a choice to make, lose my home or walk away from my children. If I don't have a home what hope is there of getting access, if I keep my home ... what use a house if it means giving up the fight for my children?"

A number of distressing facts are mentioned in that extract. The first issue is the high costs involved, as Pauline McNeill mentioned. Those costs can run into thousands of pounds. Last week, the same constituent paid a further £3,000 for legal expenses, bringing the total to £30,000. If we include loss of earnings due to legal and other proceedings to do with the case, the total becomes £50,000. From discussions with other non-resident parents, I have learned that bills of thousands of pounds are not uncommon. I have details of a bill for more than £2,000, according to which the writing of a report can cost the client more than £200. Another non-resident parent says:

"At the moment my case has reached a staggering £6-7,000 and I've not been to court yet."

Another non-resident parent tells of a bill of £30,000, and yet another says:

"I have spent to date £18,500 on legal representation."

So much for the Law Society's claim that legal representation costs about £500. As members can imagine, financial problems often develop, leading to loss of home, loss of savings and a growing difficulty in showing the court that the non-resident parent can provide the stable home environment that they once had.

The second big issue is the time that the legal proceedings take, which often leads to disruption

to work and, hence, other financial problems. As court proceedings to regain access rights drag on—for eight years, in my constituent's case—there is a greater chance that the non-resident parent and the children will become increasingly alienated from each other. Added to that are the effects on the health of the non-resident parent, especially the emotional effects. Some non-resident parents also suffer the distress of hearing that their children may be in real danger. That was the situation in the well-documented case in which Dean Gray, a non-resident father in Fife, tried to get help through the care agencies for his two-year-old son. All his efforts were in vain, however, and his son died at the hands of his mother and her boyfriend, both of whom are now in jail.

It is clear that getting parents together as quickly as possible to agree access arrangements is critical. Mediation is important, but it must be speedy and effective. It is not acceptable that the resident parent can decide not to attend mediation; attendance must be compulsory and access arrangements must be agreed. A record has to be kept. There must be a system of ensuring that the agreement is kept to and works. Resident parents must be made to attend further meetings when access is withdrawn, so that the reasons for the withdrawal of access can be explained and discussed with the non-resident parent, who should be able to counter the claims that are made.

My constituent has, so far, been unable to counter any claims that have been made by the resident parent. He has been told that that can be done only at the proof or full hearing stage. If children are shown to be in immediate danger, steps must be taken to safeguard them and court orders granting access rights to non-resident parents must be upheld. The court has a clear duty in that respect. The Justice 1 Committee's report talks about setting up specialist family law courts and mentions the pilot schemes that are in operation. I have spoken to the convener, Pauline McNeill, about that. I would be interested to know how speedily those courts operate in enforcing court orders and about the costs to non-resident parents. I ask the minister to consider that specific issue.

The parenting plan sounds like a good idea in principle, but it will need to be a basis on which the courts can enforce access rights. The Family Law (Scotland) Bill must say explicitly how that will be done. Like the Justice 1 Committee, I recognise that the issue is a difficult one, as is the enforcement of child contact orders. I have seen the material that has been provided by the Scottish Parliament information centre about the models that exist in other countries. We might not want to adopt some of those models, but I urge everyone to look at them again over the coming

weeks and months to see whether we can solve the problem and improve the situation. Although the general thrust of the bill is fine, I believe that it must say more about the enforcement of child contact orders and how parenting agreements will be upheld.

In his letter, Gary Strachan said:

"The evidence, outlined in this letter, shows that a child's welfare is best served by having both parents involved in their lives and that ignoring this fact is a breach of Human Rights legislation."

Let us make that principle work in practice.

10:45

Bill Aitken (Glasgow) (Con): This is not one of those politically charged occasions when the rhetoric flies across the chamber and which are so much beloved of the minister and me. The debate has been measured and reasoned, and rightly so.

That said, it is also fair to say that although it is acting from the very best of motives, the Executive has put us in a position of genuine difficulty. Like the literary curate's egg, the proposed legislation is good in parts, other parts are unnecessary and some are just a little bit questionable.

The minister is quite right to say that we have to adapt to the times and to the morals of our age. The days of the nuclear family are long gone and most households do not resemble the Scottish equivalent of the little house on the prairie. We have to acknowledge that, adapt our thinking and examine our law accordingly. Of course the minister was also totally right—this must come through in every member's speech—that our paramount concern must be for the children of failed relationships.

We should make it quite clear that many people choose not to get married. Sometimes that is because of a legal impediment and at other times it is a personal choice. I have little difficulty with the proposals in the bill that will make life a little bit easier in that respect, although—as one of the few members present who has no personal interests to declare—I suggest that the simple expedient of making a will would resolve any problems with property rights. To that extent, the legislation is perhaps a little bit unnecessary. We must acknowledge that people's personal choice is just that.

However, we also have to recognise—this was expressed eloquently by Brian Adam and Murdo Fraser—that as far as a child is concerned, the preferred option is to be living in a stable family relationship of which marriage is one of the constituent parts. Although I say that in full recognition of the fact that many single parents—mostly women—have done a tremendous job in

bringing up their children, the Executive's own statistics prove that a child has the best possible chance in life if he or she comes from such a stable background.

I do not think that we should put impenetrable barriers in front of people to try to make them preserve a relationship that has failed, but neither should we make divorces easy by reducing the prescribed waiting time to one year. In illustration of that, I will cite an example from among my acquaintance.

The couple had been married for seven years and had what would be described as a good marriage. They had two children and did all right out of life. They had a nice house and were a nice family. The woman, however, became infatuated with a man with whom she worked and began a sexual liaison to which she came to attach greater emotional significance, so she left her husband. She later discovered that all was not as she thought it was, and that this well-to-do man had misled her into leaving the household. For almost two years she was infatuated and then she realised that she had made a major mistake. If the law had been as we now seek to make it through the proposed legislation, that marriage would have been dissolved. However, she returned to her husband and I attended their silver wedding anniversary three years ago. We have to acknowledge that people make mistakes. The proposed legislation will not assist in the avoidance of such mistakes.

We should also consider access. I have read the proposals on several occasions and I do not believe that they are going to make access easier for the father of a child. We have all heard the nightmare stories, usually involving the Child Support Agency, about people who have been irresponsible about contributing to the upkeep of their children. However, as I understand it, unless there is joint registration of the birth, the father of a child does not have access to the child in the event of the marriage or relationship foundering. That is quite wrong. The required consent could have been withheld on the ground of vindictiveness or it might simply be because there has been sole registration as a matter of convenience or expediency. I will listen very carefully to the rest of the debate in the months ahead because that must be considered.

I also have some sympathy with the claims of grandparents. There can be no doubt that the involvement of grandparents is very positive in the lives of children, particularly the lives of children who become vulnerable after a relationship breaks down. I do not know whether we should legislate for that, but it seems that scant regard has been paid to the arguments thus far. It might well be that once those arguments are rehearsed I would not

be willing to agree to legislation, but that remains to be seen.

Hugh Henry: I recognise what Bill Aitken is saying about grandparents' contributions; others have mentioned it. As a grandparent myself, I know how much I value my contact with my grandchildren.

We started out by considering a grandparents charter, but we came to realise that we should be considering the needs and rights of the grandchildren, so we have renamed it the grandchildren's charter. It will reflect the contribution of grandparents, but we have to consider the children first and others second.

Bill Aitken: I am obliged to the minister for that contribution. I look forward to hearing the other arguments that will be advanced about the general content of the bill in the months ahead. For the moment, we do not feel that we can support the bill and will abstain at decision time.

10:52

Mr Kenneth Macintosh (Eastwood) (Lab): I am proud, as I hope many other members are, that the Parliament was founded on family-friendly principles in respect of the hours that we keep, the facilities such as the crèche that visitors enjoy and our accessibility. Our family-friendly label refers primarily to our working practices, but I believe that it extends beyond that.

When the Prime Minister and his family moved into 10 Downing Street in 1997 and Cherie Blair gave birth to Leo, it was widely commented that that was the first time in living memory that a baby had been born to a serving Prime Minister. Of course, that experience is not uncommon among MSPs; Tommy Sheridan is the most recent recruit to our ranks. Fiona Hyslop, Shona Robison, Alasdair Morrison, Nicol Stephen, Dennis Canavan, Karen Gillon, Susan Deacon and Wendy Alexander who is soon to join us—

Mike Pringle: Twice.

Mr Macintosh: That is right. That list is not comprehensive, but a sizeable number of MSPs have become parents since being elected, and we are all distinguishable by our tired looks and small sticky stains on our shoulders. I was thinking of forming a cross-party group, but I noticed that the one large party that was missing from the list was the Tory party. I hesitate to draw a conclusion but I wonder whether that is linked—

Members: Jamie McGrigor.

Mr Macintosh: Yes. We can form a group. I was wondering whether it was linked to the Tories' declining popularity and numbers.

Becoming a parent is only one aspect of family life; we are all part of a family at different ages and stages and we bring that experience to bear in the chamber. I suggest that Parliament is naturally sympathetic to and particularly understanding of families, specifically of the need for children to be brought up in a safe, secure and loving environment. That sympathy and understanding is reflected in the bill and in its treatment by Parliament.

I believe that the bill and the family-support measures that accompany it recognise that being a parent is not an easy job. I am not sure that it has ever been otherwise, but I am sure that it was particularly difficult for our parents and grandparents because families were generally far larger in the past than they are now. However, the pressures of modern life are great, particularly for the many mothers who must juggle work with child care responsibilities and bringing up families. The situation is not all doom and gloom, of course, because such juggling has meant that fathers have had to take a greater share of child care, which has been a liberating experience for many men. However, the child care situation has undoubtedly been difficult for families, particularly mothers. Many families have buckled under the strain, while others have adapted to it.

The bill is not prescriptive. It does not say that there is only one way to support each other, one environment in which to bring up children or one way to relate to one another across the generations. I believe that we live in a society in which marriage is still the strongest relationship in which to support a family, even though 40 per cent of children are born to unmarried parents.

The bill supports the relationships that we hold most dear: it supports the bonds between parents and children. The bill's intention is to protect such bonds when they come under most stress, which is during marital or relationship breakdown. If we are trying to encourage and support parental responsibility, and to maintain stability, security and continuity in a child's life, it is right that we should extend rights and responsibilities to unmarried fathers. We may regret that so many marriages break down irretrievably and end in divorce, but if we are genuinely interested in maintaining strong relationships within families, we must do what we can to reduce the acrimonious and adversarial nature of divorce proceedings and family break-ups. To my mind, the bill is not about making it easier to divorce; it is about making divorce less acrimonious. Divorce is not an easy business and no one can ever approach it lightly, but it can be less damaging, particularly for children who are directly—if inadvertently—caught up in disputes.

I flag up my own interest in a specific issue to do with divorce and my intention to lodge an amendment at stage 2 to address my concern. Within the Jewish community, a couple who have had a civil divorce but not a religious one cannot remarry under Jewish law. In such situations the woman is referred to as being chained. This has led to many upsetting and unhappy experiences, as members might imagine. Effectively, one half of a divorced couple can use the religious relationship to exercise control over their former partner. I imagine that none of us here finds that acceptable or desirable. I understand that some members of the Justice 1 Committee have questions on that issue, but I hope that we can address any concerns at stage 2 with what would be a simple amendment that would encourage divorcing couples to obtain a religious divorce but would not oblige them to do so.

Mike Pringle said earlier that he was concerned about conflating religious and civil divorce. The difficulty is that religious and civil marriage are already conflated. For example, a Jewish marriage is automatically recognised under Scots law. However, the absence of a link between the civil and the religious at the point of divorce is part of the current problem. Many members have signalled their support for my proposed amendment and I hope that the committee will continue to look at the matter sympathetically.

I acknowledge that the support measures and the range of family services that accompany the bill—but which are outwith its scope—are important. The family support services, the current review and reform of child protection generally, the children's hearings system, the investment in nursery and early years education and child care, the early intervention programmes and the development of antisocial behaviour orders and parenting orders are all part and parcel of what I believe is a comprehensive programme that will support families when they most need it and which will urge all our citizens to exercise responsibility as well as to enjoy rights and freedoms. This family-friendly bill is part of that programme and framework and I urge colleagues to support it.

10:59

Christine Grahame (South of Scotland) (SNP): First, I tender my apologies to the minister and to members for my late arrival, which was due to circumstances outwith my control and had nothing to do with cricket balls.

I was formerly a family lawyer for 12 years, so that experience will obviously colour my observations on members' remarks and on the committee's report. Indeed, my experience as an individual will also affect my observations. My views on the bill and the issues that arise from it

differ from those of Fergus Ewing and Brian Adam—I believe that we should not take party lines on the bill.

I commend the report for being sensitive and thoughtful and I commend members for what they have said in the debate. Whether I agree with them or not, they have all brought different dimensions to the debate and have made it interesting.

I think that the difficulty for us lies in trying to structure the law to deal with people who are in emotional turmoil. When a person walks into a lawyer's office in such circumstances—it is usually the woman, as Fergus Ewing said—they can seem at first to be in control of their emotions, but often within 10 minutes they are in tears and the hankie is brought out. Their lives tend to be chaotic emotionally and in their work at such times, and they are usually worried about what will happen to their children and their home.

We are trying to structure something that will take the edge, the nastiness and the adversarial nature out of such circumstances, although it is not always possible to do that. I do not want to go into the individual cases to which members have referred, but my experience is that it is usually one of the parties in a relationship who causes the acrimony; it is not caused by the solicitors, the sheriff, the judge or the Court of Session. When children are involved, every effort is made by parties representing both sides to act in the children's interests. In doing so, they are also acting in the parents' interests, because the unhappy moments will pass and 10 years down the line, for example, mum and dad might have to be at their daughter's wedding or a christening. Therefore, we want the parents to be able to speak to each other. We do not want them to put such bile into their relationship that they cannot do so and end up, for example, not being able to see their grandchildren. It can be like trying to square a circle.

I also want to raise the issue of marriage and cohabitation. I do not take the view that marriage is necessarily the best relationship for children to grow up in. I think that the best relationship is a happy, loving, caring, responsible one, whoever is involved in it, whether grandparents, an auntie or someone else—it does not matter, as long as they give the children stability. I suspect that many children of married parents are unhappy because their parents bicker and stay together only to save face or for other reasons. It would be kinder for children and others in such situations if parents faced reality and accepted that, although they had tried, the marriage was not working and that it was in neither their interests nor their children's to keep up the façade.

I agree with Fergus Ewing that the first duty of a solicitor when a marriage breaks up is to try to

reconcile the husband and wife. I never forgot that obligation when such people came into my office. When a person bursts into tears after 10 minutes in a lawyer's office, the lawyer should not start by trying to divide the matrimonial property or by talking about what will happen to the children. The wife and husband should be allowed to talk to each other and the lawyer should listen. Sometimes, the husband and wife will resolve their problems themselves. Unfortunately, my experience was that everyone usually returned to my office in due course for a divorce or a separation agreement. Only one husband and wife with whom I dealt were reconciled, but I heard years later that they subsequently divorced. However, they had at least tried reconciliation to save their marriage. I distinguish between reconciliation and mediation. The latter has always had an important role to play in the sense of formal mediation or of solicitors sitting down informally together to talk about their clients to try to resolve property rights and rights in respect of children, who are usually the biggest issue.

My experience therefore is that divorce is not easy. It is extremely painful for at least one of the parties and it is, unfortunately, painful for the children.

I approve of the move towards the view that recognising marriage by cohabitation with habit and repute has had its day. The report refers to that issue. I once obtained in that way—it was a one-off—recognition of marriage for a woman who wanted to receive her deceased partner's pension. I am glad that we seek to acknowledge that couples who think that they are in common-law marriages and have rights in respect of children and everything else do not have such rights.

Members will realise from the flow of what I have said that I support divorce after one year with consent and after two years without consent. I want no-fault divorces. I have seen too many averments put down in divorce proceedings in which the pursuer says nasty things about the defender and vice versa and then the children get to read them. That method is used to put pressure on the parties and to get the divorce over with quickly. I want that sort of thing to be taken out of the system. We are dealing with people; they are nice people and they will reconstruct their lives, so let us not put fault into the matter. When one party decides that a marriage is at an end, it is at an end. Let us give that marriage a decent burial and allow the parties to move on.

11:05

Marlyn Glen (North East Scotland) (Lab): We are debating the principles and the aim of the Family Law (Scotland) Bill. As we have heard, the aim is to modernise the law to reflect society in the

21st century. I had hoped that support for the bill at this stage would be unanimous, because it is obvious that the law needs to be updated. To abstain on such important issues is not acceptable. Members need not only to engage in the debate, but to make difficult decisions.

Margaret Mitchell: Will the member give way?

Marlyn Glen: Perhaps I will give way later.

I refer members to the Scottish social attitudes survey 2004, on which the Justice 1 Committee heard a presentation yesterday, and I draw members' attention particularly to the division of attitudes that was revealed by the survey. The survey found that attitudes are divided along the lines of age, sex and education. Younger people, women and people with education were more tolerant and liberal on questions of family law. As I said yesterday, it is unfortunate that the membership of Parliament does not mirror the make-up of society.

During the summer recess, there was a question in the democracy exhibition in the Parliament foyer about how many MSPs there are, but it is more interesting to consider how many MSPs there are under the age of 40. The Family Law (Scotland) Bill has to cover people who are actively in families; most of them will be under 40. We have to consider that, and I recommend that everyone read the survey.

The bill's proposals are wide ranging, from considering how Parliament can get rid of the status of illegitimacy and phase out marriage by cohabitation with habit and repute to giving responsibilities and rights to unmarried fathers and—of central importance—financial protection to cohabiting couples. All those proposals are necessary and laudable, but many details will have to be considered. For example, the Executive's response to the Justice 1 Committee's report confirms that amendments will be introduced to ensure parity between civil partnership and marriage. I welcome that commitment, but will that parity be a simple parity on matters that the bill covers, or a wider parity to even out anomalies that were left in the Civil Partnership Act 2004? We will have to address many such questions of detail, and I urge the minister to consider the issue.

Every individual has experience, good or bad, of family life, and people's insights can be useful in consideration of the reform of family law. However, the law has to help in a general way; it should not be skewed to right an individual family difficulty. We have all heard heart-rending stories about what people want and what people think the law should redress, but we have to work towards clear and workable legislation that provides legal protection for all families. One difficulty is that

individuals sometimes need to be protected from other members of their own family. We would be failing if we did not legislate to include safeguards to cover such situations—in particular, safeguards for children in relation to post-separation contact orders.

The welfare of the child is central to the bill, but we must debate how the child's welfare can be promoted. Momentum is building as a result of campaigns—for example, by Children are Unbeatable!—for the bill to include legal reform that would give children the same protection as adults under the law on assault, and to use this opportunity to promote positive and non-violent discipline.

There are other urgent and more fundamental challenges. Children need security; research shows the need for a settled primary care giver. As has been suggested, the phrase is gender neutral, but in our society the primary care giver is generally the mother.

One of the many difficult issues will be how to legislate for children when a relationship has broken down and both partners still desire to maintain contact. Real tension can develop when two people have different perspectives and no agreement. If agreement is possible, the guidance in the excellent proposed parental agreements could play an important role in ironing out the practical difficulties of shared parenting. The importance of working out an agreement is central. The parents must be encouraged to agree about child care and contact. If we consider forcing contact, we will lose the child-centred perspective. Children are aware of conflict; they know when people are putting up a façade. We need to take account of research and to listen to social workers, carers, psychologists and so on, so that the Family Law (Scotland) Bill can reflect what we know about child development.

Scottish Women's Aid is anxious that children should not be forced to meet a non-resident parent if there is a chance of harm being done. The organisation's campaign for safe contact seems to be a basic requirement and the issue has to be tackled. I urge the minister to continue in dialogue with Scottish Women's Aid so that the bill will contain practical provisions to ensure the safety of children who are vulnerable.

We have considered specialised family law court systems; perhaps such a system should be introduced throughout the country because our children have to be protected in our courts. As I say, I urge the minister to continue a dialogue with Scottish Women's Aid. The Justice 1 Committee is continuing such a dialogue.

We must also consider the non-entitled spouse's right of occupancy after separation. The

Executive's response to the committee's report cites the charge of fraud as the remedy, but that is not an adequate response if a woman is losing her house.

I welcome the changes that the minister has already mentioned, especially in relation to sorting out the complexity of legislation on interdicts and powers of arrest. I conclude by urging members throughout the chamber to support the bill.

The Deputy Presiding Officer (Murray Tosh): I express my regrets to other members who wished to speak, but I have to move now to closing speeches, which will be allowed a strict six minutes.

11:11

Mike Pringle: I start by referring to a couple of issues that might not have been referred to during the debate. One is the abolition of illegitimacy, and I will quote from the written submission of the Law Society of Scotland to the Justice 1 Committee. The society said that

"the only remaining remnant would seem to be the law on titles, coats of arms etc. For many years, illegitimate and legitimate people have had the same rights of succession. The Sub-Committee considers that the time has come to abolish the status of illegitimacy, as recommended by the Scottish Law Commission."

I am very pleased that Executive lawyers seem to be discussing with Scotland Office lawyers how to remove the remaining statutory obstacles to removing the status of illegitimacy. However, I suggest to members that, as lawyers are involved, they should not hold their breath.

A second issue that I want to raise with the minister concerns financial provision on separation. If not today then at a later date, I would like an answer to the following situation, which was raised by the committee's legal adviser. A man moves in with a woman who has two children. Later, he moves out. He has been in a cohabiting relationship but, after he leaves, he will have no obligation to share the caring costs with the woman.

That scenario is very different from that of two women in a same-sex couple who decide to start a family together. One woman becomes pregnant on the expectation that she will have indefinite support from the other because they have made the decision to have a child together. If, after having agreed jointly to have a child, the women separate some time later, it is surely more just to require the non-genetic parent to continue to contribute than it would be if she had not been party to the decision to procreate. The fact that she is not a parent for legal purposes is obviously a quirk of the law. It does not justify relieving her of the obligations that she undertook when the child

was created through a positive and joint decision. Should an exception not be made for child care cost claims when the child has been brought into existence by the joint plan of both women?

This has been an extremely good debate. I agree with Stewart Stevenson and Margaret Mitchell about the pressures caused by the timescale. Their points were well made.

Stewart Stevenson talked about resources. I went to see Children 1st, which runs a family group conferencing system. Children 1st told me that only 13 out of the 32 councils in Scotland participate in that system. That comes down to resources. Family group conferences, and the new parenting agreements that others have mentioned, will reduce conflict—if we can ensure that resources are put in.

I agree entirely with Pauline McNeill's comments about the need to extend parental rights to unmarried fathers. That is only fair. She also referred to disputes that involve a parent who refuses to accept the court's decision. On that issue, Sylvia Jackson—I am sorry that she has left the chamber—put the case extremely clearly. Indeed, the evidence that the committee heard from her constituent—he appeared before us as an individual member of the public, which is unusual—impressed all committee members.

I agree with Mary Mulligan that the bill will not undermine marriage, but I could not agree more with Ken Macintosh that the bill will make divorce easier and that, in doing so, it will surely be to the benefit of children. However, I accept Mary Mulligan's point that the whole issue of divorce will need to be discussed long and hard by the committee and I realise that some committee members might still need to be convinced by the proposals.

Christine Grahame, Mary Mulligan and Sylvia Jackson said that lawyers are willing to help in providing conciliation. I entirely accept that but, as Sylvia Jackson pointed out, the issue is the timescale and the endless amounts of time involved. As we all know only too well, lawyers' time is extremely expensive. We need to get the legal profession to speed up the whole process from start to end so that people are more able to get their point of view across in court.

Sylvia Jackson also pointed out that, when relationships break up, the father is often the one who is left out on a limb. Fathers must be given more opportunity. Surely they should have as much right as the woman to continue to see the children of their former marriage.

The debate has been extremely interesting. I am sorry that the Conservatives will abstain from voting on the motion. I accept that, as two Conservative members said, marriage is the best

way of raising children, but in today's society, in which fewer and fewer are getting married, marriage is absolutely not the only way of raising children.

11:17

Lord James Douglas-Hamilton (Lothians) (Con): After so many excellent speeches, I cannot help feeling that, unless individuals are driven to extremities, they are well advised to steer clear of lawyers—I say that as a former lawyer.

Before summing up the debate, I should mention an interest, in that as a back bencher I introduced into the House of Commons two 10-minute rule bills: the Law Reform (Husband and Wife) (Scotland) Bill and the Law Reform (Parent and Child) (Scotland) Bill. Under the first of those bills, I was responsible for the perhaps extremely controversial reform that abolished praepositura. As not all members may remember what praepositura was, let me refresh some memories by clarifying that, in layman's language, it might fairly be described as the assumption that husbands will always pay their wives' bills for household goods. Although I had some sympathy with that concept, rightly or wrongly I took the view that, at a time of equality between the sexes, praepositura was not in keeping with the spirit of the times.

The Law Reform (Parent and Child) (Scotland) Act 1986 sought to abolish the stigma of illegitimacy by giving equal rights to children of unmarried parents where their parents had left no will. The act also abolished the Bastards (Scotland) Act 1836, which contained such an appallingly patronising sentiment that I am not even prepared to repeat it now that the document has been consigned to the dustbin of history, where it belongs.

The Conservatives are glad to agree with major aspects of the Family Law (Scotland) Bill. For example, we welcome the extension of protection against domestic abuse that will be delivered by extending the scope of matrimonial interdicts and by introducing domestic interdicts to cover the applicant's home and place of work and the school that any relevant child attends. Those are important and necessary protections. Similarly, we believe that a father who is not married to the mother of his child should automatically acquire parental responsibilities and rights if he jointly registers the birth with the mother. Those reforms are wholly admirable and should go through.

However, we will abstain in today's vote on the general principles of the bill. Although we believe that many areas of family law are in need of reform, we are concerned that the measures to reduce timescales for divorce will undoubtedly

make divorce easier. We are not persuaded that such reforms will not undermine the institution of marriage. The minister has heard the serious concerns that were expressed by my colleague Murdo Fraser. We hope that, after listening to the views that have been put forward in today's debate, the Executive will give reassurances at stage 2.

I wish to make it clear that I altogether respect the honourable intentions of those who introduced the bill. I see these matters not in black and white but primarily as matters of balance and judgment. I have no doubt that relevant issues will be considered in depth during the bill's committee stage, but at this stage we are reserving our position until we know exactly how the bill will develop.

In addition, I invite the minister to consider the representations of Scottish Women's Aid. As Marlyn Glen, who dwelt on the subject, has already explained, Scottish Women's Aid believes that the bill should legislate to safeguard children who live with domestic abuse. In such a difficult and sensitive field, I hope that full consideration will be given to those representations, as everyone should have the right to live free from abuse and fear.

In conclusion, we recognise that the bill needs to address certain aspects of family law that need to be modernised. This morning many MSPs, including Mike Pringle, have supported that view. However, our hope and aspiration is that that should be done in a way that does not jeopardise the institution of marriage, which has served our country so long and so well.

The task for the Executive is rather like that which was given to ancient mariners who had to encounter the dangers of sailing between Scylla and Charybdis. In other words, ministers need to modernise the law, but they must also avoid undermining the institution of marriage. Completing that task should not be beyond the wit of mankind and, most certainly, not beyond the wit of ministers.

11:22

Mr Kenny MacAskill (Lothians) (SNP): I have a great deal of sympathy for what Lord James Douglas-Hamilton said, although I do not necessarily agree with all the points that he made. However, he put matters very eruditely.

There are many poignant aspects to this clearly difficult debate. When we are interviewed by school kids, as we often are, they always ask, "What is the hardest part of your job, mister?" For me, clearly the hardest part is dealing with matters that impinge upon morality.

Differing views have been expressed in different parts of the chamber. I approach the issue with, I must say, a great deal of sympathy for what the Deputy Minister for Justice said in his speech. I frequently chastise the Executive, but it is to its credit that it has brought before us today's debate. In Scottish family law, it is clear that there are lacunae and difficulties. Even Lord James, who sits on the Tory benches, accepts that there are matters on which we must go forward.

At present, I am minded to support the reductions in separation periods from five years to two years and from two years to one year. That said, having listened to the points that Fergus Ewing and Mary Mulligan made, I am equally persuaded that there are good arguments against making such a change. I find this area difficult because it is clear that the time limits—whether they be two years and one year or five years and two years—are perfectly arbitrary. Why cannot they be 36 months and 18 months? There is no logic to the time limits, but there are times when, sooner or later, we just need to make a decision.

As I said, it is to the Executive's credit that it has introduced a bill that deals with important issues that affect our society. Our party has a free vote on the bill, but our general overall view is to support some upgrading of the law. My position is that I recognise that our society has changed, although I may not always have liked or been happy with the changes. Perhaps I am just becoming middle-aged—I sometimes feel that I am growing into my father—but I recognise that some aspects of our society that I might not wish to see are with us to stay.

The law has a duty to reflect, and to be able to deal with, those aspects of modern-day society; it should not ignore them. We cannot have a legislative system that lives a lie. Whether rightly or wrongly, if we now have a society in which more children—or substantial numbers of children—are born out of wedlock, we have an obligation to ensure that the law both reflects that and recognises those children's rights. We need to strike a balance, but we need to go with that.

Some aspects of our society, such as gross domestic product and unemployment, can be measured. How can we quantify the happiness of an individual who wishes to leave a long-term marriage and enter into a new relationship? How can we quantify the distress for the other individual who does not want the relationship to break up? How can we quantify the unhappiness of a child whose parents are in a loveless marriage or a marriage in which there is violence? It is also difficult to quantify the problems that arise in single-parent families, but we know that they exist. It is difficult to quantify those intangibles, but try we must.

At the end of the legislative process, we may decide to sit at five years and two years, as Fergus Ewing and Mary Mulligan proposed. Sufficient time should be made available to ensure that those provisions are fully debated and discussed. If that happens, at least we will have had a debate that will allow us to set down legislation for another generation. We need to do that; Scotland is lagging behind at the moment.

I practised in family and matrimonial law for some 20 years, as a result of which I am clear about only one thing: matters are very rarely black and white. I take cognisance of Lord James Douglas-Hamilton's important point—with which I fully agree. If someone can avoid going to court, they should do so; the problem is that to err is human. I have a great deal of sympathy for the points that Mike Pringle and Sylvia Jackson made. However, in circumstances such as those that they raised, the problem is not the law but the individuals involved. I am reminded of the old adage of King Solomon simply saying that the child should be divided up; we can just imagine the natural mother speaking up and saying, "But a sheriff cannot do that."

A woman might say that she will not give the father access when there is no manifest reason why he should not get it. What do we expect our sheriffs to do in those cases? Would we not be the first to oppose the sheriff if he were to remand the woman to Cornton Vale for 30 days? Do we expect the sheriff to impose a fine of £2,500? Surely that would just impoverish the family and impinge upon the child.

There are instances when the problem is not the law or the sheriff but individual human beings. In many instances, people act irrationally. We have to try to minimise that and to ensure that we fully debate and discuss these matters. Again, in many instances, the best way forward is for people to avoid the legal process. I agree that we should look at reconciliation and mediation. As Christine Grahame said, it is essential to try to take the sting out of the situation in order to avoid the bile and acrimony.

Pauline McNeill: I am concerned that family law is the only area of law in which an individual can be found in contempt of court without sanction. By not addressing what could be done, we are saying that that is perfectly fine. I do not underestimate what would be involved in addressing it, but in too many cases that is what has happened, which is not in the best interests of the child.

Mr MacAskill: I disagree with Pauline McNeill. Thankfully, those cases are few in number—they happen rarely, and powers exist to address the situation. For example, if he so desired, the sheriff could impose a custodial sentence—I have every sympathy with sheriffs who do not take such

action—and although he could impose a monetary penalty, he often does not. Ultimately, he could switch custody or residence from the mother to the father or vice versa. However, in many instances, it would not be appropriate to do so. We have to try to rationalise how we deal with those people and, for many people, the only way to go about things is to improve the mediation situation.

The SNP agrees fully with what has been said about parental rights and I am glad to see that other parties are on board on the issue. We also agree that the provisions on cohabiting couples are equally essential. These are value matters, however. I have been married for many years—I forget how many; I will probably be chastised for saying that when I get home. It is for individuals to decide whether to marry. I believe that marriage is a good thing and that it benefits society, but there are limits to what society can do to enforce such views.

We have to recognise that we need both legislative change and cultural change, and the law has a role in bringing about cultural change. In the exchanges that I have had with the minister in previous debates on the subject, I have raised the issue of respect. Respect is not simply to do with antisocial behaviour but involves people recognising not just their own rights but those of their children. People have to recognise the impact that what they want from a relationship has on a child that they have brought into the world. As a legislature, the Parliament has to try to move these matters forward.

We need to beef up the definition of cohabitation. A separation is involved: the judiciary does not decide the law but interprets it, and the Parliament's role is to give clear criteria.

11:29

The Minister for Justice (Cathy Jamieson): We have seen another side to usually combative speakers who today showed that they can take thoughtful, compassionate and caring approaches to a debate. I hope that those who are watching the debate—the media, the people in the public gallery and those who are watching from elsewhere—recognise that the Parliament is sometimes at its best in debates about very difficult and sensitive issues. The range of views and opinions expressed in such debates does not necessarily split entirely along party lines. As parliamentarians, we spend our time trying to get the best solution for all the people in Scotland.

Today's debate has been a mature one with a number of extremely good contributions. I am a bit surprised to discover that I am one of the members who remembers some of the work that Lord James Douglas-Hamilton did in one of his

previous lives in another place. I reassure members that the Executive has not pursued the bill with undue haste; I argue that starting out on something back in 1989, with further consultations in 1992, 2000 and so on, reflects how complex the subject is. Indeed, the Executive is sometimes criticised for not bringing difficult issues on to the floor of the chamber or for not introducing legislation on difficult issues.

Stewart Stevenson: In the light of the minister's remarks, is she minded to look again at the amount of time that the Justice 1 Committee will have to deal with the very real complexity of the bill?

Cathy Jamieson: Obviously, I do not have exclusive control over the parliamentary programme. However, I understand that, as the bill moves through the committee process, the Deputy Minister for Justice is keen to have the opportunity to engage fully with the committee in resolving some of the issues.

At the outset, I place on record my gratitude to Pauline McNeill, her committee and the Deputy Minister for Justice for working together to try to resolve some of the issues to date. I also want to put on record my thanks to Alan Finlayson for his work on the parenting agreement, to which Mike Pringle, Sylvia Jackson and other members referred in the debate. We have seen the draft agreement, which looks like an excellent piece of work. I am sure that it will help parents who are in very difficult circumstances to try to come to some agreement.

I also want to put on record my thanks to the Grandparents Apart self-help group for its involvement in the work on the charter for grandchildren. Some members of the group have experienced very difficult personal circumstances; we heard some very powerful stories from them.

Ms Rosemary Byrne (South of Scotland) (SSP): I am grateful to the minister for mentioning the charter for grandchildren and the work of the Grandparents Apart self-help group. Does she agree that the role of grandparents is a key one? Does she further agree that we should try to emphasise their role on the face of the bill? After all, grandparents make a huge contribution to the protection of children. Will she give careful consideration to that suggestion?

Cathy Jamieson: I give Rosemary Byrne, who has taken a close interest in the subject, the reassurance that she seeks. The Executive wants to ensure that children's best interests are represented and advocated at every stage.

John Swinburne also mentioned the Grandparents Apart self-help group. Its members recognise that the issue is not about grandparents exercising their rights but about what is in the best

interests of their grandchildren. I am aware that the group continues to have concerns about the bill as it stands. I give the commitment that the Executive will continue to pursue solutions that will allow grandparents to have a continuing role in the lives of their grandchildren. When we include people in our work at stage 1, it is a sign that we can tease out the difficult issues and find a way forward.

Margaret Smith: Will the minister take an intervention?

Cathy Jamieson: I am sorry, but I need to move on. I have taken a couple of interventions already.

As stage 2 progresses, we will have more work to do. I am thinking in particular about the difficult issues around contact orders and the separation periods involved in divorce. Members have reflected a range of views and opinions on those subjects this morning. However, as Kenny MacAskill and other members recognise, we need to realise that the Parliament is charged with a serious responsibility: we have to put in place a legislative framework that deals with the problems that real families—about whom we have heard a lot this morning—deal with today and which will stand the test of time.

The legislation must reflect Scotland's values; it must reflect the uniqueness of Scottish culture; it must support stability in relationships to ensure the best possible start for children; and it must recognise that marriage holds a very special place for many Scots. Pauline McNeill, Fergus Ewing and Ken Macintosh, among others, recognised that in the debate this morning. At the same time, they also recognised that although marriage is special for people of all religious faiths and of none, people who live in other types of relationship can, and do, give their children the loving, caring upbringing that they need. Susan Deacon and Mary Mulligan gave us powerful reminders of that in their speeches.

Members also recognised that marriages break down and that there is domestic violence. I witnessed that first hand in a former life as a social worker, when I had to take into care children from some very difficult circumstances when a marriage had broken down.

A balance must be struck. We must weigh up all the arguments and all sides of the story to get that balance right. I wish to give some reassurance: nowhere did we suggest, as perhaps Bill Aitken indicated in his example, that people would have to move towards divorce at a much earlier stage. It obviously must be down to individual circumstances. The challenge for us is to deal with all the complexities that might arise and to put in place the support that allows people to go for reconciliation if that is what they want. At the same

time, however, if people decide that a marriage is over, they should be able to move forward without acrimony, as Ken Macintosh said.

That is the challenge for us. After today's debate, I am heartened by the belief that the Parliament can rise to that challenge. We have to take that challenge on, as we must take on many other complex issues. We cannot shirk the task. We experienced some difficulties in the debate this morning, and those are exactly the difficulties that sheriffs and others face day and daily when taking decisions about the lives of children. They, too, have to get the balance right.

Contact agreements are often very difficult to arrive at. We should recognise, however, that some 90 per cent of cases are resolved without people having to go to court. Mary Mulligan, Marlyn Glen, Sylvia Jackson and others raised some of the very difficult issues that we will have to consider—I am thinking in particular of domestic violence and getting contact agreements that work for both parents and children. A contact agreement that will be right for a toddler may not necessarily be right for a child at primary school and certainly will not be right for a teenager who might be developing their own life in the transition to adulthood; they must have a say in the process.

I have looked with great interest at models from elsewhere, and I know that the committee looked at the Australian example in particular. I have made it very clear that we will listen to the suggestions from the committee and others about how we can improve the situation; Kenny MacAskill highlighted that point well this morning.

I am not afraid of proposing tough sanctions or taking difficult decisions. However, we must pause and reflect when we talk about enforcement. Is Parliament willing to take those steps? It is already possible to fine parents; it is already possible to jail them if they do not agree to contact orders. Would community service add anything? What would the effect be on the children in such circumstances? Should we not instead encourage parents to see children as people in their own right rather than as property? Should we not be encouraging adults to recognise their responsibilities to children, and their responsibilities when relationships break down?

I am aware that I have to wind up. I want again to thank the committee for its involvement to date. We have tried to listen; we have indicated that we will lodge a number of amendments at stage 2; and we will reflect very closely on the debate this morning.

Family Law (Scotland) Bill: Financial Resolution

11:39

The Presiding Officer (Mr George Reid): The next item of business is consideration of the financial resolution on the Family Law (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Family Law (Scotland) Bill, agrees to any increase, in consequence of the Act, in expenditure charged on, or payable out of, the Scottish Consolidated Fund.—[*Cathy Jamieson.*]

The Presiding Officer: The question on the motion will be put at decision time.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Supermarkets (Food Purchasing)

1. Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): To ask the Scottish Executive what specific measures it can take in respect of the food purchase practices of supermarkets. (S2O-7537)

The Minister for Environment and Rural Development (Ross Finnie): The food purchase practices of supermarkets are commercial decisions for individual supermarkets. However, when I meet representatives of the main multiples, I make clear to them the importance of their labelling not only complying with European Union labelling regulations, but also being clear and unambiguous about country of origin; the high standards of animal health and quality of Scottish produce; and the importance of maintaining a sustainable food chain and good trading relationships with their suppliers.

Mr Arbuckle: I thank the minister for his answer. Can the Scottish Executive go further and label meat products in particular with the Scottish label, so that consumers are not confused?

Ross Finnie: As I made clear to Andrew Arbuckle, labelling must not only comply with EU regulations; it must be clear and unambiguous. I suspect that Mr Arbuckle is referring to a product that appeared on shelves recently. "Aberdeen Angus" was on the front of the label; on the back, however, rather smaller and less easily found print told the consumer that the product may also come from countries in South America, Europe and, in even smaller print, Scotland. That is a practice that we denigrate. Therefore, I stress that labelling must comply with EU regulations and it must also be unambiguous about the country in which the product was sourced.

Stewart Stevenson (Banff and Buchan) (SNP): Will the minister give some thought to the welfare standards under which our excellent Scottish beef is produced, given that those standards are substantially ahead of those of our main competitors in South America? Is there scope for introducing labelling about welfare standards so that people are aware, when they are making their purchasing decisions, of the conditions under which beef is produced for their plate?

Ross Finnie: There are two elements to that. As I said in my response to Andrew Arbuckle, I stress

to the supermarkets and to their representatives the high standards of animal health and quality of Scottish produce, which Stewart Stevenson pointed out.

The second element is that we have no powers beyond controlling safety or very basic standards in imported products. The World Trade Organisation does not accept our going above base levels to even higher standards unnecessarily; that would cause an issue.

However, all Scottish producers and all those who promote red meat in Scotland are very clear about labelling so that consumers know exactly what they are getting. We should perhaps make the consumer more informed, not just about quality but about the associated issue of animal health and welfare standards.

Rail Freight (Dumfries and Galloway)

2. Ms Rosemary Byrne (South of Scotland) (SSP): To ask the Scottish Executive what plans there are to build freight rail lines in Dumfries and Galloway. (S20-7565)

The Minister for Transport and Telecommunications (Tavish Scott): There are no plans to build new rail freight lines in Dumfries and Galloway.

Ms Byrne: I thank the minister for his answer. However, because of the huge surge in afforestation that occurred in Dumfries and Galloway in the 1980s, the timber harvest there is set to rise dramatically in the next 10 to 15 years. Will the minister explain how this crop will be transported without compromising the air quality of the region and how we can transport it and keep to our commitments under the Kyoto protocol without a rail freight line?

Tavish Scott: I understand the member's concerns about the possible increase in traffic. However, I can tell Rosemary Byrne that the Scottish planning assessment on future rail demand where the rail network falls short is under way, and proposals to bridge that gap will come forward. It is envisaged that the planning assessment will be complete before the end of this year. Its results will inform the national transport strategy, which, of course, we will bring to the Parliament next year.

Alex Fergusson (Galloway and Upper Nithsdale) (Con): I wonder whether the minister shares my view that the old military line between Stranraer and Cairnryan is one line whose restoration would merit serious consideration, particularly before the ferry terminal is moved up the loch. Does he accept that the real fear is that, if the rail link to the ferry terminal is broken, there may be less requirement for any rail link to Stranraer at all? Given that fear, will the minister

consider the possibility of restoring that rail link? If not, will he guarantee the continuation of a railway link to Stranraer after the ferry terminal has moved out?

Tavish Scott: I am happy to consider the issues that Mr Fergusson raises, but I hope that he will accept that the requirement of the planning assessment that I mentioned a moment ago is to deal not with fears but with the reality of the situation and with what we can do for the future. That is the intention of the assessment, which, as I said, will be completed before the end of the year. It will then feed into the national transport strategy. It is appropriate to take the matter forward in that way.

Fuel Costs (Remote and Rural Areas)

3. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive what action it is taking to minimise the effects of rising fuel costs in remote and rural areas and what representations it is making to Her Majesty's Treasury about the level of fuel duty in these areas. (S20-7545)

The Minister for Environment and Rural Development (Ross Finnie): The Executive shares the concerns about the effects of rising fuel prices, including the effects on remote, rural and island communities. We have regular dialogue with Westminster ministers and we will continue to ensure that Scottish interests on the issue are fully understood by the United Kingdom Government.

The member will be aware that as a matter of general policy we try, through the rural transport fund, to reduce the need for people to rely on private transport in such areas. We also try to target broadband in remote and rural areas to ensure that we reduce the need for people to travel.

Mr Stone: The minister will appreciate that the price of everything that we need in the Highlands—from a tube of toothpaste to a bale of hay—is affected by the rise in fuel prices, which is hitting the far north hard. I applaud the minister's efforts, but will he go further and consider what innovation the Scottish Executive can make at its own hand to help those hard-hit communities?

Ross Finnie: Obviously, we are happy to examine any positive proposals. I cannot think of a single year since I came into the Government when we did not seek to emphasise the impact of fuel prices on our remote, rural and island communities. We are certainly keen to look at any innovation. I make it absolutely clear to the member that we understand the impact of the current increase, which is certainly more dramatic, and we would be happy to look at that, but we also want to encourage our colleagues in the

Westminster Parliament to address the matter with the Government.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): The minister will be aware that during the past days and weeks the Governments of Poland, Austria, France, Belgium and other countries have taken action either to cut fuel tax or to introduce other measures to address the horrendous impact that the level of fuel costs is having on their economies. The minister mentioned that there is a dialogue, but is it not a dialogue of the deaf? Is it not time for the Scottish Executive to spell out, clearly and in public, that Gordon Brown's fuel tax is too high and that the impact of the differential extra cost on the rural and island communities in the Highlands is causing unfair damage to individuals and businesses?

Ross Finnie: I do not think that I need to repeat what I said in my reply to Jamie Stone. I am acutely aware of the impact of fuel prices on remote, rural and island communities. I do not think that it is a question of a dialogue with the deaf. As Fergus Ewing is well aware, we structure how we tax vehicles and fuel in a very different way from some of our European competitors. It is not simply a question of looking at fuel tax. We have made clear to the UK Government the impact that the recent increase has had and we will continue to do so. We must secure a situation that does not adversely impact on those communities.

A68 Dalkeith Northern Bypass

4. Mark Ballard (Lothians) (Green): To ask the Scottish Executive whether details of the costings, intended routes and impact assessments for the A68 Dalkeith northern bypass are up to date and accurate. (S2O-7547)

The Minister for Transport and Telecommunications (Tavish Scott): The route of the bypass was confirmed in 1993. The orders are made and there are no plans to revisit the matter. Revised estimates for the scheme are being prepared by the transport division's consultants, who are also reviewing the impact assessments.

Mark Ballard: I have to say that I am disappointed by that answer. Is the minister aware of how much concern there is in Dalkeith about the bypass and particularly about its impact on Dalkeith country park? Does he recognise the changes that have taken place in the transport network around Dalkeith? They include changes to the A1, the A7 northern upgrade and now the Waverley line. Why is there no requirement for new planning permission for the bypass? Will the minister confirm that the review that he mentioned will have a real impact on his decision on whether

the bypass should be built, or will he do what his predecessor did about the M74 and ignore the statutory consultations?

Tavish Scott: I am surprised that the Greens are against the proposed bypass in Dalkeith, which would cut congestion in the town centre—I understand that that was the main reason for the project in the first place—and improve road safety and local air quality. If the Greens are against those objectives I differ from them markedly.

Mr Ballard should also get his facts right, which he did not in his supplementary question. The current alignment does not go through Dalkeith country park but passes to the north of it. The scheme also takes into account the heritage of the Dalkeith estate and the ecology of the woodlands, so Mr Ballard's suggestions are quite erroneous.

Lord James Douglas-Hamilton (Lothians) (Con): Will the minister accept that widespread concerns have been expressed about the potential environmental impact of the proposals? Will he address those concerns when he gives full consideration to the impact assessment?

Tavish Scott: I say to Lord James that the environmental assessment and the appraisal of the route options were undertaken under the Scottish traffic and environmental appraisal manual methodology prior to the 1992 public local inquiry. I am sure that he is pretty familiar with that. He may even have been the roads minister at the time—I could be wrong about that, but he was certainly part of that Administration. The appraisal satisfied all the requirements of the environmental assessment as set out by the prevailing standards and the assessment was undertaken in accordance with the appropriate design manual for roads and bridges that replaced the earlier methodology.

Free Personal Care (Policy Assessment)

5. Dennis Canavan (Falkirk West) (Ind): To ask the Scottish Executive what assessment has been made of its policy of free personal care for elderly people. (S2O-7558)

The Deputy Minister for Health and Community Care (Lewis Macdonald): We recently began an assessment of the implementation and operation of the policy of free personal care and we will make its findings public in due course.

Dennis Canavan: Despite the sniping from some Westminster politicians, will the Scottish Executive stand by its flagship policy of free personal care for the elderly, which is one of the most progressive and humane pieces of legislation that the Parliament has passed? Will the minister tell David Blunkett that his Department for Work and Pensions should not be harassing Scottish

pensioners for the repayment of attendance allowance of up to £60.60 per week? The truth of the matter is that the legislation that the Scottish Parliament passed is saving David Blunkett's department millions of pounds every year.

Lewis Macdonald: We will maintain the policy of free personal care for which we are responsible and we will seek ways to improve its implementation. We will not tell the DWP how to do its job.

John Swinburne (Central Scotland) (SSCUP): Will the minister inform us about the progress that has been made on recruitment into the ancillary services that are required to enable more elderly people to remain in their own homes rather than go into residential care, which is expensive?

Lewis Macdonald: We are investing in ensuring that care can be provided at home and I know that local authorities are doing the same. I hope that those investments will have the outcomes to which Mr Swinburne refers.

Criminal Justice Social Work (Island Communities)

6. Mr Jim Wallace (Orkney) (LD): To ask the Scottish Executive what representations it has received regarding the future delivery of criminal justice social work in island communities. (S2O-7566)

The Minister for Justice (Cathy Jamieson): Mr Wallace will know, of course, that he has written to me to make representations on behalf of Orkney Islands Council. I recognise that there have been concerns among other island councils about the issue. I will formally respond to Mr Wallace shortly, but I can say that I have written to the conveners of the local authorities that could form a northern community justice authority, inviting them to reach a joint view on how best to proceed. I will then consider the best way forward.

Mr Wallace: I thank the minister for her reply and for her initiative with the conveners of the authorities. Will she praise the fact that in the three years from 2001-02 to 2003-04 Orkney Islands Council allocated 100 per cent of reports within two days, delivered 100 per cent of reports to courts on time and, with regard to probation orders, achieved 100 per cent compliance with the target of seeing new probations within one week? Does she agree that it is difficult to see how that can be improved upon by lumping Orkney Islands Council in with a huge north of Scotland community justice authority? Does she accept that there are special issues with regard to the island authorities, and that the Convention of Scottish Local Authorities and the Association of Directors of Social Work identify the need for separate authorities in island areas?

Cathy Jamieson: I recognise that progress in meeting the targets is good. However, Orkney Islands Council may have something to offer some of the other areas that have not achieved results of its standard. I recognise that there are particular issues in some of the islands around the fact that criminal justice social workers also perform other tasks, and that it would be difficult if, for example, they were transferred without proper arrangements being made. There are also concerns about funding. That is why it is important that we intend to discuss those matters in more detail.

Maureen Macmillan (Highlands and Islands) (Lab): Is the minister aware that I visited the social work department of Shetland Islands Council in the summer? While it is happy with the overarching strategy in the Management of Offenders etc (Scotland) Bill, it is a multifunctional social work department, as the minister recognised, and it is afraid of a financial squeeze. Can the minister assure me that the proposals will not lead to a reduction in service in Shetland Islands Council and other island councils?

Cathy Jamieson: I have no wish to see a reduction in service in any of the island authorities. It is important to recognise that other local authorities have islands in their areas, and I have to give due attention to those to ensure that the service there is appropriate. I have had discussions with COSLA, and we will continue to engage with it as we go through stage 2 of the Management of Offenders etc (Scotland) Bill. We will seek to ensure that services overall are improved, rather than anything else.

The Presiding Officer (Mr George Reid): Question 7 is withdrawn.

NHS Argyll and Clyde

8. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive how it will monitor any proposals or decisions by NHS Argyll and Clyde in the period prior to its formal dissolution on 31 March 2006. (S2O-7501)

The Minister for Health and Community Care (Mr Andy Kerr): Any proposals for significant service change must be subject to full public consultation and, ultimately, ministerial approval. That applies to all national health service boards, including NHS Argyll and Clyde. I look to NHS Argyll and Clyde to ensure that NHS Greater Glasgow and NHS Highland, as the successor boards, are fully sighted on any issues or proposals for service change in the run up to dissolution.

Jackie Baillie: I thank the minister for his encouraging response, because he may be aware of growing disquiet that decisions are being taken

by NHS Argyll and Clyde on a range of services with unseemly haste and, more worryingly, without consulting neighbouring health boards, local authorities and local communities. Will the minister send a strong signal that NHS Argyll and Clyde must not bulldoze proposals through in the period up to its formal dissolution, given the strong local view that the board is discredited?

Mr Kerr: I want to ensure that the board understands its responsibilities in relation to the continuation of high-quality, safe and sustainable local services. That must be done in a manner that includes the successor boards, and the community in relation to any substantial service changes. The member will be aware that I intervened in a previous situation in relation to the board's conduct with regard to paediatric services in Inverclyde. We cannot afford to have end-process consultation. Consultation on proposals must begin with the views of service users and local communities being taken on board.

Suicide Prevention

9. Mr Frank McAveety (Glasgow Shettleston)

(Lab): To ask the Scottish Executive what assistance is offered to organisations that help vulnerable people and those at risk of suicide. (S2O-7522)

The Deputy Minister for Health and Community Care (Lewis Macdonald): Twelve million pounds has been allocated over the three years from 2003-06 under the Executive's choose life strategy to fund activities and organisations that support people who are at risk of suicide. We committed a further £8.4 million to continued suicide prevention action in 2006-08, and last week during international suicide prevention awareness week I increased that funding commitment by a further £250,000 over that period.

Mr McAveety: Given the recent statistics on suicide rates and the impact of suicide on all those who are affected, it is important that sufficient resources are given for training and development. Will the minister give an assurance that he will work closely with agencies and with local authority social work departments and schools in a genuine attempt to reduce the rate of suicide in Scotland and, more important, to give confidence back to many young people who may consider suicide a way of dealing with problems in their lives?

Lewis Macdonald: I am happy to give that assurance. The applied suicide intervention skills training that is provided under the choose life programme is internationally regarded as a model for providing that kind of support, both to those involved professionally with people at risk of suicide and to those such as school dinner staff, home helps and others who come into contact with

people who may be vulnerable. We certainly want that work to continue.

The Presiding Officer: Before First Minister's question time, members will wish to join me in welcoming Julio de España Moya, President of the Valencian Parliament, and a large delegation of his members. [*Applause.*]

First Minister's Question Time

12:00

Prime Minister (Meetings)

1. Nicola Sturgeon (Glasgow) (SNP): To ask the First Minister when he will next meet the Prime Minister and what issues will be discussed. (S2F-1803)

The First Minister (Mr Jack McConnell): Presiding Officer, I am sure that members will want to welcome to the chamber the children from Minga Community School in Malawi, who have spent the past week with their colleagues and friends from Sanday Community School in Orkney. [Applause.]

I am sure that members will also want to congratulate national teams that have been successful over the past week. Our national football team in Scotland has made us all feel an awful lot better for the past 10 days, and we wish it well for the end of the world cup campaign. I am sure that members will also want to congratulate the English cricket team on its success in winning the ashes. [Applause.]

Nicola Sturgeon: I also congratulate the Scottish football team and the English and Scottish cricket teams on their success. Just so that nobody feels left out, it is probably also appropriate to mention Northern Ireland's historic football victory last week.

Turning to more serious matters, I note that the First Minister said in the chamber last year that he made regular representations to the Chancellor of the Exchequer about fuel duty and the impact of fuel prices in Scotland. Given that fuel prices are now at an all-time high, will the First Minister tell us what representations he has made recently?

The First Minister: There are two issues here. First, I believe that we should support the chancellor's efforts to secure a worldwide increase in supply and thereby to secure a sustainable reduction in the cost of fuel. That is the right strategy and one that we support. Secondly, we want the chancellor and the United Kingdom Government to monitor the impact on rural areas, particularly in Scotland, of the fuel price increases in recent weeks and months, and if action is required in the months ahead, to take appropriate action to reduce that burden.

Nicola Sturgeon: Action is required. We all accept that high oil prices are an issue, but does the First Minister accept that not all of the recent increase in the price of a litre of fuel is down to oil prices? More than 2p of it is down to increased VAT. Is he aware that for every penny increase in

the price of a litre of petrol at the pumps the chancellor rakes in an extra £20 million in VAT? Why will he not ask the chancellor to reinvest that money, which the chancellor was not even expecting to get when he set his budget, in a cut in fuel duty, to relieve the burden on families and businesses all over Scotland?

The First Minister: I believe that the chancellor should keep open those options, but I also believe that it would be entirely wrong for either the chancellor or us in Scotland to adopt the Scottish National Party's economic policy, which is entirely dependent on high fuel prices to sustain the sort of Scottish economy that it envisages. The SNP cannot have it both ways. It has tried with public spending, and even in the past week we have heard individual members on the SNP front bench talking about reductions in public expenditure on the one hand while, on the other, demanding more spending on specific projects. Yet again, we see the Scottish nationalist party trying to be on the side of those who are, rightly, deeply concerned about higher fuel prices and about the cost of oil, while at the same time pursuing a policy that would have the whole Scottish economy dependent on the high price of fuel.

Nicola Sturgeon: I am not sure that anybody in Scotland would have understood that answer. Does the First Minister accept that high oil prices mean pain at the pumps for individuals but a bounty of extra cash for the chancellor, not just in fuel taxes but in revenues from Scotland's oil, which this year will hit £13 billion? We know now that Labour concealed the truth about Scotland's oil wealth for 30 long years. Is it not about time that the First Minister started arguing for Scotland to feel the benefit of our massive oil wealth, and would a good starting point not be lower fuel prices?

The First Minister: Nobody has concealed the fact that there was a serious debate in the 1970s in Scotland about the benefits of oil to our economy and the political decisions that should result from that. Indeed, it is on record that in 1974, at the age of 14, I joined the Scottish National Party because of that very argument. However, I soon woke up. I soon saw the light and realised that we cannot base our economic policy for all time on the price of oil. We must have a more sustainable pattern for economic growth than that. It is important therefore that we in the United Kingdom do two things. First, we must have a strong and sustainable economy inside which we in Scotland can grow our economy and, secondly, we must take a prudent approach to economic management. Within that, it is important that the chancellor—and I absolutely agree with him on this point—not only puts pressure on the oil-producing companies to supply more oil to the world market and to bring down the price more

sustainably, but keeps under review the price of fuel as it is affected by taxation. I am sure that the chancellor will listen to the Executive's representations on that, as he has done in the past.

Nicola Sturgeon: I remind the First Minister that not a single Labour politician has ever told the truth that thanks to oil an independent Scotland would be one of the richest countries in the world. Is it not the case that we are an oil-rich nation, yet we are paying through the nose for petrol? When will the First Minister stop kowtowing to the chancellor and start standing up for Scotland?

The First Minister: The best way to stand up for Scotland in the chamber and elsewhere is first to ensure that the price of oil worldwide comes down, that it comes down sustainably and that it comes down far enough to have an impact not just on the price at the pump but on the price for Scottish business across the board. Secondly, it is to ensure that we in Scotland make the right representations to the chancellor—which we have done, and to which in the past he has listened—and to urge him to keep his options open on the taxation front. The SNP might want to blame somebody else, but the chancellor should not let up on the absolute imperative of bringing down the worldwide price of oil and of ensuring a sustainable and secure reduction in the oil price that will have an impact for all Scottish drivers and businesses.

Cabinet (Meetings)

2. David McLetchie (Edinburgh Pentlands)
(Con): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-1804)

The First Minister (Mr Jack McConnell): The Cabinet will, as ever, discuss progress with the legislative programme, with the partnership agreement and with all the actions that we are taking to build a safer and stronger Scotland.

David McLetchie: If reports in the media are accurate, the Cabinet may well be told by our Minister for Finance and Public Service Reform, Mr McCabe, in an echo of the words of the late Tony Crosland, that the party is over in relation to public spending. We are told that the next spending round will apparently lead to a lower rate of increase in spending than was previously envisaged. If Labour does indeed plan a lower rate of increase in spending after 2007, does the First Minister think that it would be fair to describe that as a Labour spending cut?

The First Minister: No.

David McLetchie: Well, I very much hope that that terse and accurate answer will be reflected in all observations made by the Labour Party in

future literature about Conservative proposals. I find that a refreshing outburst of frankness and we will hold the First Minister to that sentiment.

The First Minister likes to tell us about all the extra money that has been spent by the Scottish Executive over the past six years, particularly on the national health service. However, as we learned this weekend from the response to the reports of the Audit Committee and the Auditor General for Scotland, that has not led to an increase in clinical activity or to improved productivity. Despite that, Mr McCabe is telling us that we can find £1.2 billion in efficiency savings. Will the First Minister therefore acknowledge that all the Executive's extra spending to date has not produced the desired improved results, and can he give us an estimate of how much taxpayers' money has already been wasted over the past six years?

The First Minister: Dear, oh dear. There has been a remarkable increase in health spending not just because of the commitment to the health service from our benches and from the United Kingdom Government but because of the prudent management of the economy as it recovers from the chaos of the previous two decades, which has ensured that money has been made available for public services. Now that we have had those six years of increases in expenditure, it is important that we review how it is being distributed and ensure that the money is being spent on the right priorities in the right way, with maximum efficiency and minimum waste.

Mr McLetchie chooses his words carefully. It is not that long ago that he would have been quoting the most recent statistics announced by the health service, independently of us, on improvements in waiting times—although he might have used other ways to describe it. In August, we found that there had been dramatic reductions over the previous year: a dramatic reduction in the number of people on the out-patient waiting list; a dramatic reduction in the amount of time that people are waiting for an out-patient appointment; and yet another dramatic reduction in the number of people waiting more than six months for an in-patient appointment. The money is being used properly, with investment in additional services and reforms that make those services more efficient and effective.

I hope that the Conservative candidate in the forthcoming Cathcart by-election will be as much in favour of reform as Mr McLetchie and his colleagues say that they are when he has to make choices about what to say on the important reforms that are taking place in Glasgow. Those reforms will reduce waiting times and produce safer and more effective hospitals, and will not only secure for local people the services that need

to be delivered locally but do so in a far safer and more effective environment.

David McLetchie: Mr Cook will do an excellent job in Cathcart, defending the voters there from the cuts that are being imposed by the Labour-Lib Dem Executive. People will find it very odd that we can apparently save hundreds of millions of pounds over the next six years yet, according to the First Minister, not a penny has been wasted over the past six years. Let us nevertheless welcome all these late converts to the Conservative point of view.

The First Minister told us last week that the efficiency savings that he had identified to date would be used to cut taxes for businesses in Scotland. Would he agree that further efficiency savings to be identified could and should be used to cut taxes for individuals and families in Scotland?

The First Minister: One of the ways in which we approach such matters, which I think has widespread support across Scotland, is to strive to get the right balance between the income that we raise and the money that we spend, and to ensure, in that context, that money is spent on the key priorities of people in Scotland. We strike that balance not just in relation to business rates but in other areas. We have had the lowest council tax increases in the whole of the United Kingdom in each year since devolution in 1999, and the increases in Scotland have been lower than they were in any of the last six years of the Conservative Government to 1997. We strike that balance within a context of dramatically increased expenditure on transport, schools, hospitals and the health service, and other areas. It is that increased expenditure that is leading to Scotland having a growing economy, with improvements in education, health and transport that people could only have dreamed of when Mr McLetchie's party was in power.

Council Tax

3. Tommy Sheridan (Glasgow) (SSP): To ask the First Minister what his position is on the fairness of council tax for pensioners and low-paid workers in particular and on whether it should be replaced by a system based on personal income. (S2F-1815)

The First Minister (Mr Jack McConnell): The independent review of local government finance, which we commissioned last year, is undertaking a full review of the different forms of local taxation and the committee's report is due next summer.

Tommy Sheridan: Last week, Age Concern Scotland gave evidence on the Council Tax Abolition and Service Tax Introduction (Scotland) Bill that, on average, pensioners have to spend 11

per cent of their meagre incomes on council tax bills and that some have to spend as much as 20 per cent. Will the First Minister confirm that those who wish to see the council tax scrapped and replaced by an income-based alternative can vote for it this December? Will he confirm that the council tax benefits system is woefully inadequate and is in need of radical transformation? Will he confirm that attempts to reform the unfair council tax would involve a property revaluation throughout Scotland?

The First Minister: Of course, a considerable number of Scotland's pensioners receive full council tax benefit and a considerable number receive partial council tax benefit. It is simply not true for Mr Sheridan to try to disguise those figures and dismiss that benefits system as one that does not help the poorest pensioners in Scotland.

I agree that there is an issue for other pensioners in Scotland who have to pay either the full council tax or part of their council tax. It is important that the independent review considers that issue. It is an issue for us. Given how the council tax has developed over the years, I believe that the relationship between it and those who are on relatively fixed incomes is an issue. That is a matter for the independent review to consider. I certainly do not believe, and I do not believe that the independent review will believe in a month of Sundays, that the way to replace or reform the council tax or improve the system of local taxation in Scotland is to introduce a national tax on employment—a national tax on jobs—which is the policy of the Scottish Socialist Party. That would be damaging for the Scottish economy, for families in work and, ultimately, for the independence and democracy of our local government.

Tommy Sheridan: It is regrettable that the First Minister does not follow his own advice and answer the questions, rather than saying what he has written down in front of him. I asked him three questions and he did not answer one of them. I asked about the property revaluation, whether the Parliament could vote in December to scrap the council tax and whether he thought that the council tax benefits system was unfair.

Is the First Minister aware that a single worker in a band B property loses the entitlement to council tax benefit on an income of £6,001 a year? That is how inadequate the council tax benefits system is. Does he accept that independent research into the Scottish service tax shows that 80 per cent of workers throughout Scotland would benefit under such a tax as compared with the council tax? Does he accept that people like him, me and others on £50,000 a year or more, should pay more for local services in order that pensioners and low-paid workers should pay less? That is

called income redistribution. He used to agree with it. Does he still agree with it?

The First Minister: Of course I agree with it. One of the ways in which we contribute to local services in this country is to pay for 80 per cent of local services through national taxation. There is a contribution from business, but there is also a contribution from all of us who pay income tax and other taxes. Therefore, the balance of local services funding comes partly from national taxation and partly from local taxation. That element of local taxation is important.

Mr Sheridan is keen to remind many of us about things that he claims we once said or believed in, but I remember that when he was a local councillor he said that he believed in local taxation, decided locally by local authorities. His policy in the Parliament is diametrically opposed to that; he advocates a national tax on jobs that would fund local services, that would be the same everywhere and that would be detrimental not just to those in employment or those who might be attracted into employment but to democratic local government in Scotland and the ability of local authorities to set their own levels of taxation to pay for part of their services.

Air-guns

4. Richard Baker (North East Scotland) (Lab): To ask the First Minister what steps can be taken to ensure that there are restrictions on the sale of air-guns. (S2F-1816)

The First Minister (Mr Jack McConnell): The most effective and fastest way to ensure that access to air-guns is restricted will be to introduce changes across the United Kingdom through the Violent Crime Reduction Bill. The Home Office is in the final stages of considering our proposals for a workable and enforceable scheme to ensure that there is a responsible and accountable trade in air weapons. We expect to be able to announce details of new restrictions soon.

Richard Baker: Does the First Minister agree that, although there have been successful campaigns to encourage people to hand in air-guns to the police, those campaigns are not enough on their own to ensure that communities across Scotland are free from the intimidation and danger that are caused by those who misuse air-guns? Further, does he agree that restrictions on the sale of air-guns are now required, including the introduction of a licensing scheme and the raising of the legal age for their purchase?

The First Minister: Those are important proposals, but they are only part of the story. I welcome Richard Baker's suggestions, but we want to ensure that air-gun sales are restricted not only in Scotland but throughout the UK. That

opportunity exists in the legislation that could go before the UK Parliament this year. We intend to pursue that case because we believe that Scotland will be safer if we restrict air-gun availability and use not only in Scotland but in the rest of the UK as well.

Mr Kenny MacAskill (Lothians) (SNP): Is the First Minister aware that a convicted armed robber and, indeed, any person who has served a prison sentence of more than three years is, correctly, banned from possessing a firearm but that the law allows them to own a replica weapon? Given that neither a bank teller nor a firearms expert is able easily to tell the difference between the two, will the First Minister use the powers that are available to him under prison regulations to end that absurdity?

The First Minister: My sincere apologies, Presiding Officer but, because of the noise in the background, I had difficulty hearing the question. Could Mr MacAskill repeat the question?

The Presiding Officer (Mr George Reid): Second cut, Mr MacAskill.

Mr MacAskill: A convicted armed robber and, indeed, any person who has served a prison sentence of more than three years is, correctly, banned from possessing a firearm but is allowed to own a replica weapon. Will the First Minister end that absurdity by using the powers that are available to him under prison regulations, which could be used immediately without impinging on areas that are reserved to Westminster?

The First Minister: Mr MacAskill makes an interesting suggestion. We are determined to tighten the availability and use, for whatever purpose, of replica guns. We have been considering proposals that we will bring forward in that regard and Mr MacAskill's suggestion will form part of that consideration.

The Presiding Officer: I call Mike Pringle.

Mike Pringle (Edinburgh South) (LD): In effect, Mr MacAskill asked the question that I was going to ask.

Fuel Poverty

5. Christine Grahame (South of Scotland) (SNP): To ask the First Minister what impact rising fuel costs will have on targets to end fuel poverty by 2010. (S2F-1813)

The First Minister (Mr Jack McConnell): We are making good progress—sorry, that is the answer to question 6. However, of course, we are also making good progress in the area about which Christine Grahame asks.

Fuel poverty has more than halved and we remain on target to end fuel poverty by the set

date of 2016, not 2010. However, we will continue to monitor the impact of fuel prices on our plans and their impact.

Christine Grahame: I thank the First Minister for whichever answer he gave me.

I remind the First Minister that, for every 5 per cent increase in fuel costs, 30,000 people are sent back into fuel poverty. Given that 3,000 people, most of them elderly, died in Scotland last year as a result of the cold and that 72 per cent of pensioners are completely unaware of Government programmes to help with heating, what is the First Minister doing to ensure that that figure is reduced, or at least does not increase?

The First Minister: I am happy to assure Christine Grahame, although I expect that she already knows, that most of the details that she raises have received a full and detailed answer. However, I will inform her of a number of things that have happened in connection with the matter that she has raised.

In the past eight years, fuel poverty has reduced by more than half, which has reduced the number of households in fuel poverty to way below a quarter of a million. Our central heating programme is the best targeted and most effective in the United Kingdom and, as anyone who has spoken to any pensioner who has benefited from that programme knows, it has gone a long way towards ensuring that Scotland's pensioners have far warmer and more comfortable winters. We have also devoted £64 million to the warm deal, which has insulated more than 200,000 homes, which is nearly a tenth of Scotland's housing stock.

We continue to invest not only in the warm deal but in the central heating programme, making it available to more and more of Scotland's pensioners. As we do that, we will reduce the number who are in fuel poverty. Every figure that we mention in the chamber and elsewhere represents an individual who lives in their own home and who requires better heating and better insulation for a far more comfortable life and a better quality of life.

Robert Burns (250th Anniversary)

6. Donald Gorrie (Central Scotland) (LD): To ask the First Minister what progress the Scottish Executive is making with its plans to commemorate the 250th anniversary of the birth of Robert Burns. (S2F-1814)

The First Minister (Mr Jack McConnell): Given my answer to the previous question, members will not be surprised to hear that we are making good progress. Just last week, Patricia Ferguson announced a grant to the Robert Burns World Federation to enable it to maximise support for the

year of homecoming. Alongside the establishment of a board, which is chaired by Allan Burns of Diageo, and the appointment of a project director, a programme is well under way to ensure that the year of homecoming is celebrated by Scots here in Scotland and attracts people from all over the world to Scotland to celebrate the anniversary of Robert Burns's birth.

Donald Gorrie: Will the First Minister ensure that, in addition to finding imaginative ways to commemorate the great contribution that Rabbin Burns made to human happiness throughout the world, those who are responsible for the programme give a due opportunity to current Scottish artistic and cultural people? We have a very high standard of performance and such people should have the opportunity to show that they are the rightful heirs of what Rabbin Burns did and that Scotland has something to offer in the cultural world.

The First Minister: I certainly hope that, not just in the international year of homecoming, but in the highland year of culture in 2007 that was celebrated in the Parliament last night, in our many events, festivals and activities and in our promotions in the Parliament in the years between now and 2009, we will give our artists opportunities to display their talents not just to us in Scotland but to an international audience.

One great advance of the devolution years has been the renaissance in Scottish cultural life. The talents of our artists and other creative people have come to the fore to exhibit what is here in Scotland not just at our own festivals but worldwide. I hope that we will celebrate and support those artists even more in the years to come.

The Presiding Officer: I call Margo MacDonald.

Margo MacDonald (Lothians) (Ind): Thank you, First Minister—sorry; I should say thank you to the Presiding Officer. The First Minister has not yet agreed with me.

I welcome everything that the First Minister said and that Donald Gorrie introduced into the debate, but I urge the First Minister to use some of the extra money that is available to the chancellor—I realise that some negotiation could be involved—to underwrite travel to and from Scotland. As we discovered during the business in the Parliament conference, unless we have the air links and the travel links, all the good ideas will underperform their potential.

The Presiding Officer: That was a bit wide of the original question, but the First Minister may wish to reply.

The First Minister: A great opportunity arises to mention the progress that we have made and to

commit to building on that progress. Three years ago this month, we launched the route development fund, which has not just subsidised individual routes but created a culture in our airports and among airlines that recognises that airlines can justify direct air routes to Scotland commercially and build on such routes, which can be very successful. We have seen that each route that has been established—particularly each long route—has been improved and expanded.

The rest of the Cabinet and I are determined to continue to build on and maintain the route development fund and to advertise the fact that Scotland is open for business and the fact that it is possible to make a success of commercial air routes directly into and out of Scotland so that people do not have to rely on airline trips into and out of London.

The Presiding Officer: That concludes First Minister's question time a little early, which allows me to give another word of welcome. Along with the Malawians and the Valencians, we have a delegation from another place: Scottish peers have observed from the gallery. They, too, are very welcome. [*Applause.*]

12:29

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Education and Young People, Tourism, Culture and Sport

Regional Visitor Numbers

1. Nora Radcliffe (Gordon) (LD): To ask the Scottish Executive how it and VisitScotland respond to changes in visitor numbers on a regional basis. (S2O-7541)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): Scotland is just one relatively small destination within the global tourism market, and we compete with about 200 other countries for visitors. The integrated VisitScotland network is about growing the value of tourism across the whole of Scotland but, of course, particular areas have their own attributes, which contribute to the rich diversity of Scotland as a destination. VisitScotland will continue to market those attributes strongly in response to customer demand.

Nora Radcliffe: My question was prompted by concern in the north-east that, while much was made of the fact that the number of bookings made through visitscotland.com was up 20 per cent nationally, that was not reflected in visitor numbers in the north-east. There was concern that regional variations were being masked by Scotland-wide good news. Can the minister guarantee that regional variation is monitored and that an appropriate and equitable proportion of VisitScotland's marketing and resources is allocated to promoting each region in Scotland?

Patricia Ferguson: Ms Radcliffe makes a valid point, and I know that VisitScotland is conscious of it. In fact, its own international tourism expo has been held in Aberdeen in the north-east in the past two years. Also, our wider events strategy, of which VisitScotland is an integral part, has very much seen events being sponsored in the north-east. In particular, I draw attention to the castle trail that is being promoted in the north-east, which has been successful. As described to me, VisitScotland sees the menu that we have to offer as a national dish with local flavours. Ms Radcliffe can rest assured that we will continue to ensure that all parts of Scotland are marketed.

Alasdair Morgan (South of Scotland) (SNP): For years there was concern that the Scottish Tourist Board was overcentralist. Now, with the demise of the area tourist boards and with local

councils only being represented by whatever service agreements they reach with VisitScotland, concern is on-going that inevitably there will be a centralising tendency over time. Will the minister assure me that she will keep her eye on that on behalf of all parts of Scotland?

Patricia Ferguson: It is important to point out that while we now have an integrated network—as called for not just by members of the Scottish Parliament but by the industry—that will work to great effect for tourism in Scotland in the years ahead, 95 per cent of VisitScotland's staff are still based outwith Edinburgh, where the head office is. The member can rest assured that the entirety of Scotland is being marketed and that we look for opportunities to promote particular local areas, whether by allowing them to benefit from our events strategy or through direct marketing. I take Alasdair Morgan's point.

Special Educational Needs (Mainstream Schools)

2. Cathy Peattie (Falkirk East) (Lab): To ask the Scottish Executive what mechanisms are in place to assist mainstream schools to support pupils with special educational needs. (S2O-7533)

The Deputy Minister for Education and Young People (Robert Brown): I am pleased to say that a wide range of mechanisms are in place to assist mainstream schools to support pupils with additional support needs. Those mechanisms include funding, guidance, resources and staff training.

Cathy Peattie: Is the minister aware of the problems around transitional arrangements for pupils who leave school? In its inquiry on disability—removing barriers and creating opportunities—the Equal Opportunities Committee heard that a number of pupils wait nine to 12 months before the arrangements are put in place. Often, when pupils go on to college they have to fight again to get the additional educational support that they require to enable them to participate. Colleges are saying the same thing. Will the Scottish Executive examine the issue?

Robert Brown: Cathy Peattie makes a valid point. The matter that she raises is at the heart of the arrangements that will come into place under the Education (Additional Support for Learning) (Scotland) Act 2004, which comes into force in November. Transition training, not least for the transition between the world of school and the worlds of work and further education, is at the heart of what we are trying to do through the act. Local authorities will be required to ensure that, at least a year before people leave school, arrangements for what will follow are in place and have been discussed with the appropriate authorities.

In passing, I mention that the measures have a double aspect. One is to ensure that arrangements are in place at school; the other is to ensure that there is a follow-on mechanism and that arrangements are in place at college. The available resources have been increased considerably: we now have more than 400 educational psychologists, the number of therapists has increased and the number of social workers has increased by 35 per cent. A lot of resources are going into the general area.

Mr David Davidson (North East Scotland) (Con): The minister will be aware of the successful campaigns to maintain two dedicated special needs schools in Aberdeenshire. Those schools also provide support to linked bases in primary and secondary schools throughout the shire, which places a great strain on staff, although the schools do wonderful work to support other teachers. Can any specific aid be directed to Aberdeenshire Council to provide more support for the upgrading of the training facilities at those special needs schools?

Robert Brown: As Mr Davidson is well aware, particular arrangements in local areas are a matter for local authorities. However, more than £200 million of funding has been put into such work since 2003, when the change in policy in the Standards in Scotland's Schools etc Act 2000 took effect, so local authorities have been given considerable resources to make appropriate local arrangements. The Executive supports the range of provision that is available in areas such as Aberdeenshire to deal with the different needs of individual children.

Mrs Mary Mulligan (Linlithgow) (Lab): The importance of training teachers to support children with special needs has recently been brought to my attention. The minister mentioned training in his response to Cathy Peattie. How does the Executive ensure that staff, through continuing professional development, are updated on new methods and knowledge and can provide the sort of support that we expect children to receive?

Robert Brown: Mary Mulligan makes a good point. A series of issues are involved, one of which is initial teacher training. My colleague Peter Peacock has been encouraging universities to ensure that quality standards are in place. Another issue is monitoring, which happens largely through Her Majesty's Inspectorate of Education. Arrangements are in place to ensure that the effect of the 2004 act is monitored and we will consider the effects of the code of practice about a year or 18 months down the line. Another issue is resources, which I touched on. It is worth saying that, of the £200 million that I mentioned, £7.2 million is dedicated to staff training of teachers and auxiliaries. A lot of effort is going into ensuring that

the system improves and becomes more effective so that we deal with some of the problems on which Cathy Peattie touched in her initial question.

Mr John Swinney (North Tayside) (SNP): In his answer to Cathy Peattie, the minister said that arrangements for dealing with young people with special needs who are moving from school into further education or other arrangements should be made a year in advance. However, I am sure that all members have had cases in which that has not happened. Notwithstanding what the minister said about the requirements of the Education (Additional Support for Learning) (Scotland) Act 2004, will he consider reminding local authorities about the importance of early planning in managing those transitions?

Robert Brown: I will simply echo what I said earlier. The 2004 act takes on board the issue on which John Swinney rightly focuses. Although it will take a little time for the measures to come into effect uniformly throughout Scotland, the intention behind the act is to produce better planning and better resources than there have been at some stages in the past. We will return to the code of practice on additional support for learning in 12 to 18 months to ensure that it is working well, but it is being implemented across the board. We will also be advised by HMIE on the matter and, where issues develop, we will take them on board. If either John Swinney or Cathy Peattie has particular concerns, I am more than happy to discuss them to find out whether we can make progress.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Notwithstanding the additional resources and the ability of local authorities to plan ahead, is the minister aware that smaller local authorities such as Scottish Borders Council willingly accommodate the supervision and education of children with special educational needs but perhaps face an additional burden when families that include such children move into the area during term time? Will the minister consider central provision on which local authorities that face that additional burden could call when there are problems during term time?

Robert Brown: I am happy to talk to Jeremy Purvis about particular problems that may exist in his local area, but I think that I am right in saying that the grant-aided expenditure allocation provides both the general distribution and a specific allocation for smaller authorities to deal with such issues. Some problems emerge from the relationship between councils, for example when there are placing requests and cross-border movements. The Education Committee touched on those issues in its report on the Education (Additional Support for Learning) (Scotland) Bill and they are currently being examined further by

Scottish Executive officials. I am happy to talk to Jeremy Purvis about the matter and the issues involved.

Dance

3. Marlyn Glen (North East Scotland) (Lab): To ask the Scottish Executive what progress has been made in promoting dance in Scotland. (S2O-7510)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): The Scottish Arts Council established a dance department in 2000. The key aim of its strategy for dance is to encourage an environment that supports a wide range of high-quality dance activity with opportunities to create, perform, participate in and enjoy dance. The Scottish Arts Council currently funds eight dance companies and organisations across Scotland.

Marlyn Glen: Does the minister agree that Dundee's contribution to the highly acclaimed performance of the Scottish Dance Theatre at the recent Edinburgh festival is to be celebrated, particularly given the co-operation between Dundee College, the Scottish school of contemporary dance and the Dundee Rep? Will she join me in praising Dundee's success as the centre of dance in Scotland?

Patricia Ferguson: I certainly share Marlyn Glen's sentiments. The Space in Dundee, which is the home of the Scottish school of contemporary dance, is a facility that all MSPs should be very proud of, not least members who happen to represent the area. It is worth noting that as little as 10 years ago there were no purpose-built buildings for dance in Scotland and we now have both Dance Base and The Space in Dundee as well as the other dance agencies throughout the country.

Football Supporters' Trusts

4. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive what help is available for football supporters' trusts wishing to develop community links, especially with schools, colleges and the voluntary sector, to encourage young people to participate in sport. (S2O-7517)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): HM Revenue and Customs is working with Supporters Direct to develop guidance for trusts on how they can best organise their activities, in particular to help to develop and run their community activities by registering as a charity or as a community amateur sports club. The Executive has arranged for 80 per cent mandatory rate relief for community amateur sports clubs. The Executive also provides financial support for the activities of Supporters Direct in Scotland.

Marilyn Livingstone: Is the minister aware of the very successful fundraising campaign that is being conducted in my constituency by the Raith Rovers supporters' trust? The trust is working tirelessly to ensure that any changes that take place within the club have the community at their heart. Will the minister agree to meet us to explore all the available options?

Patricia Ferguson: I am certainly aware that fundraising efforts are going on at Raith Rovers and I would be happy to meet the member to discuss what might be the ultimate conclusion of those efforts. Obviously, it is worth emphasising that, when there are difficulties with a particular football club, the Executive cannot necessarily step in and bail it out as it is, in effect, a business.

Physical Education

5. Rob Gibson (Highlands and Islands) (SNP): To ask the Scottish Executive whether physical education is a more attractive school subject to students now than it was in 1999. (S2O-7484)

The Minister for Education and Young People (Peter Peacock): The evidence is that physical education is a more attractive subject now than it was in 1999.

Rob Gibson: I thank the minister for that short and sweet answer.

The Executive has welcomed the opportunities for Scottish athletes to aim to compete in the 2012 London Olympic games and has backed Glasgow's bid to host the Commonwealth games in 2014. Therefore, will the minister now place a special duty on PE departments to promote athletics skills as the key component of school PE, both to give practical encouragement to young Scots to improve their fitness and to nurture those with outstanding talent so that they can go for Olympic and Commonwealth gold?

Peter Peacock: I very much hope that, in years to come, some of the young people who are sitting in the gallery today will be able to compete in the Olympic and Commonwealth games if that is what they wish to do. Our PE review was reported on last year and we have committed not only to increase the number of PE teachers and put more emphasis on time for PE, but to give young people more choice about what they do by way of physical education, which was one of the big things in the review. We want to ensure that young people can do what they want to do and take part in activities that are attractive to them. That certainly includes athletics, but it would not be proper to pick out and emphasise one particular dimension of physical education. Young people, with their teachers, should be given a range of

choices to allow them to pursue activities that capture their enthusiasm and develop their skills.

Karen Gillon (Clydesdale) (Lab): Will the minister update the Parliament on what progress has been made on increasing the amount of PE that is available in the curriculum? When does he think that the conclusions that were reached by the PE review group can be implemented?

Peter Peacock: Inevitably, these things take time, because we are making very radical changes. The evidence from Her Majesty's Inspectorate of Education is that the amount of physical activity in schools, particularly in primary schools, is increasing significantly. In some local authority areas, around 90 per cent of young people are now involved in physical activity in a way that they were not before. We have been gathering all sorts of evidence on that from our universities. We are expanding the number of places available for PE students, and those are being taken up. We are also recruiting PE teachers from other parts of the country. We are on the move, and we will be making big progress and big changes in schools, although there is still some way to go.

The Deputy Presiding Officer (Trish Godman): Question 6 was not lodged.

Sport (Promoting Participation)

7. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): To ask the Scottish Executive what measures it will take to promote greater opportunities for young people to participate in sport. (S2O-7481)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): We are investing about £12 million annually in active schools which, in time, will increase the number and range of opportunities for young people to participate in sport and other physical activities, both in and around school.

Fergus Ewing: Does the minister agree that one of the best things that we could do for the young people who are here in the gallery today and living throughout Scotland would be to allow them the opportunity to participate in outdoor education and sports of all varieties at least once a year—preferably at Glenmore Lodge and other excellent establishments lying within the boundaries of my massive constituency?

Patricia Ferguson: I am always gratified to hear Scottish National Party members supporting our ambitions for sport and physical activity. The member might be interested to learn that we have someone working on precisely that idea in Learning and Teaching Scotland.

I noted Mr Gibson's attitude—which was correct, in my view—towards the development of our young athletes. That was in stark contrast with what was contained in the SNP's general election manifesto from earlier this year, which said:

"sportscotland currently concentrates policy and spend on Olympic-related sports and medal winning opportunities. However, we believe that public money should primarily be used to promote health and fitness in our communities."

That contrasts even further with the comments of the SNP's front-bench spokesman, Mr Ewing, on 1 September. He said:

"unless born into a wealthy family the pursuit of sporting success for young athletes is an expensive, arduous and frustrating business. Financial support is not forthcoming from the quango sportscotland in many instances."

It is about time that those on the front bench of the SNP got their act together and decided what their policy is.

Dennis Canavan (Falkirk West) (Ind): Given the important role of amateur sports clubs in promoting sports opportunities for young people, what action is the Executive taking to discourage sports clubs from selling off their land and other assets to big property developers who have no interest in maintaining sports facilities?

Patricia Ferguson: As members will know, and as I mentioned in my response to Marilyn Livingstone, it is now possible for community amateur sports clubs that are registered as such to be eligible for 80 per cent mandatory rates relief. If trusts are to be wound up, to which Mr Canavan alludes, it would be open to the local authority to revoke the relevant part of that arrangement, and it would also be necessary for the club to pay capital gains tax. Furthermore, any money that might have been invested by sportscotland in that club could be reclaimed. I hope that the member will accept that we understand the problem and are working hard to ensure that the situation that he described does not transpire.

Finance and Public Services and Communities

Planning (Affordable Housing)

1. Dr Sylvia Jackson (Stirling) (Lab): To ask the Scottish Executive how the new legislative proposals in relation to planning will assist in the provision of affordable housing. (S2O-7515)

The Minister for Communities (Malcolm Chisholm): The planning white paper, which was published in June 2005, proposes a comprehensive modernisation of the planning system. The proposals will make the determination of planning applications for development more

efficient, which in turn will assist with the provision of affordable housing.

Dr Jackson: Will the minister consider providing powers for Scottish planning authorities to release land to build affordable housing specifically designated for the social rented sector?

Malcolm Chisholm: Planning advice note 74 on affordable housing, which was published in March this year, provides detailed advice on ways in which planning authorities can support the delivery of affordable housing and emphasises that that must be done through the development plan, taking account of the local housing strategy. As part of that, planning authorities can specifically allocate sites for affordable housing within the development plan. It is open to the planning authority to prepare supplementary guidance in the form of a development brief for a housing site, setting out the type of development that is sought for the site and requiring the involvement of a registered social landlord.

Murray Tosh (West of Scotland) (Con): The minister will be aware that land prices are extremely high in a number of pressured housing markets. Is he also aware that Scottish Homes is often unwilling to give sufficient grant-aid support to housing associations to allow them to compete effectively in those markets either for brownfield or greenfield sites? Will he take the opportunity of the planning bill to introduce a separate use class for affordable housing or rented housing? If not, will he seek additional resources for Scottish Homes specifically to allow the payment of higher levels of grant aid to housing associations in pressured market areas?

Malcolm Chisholm: I do not think that a separate use class is required, because, as Murray Tosh would know if he had listened to my first answer, that matter is already dealt with under PAN 74. Obviously, there are still issues about the price of land. Communities Scotland has a bigger budget this year than it has had for many years for distributing to housing associations. There has also been a separate fund to buy land. The other important development, through PAN 74, is the support of mixed housing developments and the possibility in pressured areas for the local authority, if it so wishes, to have 25 per cent of a private development designated as affordable housing. That, of course, helps to deal with the issue of land prices for registered social landlords in pressured areas.

Mike Pringle (Edinburgh South) (LD): In considering how to increase the supply of affordable housing, has the minister received the booklet published today by the Scottish Federation of Housing Associations, which argues that the policy of extending the right to buy to new tenancies is a significant threat to the supply of

affordable housing? Will he confirm that he has an open mind about whether the policy should continue to be pursued?

Malcolm Chisholm: I remind Mike Pringle and others of the existing policy, which is outlined in an act passed by the Parliament: as from 2002, where there is a pressured area, the local authority can apply for an exemption from the right to buy for tenancies. As was highlighted this morning in the media, East Renfrewshire Council and other local authorities have done that. The provision enabling local authorities with specific difficulties to do that is an important part of the housing legislation that the Parliament passed a few years ago. Looking to the future, we are committed by the same act of Parliament to make a report to the Parliament on the effect of the right to buy by September next year, which we will do. We have good provisions in place for those who feel that they are under local pressure.

Mr John Swinney (North Tayside) (SNP): Does the minister believe that there is a requirement for new legislative proposals in relation to the supply of affordable housing to overcome constraints created by the investment programme of Scottish Water? What priority is he able to secure to guarantee that those obstacles, which are now a real impediment to the development of affordable housing in countless areas of Scotland, are removed?

Malcolm Chisholm: I do not think that we need legislation to do that. We need two things. First, we need money. The investment has been provided—Lewis Macdonald announced it earlier in the summer when he was Deputy Minister for Environment and Rural Development. The second thing, of course, is to ensure that there is proper co-ordination between the housing plans of local agencies and the investment plans of Scottish Water. I accept that there is still more to be done to ensure that that happens effectively. However, that, rather than new legislation, should be the focus of our collective attention.

Free and Open Source Software (Public Sector)

2. Patrick Harvie (Glasgow) (Green): To ask the Scottish Executive what action it is taking to ensure that the public sector gains the greatest possible benefit from the use of free and open source software. (S2O-7549)

The Deputy Minister for Finance and Public Service Reform (George Lyon): The Scottish Executive has set up the open source software working group to examine the role that open source and free software could play across the Scottish public sector. The group will consider the implications for Scotland of the Office of Government Commerce report and the Cabinet

Office policy statement on the matter, which were both published in October 2004.

Patrick Harvie: That answer is encouraging, but it would be helpful if more people in the field were aware that that work is going on. Those to whom I have spoken continually refer back to United Kingdom Government policies that the Scottish Executive has referred to and feel that nothing else is happening.

Scotland could benefit from becoming a leading advocate in free software—free as in speech, not free as in beer—not only in terms of better value for money in our public services, but in applying the principles of free and open source software in as many ways as possible. I urge the minister to ask all his colleagues in other Government departments—those involved in education as well as public services—to consider those benefits.

George Lyon: That is why the working group has been set up. Mr Harvie will be comforted to know that the group will examine the role that open source and free software could play in current and future projects across the Scottish public sector—for example, in support of shared services. The group is scheduled to meet soon and its programme of work will be agreed at its first meeting. We hope that it will report in early 2006.

Stewart Stevenson (Banff and Buchan) (SNP): If he has not already done so, will the minister consider ensuring that the Scottish Parliamentary Corporate Body, as part of the public sector, is involved in the process? Introducing the software to members of the Scottish Parliament would be a quick win, in that it would reduce our running costs and, of course, would broaden the understanding that some of us, who use Firefox, Thunderbird and OpenOffice.org—

The Deputy Presiding Officer: Question, Mr Stevenson.

Stewart Stevenson: We use those products instead of the expensive commercial products that are currently installed.

George Lyon: I hope that Mr Stevenson will forgive me, but I would not dare to speak on behalf of the SPCB in this forum. However, if he took the matter up with his party's representative on the SPCB, we would certainly be pleased to ensure that the corporate body's needs are taken care of as part of the working group's work in the coming months.

Transco Fine

3. Karen Gillon (Clydesdale) (Lab): To ask the Scottish Executive how the £15 million fine imposed on Transco in respect of the Larkhall gas explosion will be spent. (S2O-7509)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): We are legally bound by the Scotland Act 1998 (Designation of Receipts) Order 2004 to pay all fines and fixed penalties, with the exception of those detailed in the order, from the Scottish Executive to the Scottish consolidated fund. The £15 million fine from Transco will fall into that category, which means that the money will be transferred to the Treasury. It is, of course, important that judges should be able to determine fine levels without consideration of other matters, which can be addressed through a different route.

Karen Gillon: I thank the minister for his answer, which does not surprise me. Will he make representations to the Treasury to ensure that at least some of that money can be spent on providing extra resources to the Health and Safety Executive, so that the lessons of this tragic case can be learned?

Mr McCabe: I am glad to see that the member's interest is predicated on safety and on preventing such a terrible tragedy from afflicting other families in Scotland. That is commendable. I assure her that we will continue to advocate the highest levels of health and safety and we will do our best to ensure that resources are provided to achieve that end.

Fuel Poverty

4. Shiona Baird (North East Scotland) (Green): To ask the Scottish Executive what new steps it is taking to address the issue of fuel poverty. (S2O-7553)

The Minister for Communities (Malcolm Chisholm): We are in discussion with the Scottish Executive fuel poverty forum about the future of the central heating programme and the warm deal and will soon discuss our proposed approach with a wider group of stakeholders.

Shiona Baird: The minister will be aware that, since the latest figures on households in fuel poverty were published in 2002, fuel prices have risen sharply by between 30 and 40 per cent. Given that for every 5 per cent increase in fuel prices, another 30,000 households return to fuel poverty—despite the millions of pounds that are involved in the warm deal—does he agree that only dramatic improvements in home energy efficiency and increased support for home renewables can halt the sharp decline in one of the Executive's key sustainability indicators?

Malcolm Chisholm: We will certainly take action on the front that Shiona Baird flags up. Fuel poverty is a complex issue that involves several factors. She is right to remind us of the great progress that was made on fuel poverty in the late 1990s and into the new millennium. The proportion

of people who are in fuel poverty fell from 35 per cent to 13 per cent in six years. We do not have up-to-date figures, but the situation will be better than that now.

We know that movements in the wholesale markets are putting energy companies under considerable pressure. Notwithstanding that, we expect companies to make every effort to ensure that their most vulnerable customers are not unfairly affected by any price increases. I am glad that some schemes are in place for that, although we must examine in more detail the new arrangements that were announced recently. It is important that energy companies protect their most vulnerable customers—that is the key way in which they can deal with prices. However, we will of course take action on the front that Shiona Baird highlighted.

Richard Lochhead (North East Scotland) (SNP): Does the minister believe that fuel poverty is about to escalate as winter approaches, particularly in rural areas where many households rely on oil for heating and cooking? In Aberdeenshire, 17,000 households rely on oil for those purposes. Given escalating oil prices, does he accept that there is a particular problem in our rural communities? Will he explain why the fund to which households could apply for a grant to change to alternative fuels was closed in the past few days? I understand that the Scottish community and householder renewables initiative has been closed and will not be topped up until next year.

The Deputy Presiding Officer: Question, Mr Lochhead.

Richard Lochhead: That will cause major problems for households that want to change to alternative fuels as winter approaches and for the many companies that install alternative equipment.

Malcolm Chisholm: The problems that relate to the oil price have been discussed at First Minister's question time and elsewhere. As I said in my last answer, we expect action to be taken to protect vulnerable customers in that situation. The nature of fuels will be considered and I will look into the point that Richard Lochhead has made.

Jackie Baillie (Dumbarton) (Lab): The Executive is to be warmly commended for its central heating programme and has been so by pensioners in my constituency. Coupled with the winter fuel allowance of £200 per year from Gordon Brown, that means that pensioners can for once effectively heat their homes. However, genuine concern has been expressed—

The Deputy Presiding Officer: Question, Ms Baillie, please.

Jackie Baillie: Genuine concern has been expressed about the recent dramatic price rises from Scottish Gas. Aside from suggesting that Scottish Gas should not pass on the full cost of the rise to pensioners, will the minister seek an explicit commitment that the scheme that the company puts in place to protect vulnerable and frail elderly people will be simple to operate?

Malcolm Chisholm: I want to examine in more detail the new scheme that Scottish Gas announced for its vulnerable customers. We should remember that it has an existing scheme under which the recent price increase will not affect pensioners who are on pension credit. We should welcome that protection for those people, but I will examine in detail what Scottish Gas proposes over and above that for other vulnerable customers.

Council Tax (Abbeyfield Homes)

5. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive what steps it is taking to ensure that the residents of Abbeyfield homes are not unfairly disadvantaged with regard to their council tax levels as a consequence of amendments made to the Local Government Finance Act 1992. (S2O-7536)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): We have recently issued a short and targeted consultation document to the relevant organisations. Once we have analysed the responses, we will decide on a suitable way forward.

Karen Whitefield: Does the minister share my concern that severe financial hardship is being caused to my elderly constituents in the Airdrie Abbeyfield house and many other Abbeyfield tenants who must pay large council tax bills each month? Will he say when the consultation will end and when he intends to introduce legislation to address the anomaly? Will he assure me that moneys that have been paid will be reimbursed as appropriate?

Mr McCabe: The issue is complex and the views of individuals in the housing support service industry differ, but we will vigorously encourage housing support service providers to help vulnerable individuals who face bills that they cannot afford to pay to obtain the benefits to which they are entitled. The central thrust of our policy is to provide maximum assistance to pensioner households in Scotland. We are achieving that aim through the central heating programme—which has just been discussed—free off-peak bus travel and free personal and nursing care. Those initiatives are being complemented by the United Kingdom Government through the winter fuel payment, free television licences and a new £200 council tax refund for the over-65s. I assure the

member that we will vigorously examine any unintended consequences of the changes as soon as we can and that I will consider reimbursement once we have had the chance to examine the responses to the consultation. I congratulate the member on consistently raising the issue in the chamber and in other places in her attempts to represent her constituents properly.

The Deputy Presiding Officer: Question 6 has been withdrawn.

Single Status Pay Agreements

7. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive what action is being taken to ensure that public services are protected as a result of negotiations of single status pay agreements between local authorities and employees. (S2O-7540)

The Deputy Minister for Finance and Public Service Reform (George Lyon): The Executive had no involvement in the negotiations between local authorities and the trade unions that resulted in the single status pay agreement of 1999. It is for local authorities to consider the implications of agreements that they negotiate with other parties.

Jeremy Purvis: Notwithstanding the minister's answer, will he condemn any local authorities that use the threat of moral blackmail with respect to recruiting new teachers or staff or the threat of so-called bankruptcy for the local authority if the settlement is implemented in full? What powers does the Executive have to ensure that the delivery of public services is not put at risk by the implementation of such a long-overdue settlement?

George Lyon: As I made clear in my first answer, local authorities have the autonomy to deliver the level of local services that they believe reflects local priorities. The Executive considers that it is important for local authorities in implementing the agreement to strike the right balance between what is fair and equitable for the staff concerned and what is fair and equitable for council tax payers, not only in what they pay, but in the services that the council delivers. I hope that Scottish Borders Council will consider all those factors in trying to reach an agreement on the matter.

Mr David Davidson (North East Scotland) (Con): The minister will be aware of Aberdeen City Council's current problems. Further to what he has said to Jeremy Purvis, will he give an assurance that he will intervene if any attempt is made to put the costs of the agreement on to the council tax payer? What action does he propose to take against councils that have failed to make any preparations since the beginning of 1999 for the implementation of the agreement, whether or not

those councils were in power before the last election?

George Lyon: In my previous answer, I made it clear that it is ultimately for local authorities to take decisions on such matters. As I said, the Executive considers it important that local authorities strike the right balance between what is fair and equitable for the staff concerned and what is fair and equitable for council tax payers in respect of council tax and the services that the councils deliver. I hope that every council will consider that and get the balance right in trying to reach a solution to the problem.

G8 Summit

8. Ms Wendy Alexander (Paisley North) (Lab): To ask the Scottish Executive what lessons have been learned for Scotland from the G8 summit. (S2O-7500)

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The G8 summit was extremely successful. World leaders were able to take major decisions that will affect the lives of millions of people in a safe environment. At the same time, Scotland was projected around the world as a country that can host and police major events effectively and as an attractive destination for tourists and businesses. All the Scottish agencies that participated in planning ahead of the G8 are evaluating their experiences and the costs and benefits of the summit. I will, of course, report to the Parliament once that evaluation process has been completed.

Ms Alexander: We would be grateful to hear more now or later about how the lessons that have been learned from the G8 will feed into future plans of the Executive and its agencies for the international promotion of Scotland.

Mr McCabe: That is an extremely important aspect of the experience that was gained from the G8 summit. Among the activities that are on-going, Scottish Enterprise is carrying out an economic impact study, from which lessons will be learned. Also, an analysis is being carried out of the media projection of Scotland around the world—we will learn lessons from that, too. We will also closely examine the synergies that were established between different organisations and put that experience to good use as we promote our country in the future. We are determined to bring the different agencies together to learn from the way in which they planned the G8 summit, so that all that experience is used better to promote our country around the world in the years to come.

Teachers

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-3278, in the name of Peter Peacock, on quality teachers for the 21st century.

14:56

The Minister for Education and Young People (Peter Peacock): I have been looking forward greatly to this debate, as we have a great story to tell about Scottish education and the part that teachers play in developing our education system. I will be relentlessly upbeat in my speech and leave it to the Opposition parties to adopt their usual disposition of carping and trying to find inadequacies in the system. I note, from their amendments, that they are struggling to find an alternative agenda to that which the Executive is pursuing.

Despite what the detractors of our education system sometimes say, Scotland has one of the top-performing education systems in the world. It is a strong system that is getting even stronger as a result of the actions that we are taking. All the key international evidence shows that. Our 15-year-olds—even those who were included in the recently published Timms study, who were behind at primary 5 and secondary 2—are performing among the best in the world. Indeed, the programme for international student assessment study shows that there are only three countries in the world, in the different categories that are measured, that significantly outperform Scotland.

Mr Brian Monteith (Mid Scotland and Fife) (Con): The minister said that he would be upbeat throughout the debate. Can he tell me, in an upbeat way, why the number of pupils who are leaving school after 12 years with no qualifications is still 3,000?

Peter Peacock: What Brian Monteith does not say is that that number is declining because of the way in which our policies are impacting.

Despite the strength of our education system—which the Tories seek to deny—our ambition is to ensure that it is even stronger in the future by tackling the challenges that we face, including those in our science curriculum and science education in our schools. That is why we have launched the most comprehensive reform programme for a generation in education, setting new standards and expectations in our system; giving teachers and schools more freedom to do what is right, by giving them more choice and flexibility; and, in particular, giving pupils more choice about what they study, what exams they sit and when they sit them.

We are embracing investments in new leadership and in our schools, as well as the new inspection standards that are now rolling out, in a major curriculum reform that will buy the flexibility and choice that we are looking for. We are opening up for our students new vocational options and new links to colleges to help them to move forward. That is to name but a few elements of our strategy, which is designed to make our system stronger.

Margo MacDonald (Lothians) (Ind): What stage has the curriculum redevelopment plan reached? Is there still an opportunity to introduce new concepts?

Peter Peacock: Absolutely; there is still that opportunity. The plan is at a comparatively early stage. It is designed to be a highly participative process to enable teachers to redesign the curriculum within the framework that we set—that will not be done by civil servants. Websites and information are available to allow teachers to participate in that process.

Governments can do a lot to improve educational standards. We can set high expectations, bring to bear new resources, change policies and enact legislation, and open up more choice for our young people. However, only teachers can teach. They are the experts in education, day by day, and they make a difference in what they do in their schools and in the relationships that they build with their pupils. That is why more investment in our teachers is crucial to further developing our education system.

In 1997, following the dark years of Tory rule in this country and the neglect of our teaching profession, our teachers felt embittered, embattled, hard done to, and done down. Their pay had fallen behind that of their close comparators. The millennium negotiations subsequently broke down. Teachers felt a lack of respect or status in their community, which is why we set about systematically changing that. The McCrone inquiry, which gave rise to the 2001 pay agreement, “A Teaching Profession for the 21st Century”, was instituted. That agreement has brought better pay for our teachers and reform to their conditions of service.

More time is now available to teachers for preparation and marking, and there is less class contact time. There are thousands more support staff in our schools, who free up our teachers to teach in the way they want. There are new contractual commitments to continuing professional development. Scotland now leads the Organisation for Economic Co-operation and Development in commitment to CPD, showing more commitment than any other country in that group.

Dennis Canavan (Falkirk West) (Ind): Will the minister give way?

Peter Peacock: I will finish these points, then I will happily give way.

Teachers have more time and wider opportunities than before for continuing professional development. Our effort in continuing professional development is co-ordinated nationally. Those are truly radical changes.

In addition, there are radical changes in how we induct new teachers into the profession and reduce class contact for them in their first year. They have more time for receiving properly provided mentor support in their schools. Scotland leads the world in the field of teacher induction.

Dennis Canavan: The minister says that Scotland leads the world and the OECD. Did he not read the recent OECD report about attainment in mathematics and science, in which Scotland was below the OECD average in both subjects?

Peter Peacock: Dennis Canavan must have misheard what I said. I made it very clear that when our young people reach the age of 15, they are among the best in the world. In that other narrower study, even those who were behind at P5 and S2 were ahead of those in every country in the world bar three by the time that they were 15. We should recognise and celebrate that fact.

We are doing other things. We have developed a chartered teacher programme, for which 100 teachers have now qualified; 2,000-plus are on their way to qualifying. That will allow teachers to stay in the classroom to practise their craft while receiving the financial rewards that they require for that. The SNP’s amendment mentions that it would like to fund that programme more appropriately. I hope that, under the SNP’s new procedures, that funding commitment has been agreed by John Swinney.

In the past year, we have concluded a four-year pay deal with our teachers that will give us unprecedented stability in our classrooms and the time to move forward with other changes in the system.

Mr David Davidson (North East Scotland) (Con): The Headteachers Association of Scotland issued a document today from which I will read briefly. It lists issues of concern and goes on:

“Staff morale in secondary schools has been affected by the job sizing exercise, which has resulted in many senior and middle managers effectively being told they are overpaid for the work they do.”

Is that the satisfaction that the minister has just been boasting about?

Peter Peacock: That typifies the approach of Opposition members. They try to find little points

to nitpick and use them to portray a wholly false picture of Scottish education. I will explain why.

The radical and dramatic changes that we are making to our teachers' conditions—all our reform milestones have been met—are changing teachers' perceptions and people's desire to teach and bringing real changes and results to our system. As a result of all those changes, teaching is more attractive than it has ever been. More people want to become teachers in Scotland, despite the bleak picture that the Tories try to paint. For every one person whom we accept for the one year graduate teacher-training course, we reject two people who want to teach so that we keep standards high. In our BEd courses, we reject 11 people for every one whom we take. People want to come into teaching.

There are more mature entrants into teaching, which is a thoroughly good thing. In the past decade, the average age for trainee teachers at Jordanhill has been 30. Those new people are coming to teaching with wider life experience and making a difference to the teaching profession and to our schools.

Mrs Margaret Ewing (Moray) (SNP): Is the minister satisfied that recruitment levels will ensure that there is no shortfall in the gap that will follow the early retirement of many of our teachers?

Peter Peacock: I am just coming to that. If Margaret Ewing waits for a moment, she will hear all the evidence that I will give on that matter.

As I said, more teachers want to come into the profession, which is a thoroughly good thing. I ask Margaret Ewing to listen as I set out the facts in that regard. Three thousand probationer teachers came into our schools last month, which is 700 more than last year. Those teachers are going into our schools across Scotland. The number of probationers who are coming into our schools is substantially in advance of the number of vacancies that existed; the Conservative's amendment raises that point. In the past few weeks, I have met more than 500 of the new probationers. They are thoroughly inspiring people, who will make a big difference to our teaching profession.

We have recruited 312 maths teachers in the past three years, which is an increase of more than 110 per cent since 2002-03. We have recruited 377 new English teachers, which is a 143 per cent increase since 2002-03. There has been a staggering 274 per cent increase in the number of chemistry teachers since 2002-03. There has been an 863 per cent increase in the number of physical education teachers who have been recruited since 2002-03—I hope that that will please Margo MacDonald.

Fiona Hyslop (Lothians) (SNP): Will the minister give way?

Peter Peacock: I am running out of time, but I will give way.

Fiona Hyslop: Are the PE teachers who have been recruited specialist PE teachers, or do they teach PE and other subjects?

Peter Peacock: We have recruited the increased number of teachers that I mentioned, but we will also give primary teachers the opportunity to gain new qualifications in PE teaching. We will then replace such primary teachers with other primary teachers. We are not asking teachers to do additional work. We are finding a new breed of teachers to help take forward our commitments.

Beyond that, the General Teaching Council for Scotland is registering an increasing number of teachers who are from outwith Scotland. There has been a 180 per cent increase in the number of such teachers in the recent past.

Robin Harper (Lothians) (Green): Will the minister give way?

Peter Peacock: I am afraid that I am running out of time, so I cannot give way.

There has been a 200 per cent increase in the number of maths teachers who are being recruited from outwith Scotland and registering with the GTC. There have been similar increases in the numbers of such teachers for English and PE. Such dramatic increases, along with falling school rolls, will allow us to cut class sizes as we have never done before. The increases have come from recruiting teachers from outwith Scotland as well as from recruiting home-grown teachers. That approach is consistent with our fresh talent initiative.

We are well on the way to meeting each and every one of the targets that we have set for reducing class sizes. One of the reasons that we can do that—this picks up on a point that both Opposition parties make in their amendments—is that we now have sophisticated workforce planning exercises. That means that we know, for example, about teachers' retiral rates and the age profile of our teaching profession. Just as I and members on the Opposition front benches get older every year, so do teachers. That is why we have the workforce planning exercises and why we are buying places in our universities to train people and to ensure that we fill any gaps and cut class sizes.

Teachers will have more freedom to operate than ever before. The abolition of our age-and-stage regulations, the reforms to the Schools (Scotland) Code 1956 and the curriculum reforms that we are undertaking will ensure that that will

happen. More support for continuing professional development and the provision of more classroom assistants will help to meet the higher standards and expectations that we are setting for our system. When teachers do not meet the standards, changed procedures will allow them to move on to other careers. However, the vast majority of our teachers deserve our praise, our respect and our admiration for what they do. We must invest more in such teachers.

The Opposition parties will undoubtedly try to cast a shadow over the debate, but we will get on with the business of making an already strong education system in Scotland even stronger by putting quality teachers for the 21st century at the heart of all that we do.

I move,

That the Parliament recognises the significant investments made by the Scottish Executive in developing the capabilities and professionalism of teachers in Scotland; notes the increase in teacher recruitment and the delivery of improved initial teacher education; welcomes the implementation of radically improved teacher induction arrangements; acknowledges the widening of opportunities and improved quality of Continuing Professional Development for teachers and the development of chartered teacher programmes; recognises the importance of teaching standards in delivering higher educational attainment, and welcomes the Executive's commitment to secure quality teachers for the 21st century.

The Deputy Presiding Officer (Murray Tosh): Adam Ingram will speak to and move amendment S2M-3278.2. You have seven minutes, Mr Ingram.

15:08

Mr Adam Ingram (South of Scotland) (SNP): I welcome today's debate, which focuses on the teaching profession's crucial role for the future of our country. We have always been fortunate to have a teaching workforce that is second to none in terms of professional standards and commitment and which maintains the first-class reputation of the Scottish education system. The Education Committee's recent pupil motivation inquiry clearly demonstrated to us that the teacher makes the difference in motivating pupils and engaging them in the learning process. We can be as upbeat as the minister in our appreciation of teaching in Scotland.

That said, the profession and those who are responsible for education, not least the minister, face key challenges to ensure world-class status for the education service. I was rather concerned that the minister glossed over some of those challenges in his speech.

The first and most obvious challenge is the renewal of the profession. We know that around 40 per cent of Scottish teachers are due to retire in the next 10 years. That, coupled with an Executive

target of 53,000 teachers by 2007 and planned reductions in class sizes for English and mathematics in the first two years of secondary school, means that there is an obvious pressure to recruit many more teachers than we do at present. It has been said that all the indications so far suggest that the Executive is struggling to meet those targets.

Earlier this week, *The Herald* highlighted a worrying failure to recruit enough new maths teachers. The three biggest teacher training colleges, which were expected to recruit an extra 248 future maths teachers, have in fact recruited only 198. That is 20 per cent off target, minister. Figures also show that the number of maths teachers has fallen by 18 per cent since 1998 and that 70 per cent of Scottish schools were reporting shortages of maths teachers to the point that maths lessons were being cancelled.

The Deputy Minister for Education and Young People (Robert Brown): Mr Ingram mentions 1998, but does he accept that the way in which the figures are calculated has changed and that the trend in the numbers, both before and after the change, has been up?

Mr Ingram: Yes—and we have heard stories before about statistics, damned lies and all the rest of it. The fact is that we are facing a reduction in the number of maths teachers.

Far from the achievement of a class-size reduction in S1 and S2 maths from 33 to 20, we are much more likely to see an increase in part-time education and an increase in class sizes. More needs to be done to make teaching more attractive to maths graduates. The recruitment crisis in maths is perhaps the most noticeable, but other subject areas are also affected. MSPs will no doubt be aware of the briefing from the Royal Society of Chemistry, which said that one in five schools is already turning away pupils from studying chemistry because of the lack of teachers. That situation will not get any easier with one third of chemistry teachers due to retire in the next five years.

Peter Peacock: In my speech, I said that chemistry recruitment is up by 274 per cent. We will fill all the vacancies and add to the number of teachers in total. Mr Ingram is perfectly entitled to make his comments on recruitment at universities, an area in which we have set targets. Universities have made spectacular progress in recruiting additional maths and English teachers in particular. That is only part of our strategy. Does Mr Ingram accept that there are other dimensions to our strategy, including attracting teachers from other parts of the world to come to Scotland, and introducing other flexibilities to the system to allow us to meet our targets?

Mr Ingram: I hear what the minister is saying, but he has tended to play down the difficulties and resort to a kind of spin. I would be much more confident if the minister took on the difficulties head on. I am not advocating that teacher remuneration should be looked at again; I think that the minister has done a reasonable job on that front. The pay package is not the fundamental problem. What is needed is a culture change and an enhancement of the status of the profession.

Matthew MacIver, the chief executive of the General Teaching Council for Scotland, said in evidence to the Education Committee earlier this year that it is time that teachers in Scotland took control of their own professional destiny. In a letter he said:

"For the last 20 years we have not been trusted as a profession."

He meant by the politicians. He continued:

"We have moved from being a 'high trust, low accountability' profession to the very opposite, ie a 'low trust, high accountability' profession."

Teachers will tell us that their preoccupation with endless initiatives and the constant analysis of every action in the classroom; the marketing climate that means that schools set huge store on creating profile; and the overload of unnecessary administration that bears down on teachers are all factors that impact negatively on potential new recruits. Public perceptions of indiscipline in schools and of teachers having become disempowered in the classroom must also have had the effect of reducing recruitment.

Mr Davidson: On the issue of ill-discipline in schools, does the SNP support our view that headmasters should have the right to exclude violent and disruptive pupils?

Mr Ingram: Head teachers already have such a right.

The Deputy Presiding Officer: You have one minute.

Mr Ingram: Time is pressing, so I must move on.

Without a doubt, the factors that I mentioned have worked against the retention of teachers in the system. Each year, nearly 30,000 people register with the GTC as qualified teachers but do not then seek employment.

The second challenge is to maintain a world-class education service by maintaining and increasing standards of qualification and in-service training. It would be a mistake to respond to a recruitment crisis by lowering the threshold for entry to teaching service. We must surely resist the temptation of following the English model by employing non-qualified staff as teachers.

The introduction of the chartered teacher programme is to be welcomed, not least because it allows teachers to take control of meeting their professional development needs. However, the disappointingly low uptake of the course is surely due to the costs involved and to the inflexible access arrangements for individual teachers. As Matthew MacIver pointed out to us, why must aspiring chartered teachers be required to pay substantial amounts of money to achieve that status whereas aspiring head teachers are not?

The Deputy Presiding Officer: Mr Ingram, you must wind up.

Mr Ingram: As the Presiding Officer has asked me to come to a conclusion—

The Deputy Presiding Officer: Not asked but instructed.

Mr Ingram: The minister could, and should, do much more to support our teachers. I commend to the Parliament the amendment in my name.

I move amendment S2M-3278.2, to leave out from "the significant" to end and insert:

"that Scottish teachers are the key drivers for excellence in our education system; further recognises that there will be a continuing need for significant investment in teacher recruitment and induction, initial teacher education and continuous professional development; notes the challenging nature of the Scottish Executive's pledge to increase teacher numbers to 53,000 by 2007, given that 40% of Scottish teachers are due to retire in the next 10 years; is concerned that the recruitment of mathematics teachers is falling behind targets, threatening promised class-size reductions; commends the work of the General Teaching Council for Scotland in developing quality teaching, and calls on the Executive to fully fund the initial part of the chartered teacher programme for all Scottish teachers".

15:17

Lord James Douglas-Hamilton (Lothians) (Con): I am glad to follow Adam Ingram in expressing my unqualified admiration for Scotland's teachers, who provide crucial and essential services for our children and the nation. They deserve our good will, good wishes and strongest support. Indeed, parliamentarians should act as dedicated friends of teachers, not as candid friends. As Canning said of the Houses of Parliament:

"But of all plagues, good Heaven, thy wrath can send,
Save me, oh, save me, from the candid friend."

We are here as friends, not candid friends, of teachers, for it is teachers—including, at one time, the Deputy Presiding Officer—who provide Scotland's children with foundations for learning that will stand them in good stead for life. We recognise that teachers play a vital role, along with parents and family, in influencing, enthusing and inspiring young people to great endeavour. As

Adam Ingram stated, teachers play the key role in the teaching process.

It is crucial that teachers are given adequate training and practical experience before entering the profession so that they are well equipped with the skills that they will need. Although initial teacher education and continuing professional development are extremely important in ensuring that teachers keep up with new teaching methods and assessment techniques, teachers may not always be able to bring their training to bear fully within the classroom, owing to the need to deal with too much pernicky paperwork. Any moves in the direction of simplifying their workload will be welcome.

Despite the increasing number of new teachers entering the profession, 1,164 teacher vacancies were advertised in February 2005—up from 790 vacancies in 2004. More than 300 posts have been vacant for more than three months, so many of our young people are being left with no permanent teacher. The Headteachers Association of Scotland's "Parliamentary Bulletin 6" highlights seven issues of concern, but let me mention just one. The bulletin states:

"Vacant promoted posts are now attracting few candidates and senior staff are concerned at the quality of those who do apply. The workload associated with a slimmed down management structure is acting as a serious disincentive for teachers."

The bulletin makes this request:

"HAS would welcome the opportunity to be involved in a review of both management structures and job sizing, to allow schools to move forward on the improvement agenda in an equitable and sustainable manner, to ensure further benefit to young people."

When the minister winds up, it would be helpful if he would say whether he will give sympathetic consideration to that request.

With 40 per cent of teachers due to retire in the next 10 years, the Executive needs to treat with urgency the issue of teacher retention. Surely everything possible should be done to ensure that conditions are conducive to teachers staying in the profession—one way of doing that would be to reduce unnecessary form-filling.

The chartered teacher initiative is very welcome. However, of the 20,000 teachers who meet the criteria by having reached the top of the unpromoted pay scale, only 2,500 have embarked on the programme. As of March this year, only 161 teachers had successfully completed the course. I ask the minister whether consideration—

Robert Brown: Will the member give way?

Lord James Douglas-Hamilton: Provided that the minister answers my question, I will be only too happy to do so.

Robert Brown: Does Lord James Douglas-Hamilton appreciate that the initiative came into force only in 2003? Is he aware of the large number of teachers who are going through the system at the moment?

Lord James Douglas-Hamilton: I welcome that, but concerns have been expressed that take-up is not strong enough.

My question to the minister, which I hope that he will answer when he winds up, is whether consideration can be given to making the initiative more attractive. Teachers are expected to pay £7,500 to attend the courses; that sum is about one quarter of the annual salary for a top-level unpromoted teacher. Is it fair that they should have to do so, especially when one considers the irony of head teachers, who are on far higher salary scales, paying nothing to undertake the Scottish qualification for headship. The financial disincentives for those who want to become a chartered teacher are substantial. However, as the minister said, the merits of the initiative are great.

Fiona Hyslop: Will the member take an intervention?

Lord James Douglas-Hamilton: I have very limited time. Perhaps the member will shortly be able to make clear her views on the subject.

I welcome the review of initial teacher education, but students are concerned that that does not equip them well to handle the immediate demands of the workplace. It will be increasingly important for new teachers to be provided with adequate training in classroom management techniques.

In a recent speech, the Prime Minister said:

"let's be brutally honest here",

the solution

"is to escape the straitjacket of the traditional comprehensive school and embrace the idea of genuinely independent non-fee paying state schools. It is to break down the barriers to new providers, to schools associating with outside sponsors, to the ability to start and expand schools; and to give parental choice its proper place."

I am not the Prime Minister's press officer, but I agree strongly with his assessment in this connection. He advocates that parental choice should be given its proper place, but it appears that the Executive's plans fall some way short of the Prime Minister's aims.

The Conservatives want parents and schools to have greater flexibility and control over education. We want head teachers to have more say over budgets and staff, thereby reducing the burden of bureaucracy, making it easier for popular schools to expand and for new schools to open.

We wish parental preference to shape the way in which education works. We pin our colours to

the mast of standards, choice and opportunity. In that spirit, we wish Scotland's teachers as they continue in the pursuit of educational excellence the best of good fortune, which they so strongly deserve.

I move amendment S2M-3278.1, to leave out from first "welcomes" to end and insert:

"while recognising with concern the increasing number of teaching posts vacant for more than three months, welcomes the implementation of radically improved teacher induction arrangements; acknowledges the widening of opportunities and improved quality of Continuing Professional Development for teachers and the development of chartered teacher programmes, but notes the low uptake of these programmes among teachers; recognises the importance of teaching standards in delivering higher educational attainment, and welcomes the Executive's commitment to secure quality teachers for the 21st century but notes that, with 40% of teachers due to retire within 10 years, the issue of teacher retention must be addressed with some urgency."

15:23

Iain Smith (North East Fife) (LD): As a new boy to the Education Committee, on which I have just taken over as convener, I do not make claims to be an expert on the topic. However, I hope that that expertise will develop over time.

For Liberal Democrats, education is a central plank in our ambitions and programmes, as has been the case for some years. In fact, enshrined in our constitution is a statement that no one should be enslaved by poverty or ignorance. Education is central to our aim of ensuring that everyone can achieve their full potential. In that spirit of equality of opportunity, I speak in the debate about some of the Liberal Democrats' achievements in the Parliament to date. As a partnership Government in Scotland, we have driven forward the education agenda and taken things forward in a way that is the envy of other parts of the United Kingdom.

I echo some of Adam Ingram's analysis, although I do not agree that the Executive has not begun to address the issues that he raised. I refer in particular to the interference of politicians in teaching. The danger for politicians is that we tend to think that we know about education—most of us have been to school at some point—but that is not necessarily the case. As politicians, we should not go telling teachers how to teach any more than we would tell an airline pilot how to fly a plane or a brain surgeon how to conduct an operation.

Mr Monteith: Sam Galbraith could do that.

Iain Smith: I am sure that he could; he has the expertise.

Our job as politicians is not to do that but to set the parameters to drive forward the ambitions of our schools and our children. Our job is to provide resources and to ensure that there is effective

accountability through proper inspections that assist teachers and schools to develop and improve. Inspections should not be seen as a threat. We should avoid language such as the term "failing schools", which is used south of the border.

Our job is to let teachers get on with their job.

John Swinburne (Central Scotland) (SSCUP):

No one seems to recognise that people are living longer. It is illogical that a teacher of 60 who has a third of her adult life still in front of her is compulsorily retired. Surely, teachers should be encouraged to continue working if they wish to do so. They could be encouraged to work part time, for example, to alleviate the present teaching situation.

Iain Smith: Perhaps the minister will cover that when he winds up, but my understanding is that the retirement age of teachers, as of all public professionals, is being looked at. I do not think that compulsory retirement is appropriate. However, I do not know many teachers who are not looking forward to retiring when they reach the age of 60, to be perfectly frank.

Fiona Hyslop: Does the member share my concern about reports of teachers in Glasgow who want to wind down under the recommendations of the McCrone report but are being asked, in the very last years of their teaching life, to move schools in order to take advantage of the winding-down scheme so that they can retire before 60?

Iain Smith: I am afraid that I am not aware of the details of what is happening in Glasgow, so I cannot answer that question. Perhaps the minister will answer it; I am sure that he, as a member for Glasgow, has more knowledge of what is going on there than I do.

Teachers must be allowed to get on with their jobs. That is why much of the reform of education in Scotland concerns freeing up teachers to allow them to get on with the job of teaching. The curriculum reform, for example, is not just about improving the curriculum; it is also about decluttering it to ensure that teachers have time to give adequate instruction to pupils. It also deals with the important curriculum from S1 to S3.

We are getting rid of unnecessary testing at various levels, which simply adds bureaucracy. Teachers are there to teach; they are not there to be statisticians. It is important that we do that. Equally important is that we are developing the teaching profession and giving it the respect to which Adam Ingram so rightly referred.

We are doing that through the moves towards continuing professional development. It is essential to ensure that teachers are respected and supported throughout their career through the

developments in the initial teacher education programmes. I welcome the minister's positive response to the review group's study, particularly on ways of widening the alternative modes of delivery of initial teacher education so that more people will consider a career in education. Developments such as distance learning and moving away from the traditional one-year full-time residential course that most teachers have to do will help in that process.

Those are important steps forward. However, most important is the target. We in Scotland are not using falling school rolls to cut education budgets and to reduce the number of teachers. We consider falling school rolls to be an opportunity to cut class sizes and to improve education. That is a very important initiative that we in Scotland have undertaken. The number of school-based teachers has increased to 51,287, and our target—at a time when school rolls are falling—is to raise that number to 53,000 by 2007. The important message is that we are trying to improve the quality of education.

The biggest improvement that we can make to school discipline in Scotland is to reduce class sizes to those of most other countries. Reducing class sizes will do more to improve discipline than giving head teachers additional powers, as Brian Monteith suggested.

There is a very positive message for Scottish education. The Liberal Democrat and Labour Executive is committed to improving our education system. We are all committed to improving our education system. Therefore, let us support the motion.

15:29

Ms Wendy Alexander (Paisley North) (Lab):

As my colleagues in the chamber know, I have something of a tradition of speaking late in debates and using my time to contrast the Executive's proposals with those of the Opposition. However, as the minister suggested in his opening remarks, I would have some difficulty today if I wanted to focus on the Opposition's distinctive policies for teaching and teachers. Like other members, I have searched in vain for those policies. However, in fairness to the Opposition parties, the not ungracious tone of their amendments reflects that reality. Faced with that dilemma, I decided to go back to first principles and to dwell briefly on what we have learned in recent years about how we learn best.

We live in a world of growing information overload. That will only continue, so how we learn has become the subject of ever more interest not only among teachers, but among psychologists, economists and specialists of all sorts. From the

economics world, the pre-eminent expert in how we learn is the Nobel laureate James Heckman who, as some members will know, visited Scotland last year under the auspices of the Allander series of lectures. His central insight about how we learn is that our most important teachers in our earliest years of life are our families, which of course accounts for the emphasis on pre-fives. When he turns to what matters most in the school years, his central insight about success in life is that it depends on more than one's IQ. Just as important is the "I can" that consists of perseverance, dependability, consistency and social skills. When it comes to acquiring both the IQ and the "I can" of life, good teaching and personal mentoring matter most—they matter far more than anything else that we talk about in education policy, including class sizes, funding or buildings.

Faced with that empirical evidence, the Executive had a choice. It could have chosen to spend its time trying to distinguish between good teachers and less-good teachers. That would not have been a sensible approach when we need more teachers overall. The other road—the one that the Executive deserves credit for taking—was to embark on an ambitious programme to raise quality all round.

I will illustrate that by inviting members to consider the difference between two pupils in Scotland, one of whom will sit their standard grades this year and one of whom is entering primary 1 this year. When today's 15-year-old went into primary 1, industrial relations were at an all-time low. Teachers' pay here had fallen far behind that of teachers in the rest of the United Kingdom, we had a recruitment crisis, morale was at rock bottom and threats of strikes were ever present.

I invite members to contrast that with the position of the new primary 1 pupil who arrived this autumn. Schools are benefiting from the most sustained period of good relations for more than 20 years, teachers have competitive salary levels and years of underinvestment have been turned around. If new primary 1 pupils have a brand new teacher, that teacher will have benefited from an induction scheme that is acclaimed throughout the world; no longer is anyone thrown in at the deep end. Throughout primary and secondary schools we are raising standards by ensuring that year in, year out each and every teacher participates in continuous professional development. That step alone will pay dividends for years to come.

Other members mentioned the chartered teacher programme, through which we are rewarding people who invest in their craft as teachers. As Robert Brown pointed out, the 10 per cent uptake in less than two years is a remarkable achievement. The programme is creating exactly

the right incentive for our best teachers to teach. The Executive also deserves credit for investing in innovative leadership development opportunities for teachers. Time precludes me from talking about the Leadership Trust, Columba 1400 and a host of other programmes, but such work is ongoing.

What is most encouraging is perhaps that, despite all that work, the Executive is not resting on its laurels, but is looking ahead to create teachers for a new era. The intention is to think about what the teacher of the future needs to be for our children. Teachers will need to be trained in how we learn. That is what I started with: How will our teachers in the future teach the "I can" as well as the IQ? By working with Scotland's teachers to develop that approach, the classroom practice of old will become a clinical internship for our youngest and newest teachers. Increasingly, we will cultivate our teachers' mentoring capabilities.

I thank the Executive for examining the evidence and for recognising that teaching makes a greater difference than perhaps anything else that we as politicians can influence when it comes to the school experience of our children. As a result, today's primary 1s will have a much more enjoyable passage through school than this year's standard grade pupils have had. For that, the Executive and Scotland's teachers deserve enormous credit.

15:36

Mrs Margaret Ewing (Moray) (SNP): It is interesting to follow Wendy Alexander, because she spoke about the Executive's inheritance. I remember the exact situation that we faced as Scottish parliamentarians when I was first elected to Parliament in 1974; there were strikes, the Labour Government would not address the serious issues that were being raised by the teaching unions and morale was low. I am sure that my colleague Dennis Canavan, who has been active in this sphere, agrees that a great deal of teachers' good will was lost then. Teachers no longer undertook voluntary work on Saturday mornings or in the evenings, which has been a continuing loss to sporting activities and other aspects of education. That should be borne in mind when we talk about teachers' progress.

I say to Peter Peacock that I have no intention of casting any kind of negative shadow over the debate. It is a long time since I was at the chalkface, but I have never regretted my years as a schoolteacher or forgotten the satisfaction that I gained from seeing pupils progress—those whom I taught in special needs and who overcame reading difficulties or those who gained good results in their O-grades and higher.

The important issue for teachers is to help to build their confidence in the work that they do. It is an honourable profession—some might even call it a vocation. However, it is a terrifying prospect for teachers when they are let loose on their own but are not sure what they will face. It is not just about measuring the paper results; it is about looking at pupils as individuals and having the time to notice when there are fluctuations in their performance. It is about having the time to talk to such pupils about the reasons for that and helping to find solutions.

Sometimes, we are guilty of loading additional responsibilities on to our teachers. I have lost count of the number of times I have heard people say, "It should start at school," whether applied to sex education, moral education, understanding physical and educational disabilities, learning good manners or, at primary 1 level, learning how to use a knife and fork. It is too easy and glib to say that things should start at school. Teachers are in loco parentis, but in many cases parents have abrogated their responsibilities. I was in that position from 9 until 4, five days a week, which is 40 hours. Now there is less emphasis on the role of parents, but they should be involved beyond the 40 hours when their offspring are at school.

I echo some of the points that have been made about bureaucracy. Instead of being able to use their time for preparatory work, teachers are filling in forms and reports, chasing money for much-needed teaching resources and worrying about league tables. That has resulted from some of the changes that have been introduced by the Executive—probably with the best of intentions. However, change for its own sake does not help the stability of our education system.

I will talk briefly about the role of teachers in discussions about future programmes in their localities. If we are to retain quality teachers, it is vital that they be involved in decisions about the schools to which they are committed. That is important to me because of what has happened in Moray, which was suddenly confronted with the possible closure or merging of 21 schools as a result of the school estates review that the Executive introduced. The area is well known to the minister, although his sortie into Moray as a candidate was not exactly 100 per cent successful. Throughout the process of so-called consultation, teachers telephoned, e-mailed and wrote to me privately, but they were not allowed to speak openly about the situation. The process took place despite the fact that Her Majesty's Inspectorate of Education had issued exceptionally good reports on the vast majority of the schools. The teachers had no direct right to make formal public representations although parents, children, MSPs and MPs could speak out. I am glad that Moray has dropped that

programme—I see that the minister is nodding in agreement.

However, the concern is that the Executive has not yet adopted a presumption against the closure of schools in rural areas, which means that authorities are adopting a variety of policies. For example, Highland Council mothballs schools—indeed, one was reopened at the beginning of this term—because the movement of one family in or out can make a huge difference to what happens to rural schools. However, Moray Council still uses as the trigger point for closure a roll of 60 per cent of the capacity of the school. I am concerned about that, because many rural schools are magnets for people who wish to settle in our area. Moray is the constituency with the most inward migration, because of the Royal Air Force. Many people wish to settle there and they see the importance of rural schools. We must ensure that teachers play a full role in such discussions, because they know the benefits of those schools.

15:42

Mr Brian Monteith (Mid Scotland and Fife) (Con): In rising to speak from the back benches, I am pleased to support my colleagues in the debate. The minister's opening speech did nothing to undermine his reputation as the most partisan Labour minister in the Executive. I suspect that, as he once stood as an independent councillor and argued against Labour Party policies, he feels that he has to go the extra nine yards in proving his Labour credentials to us. The minister is from the year-zero school, which believes that the year of creation was the year of our Lord 1997, and that everything before then was utter darkness—a big Tory black hole. I am sorry, but the minister is a false prophet. There was good and bad before 1997 and there will be good and bad again. If we do not accept that there will be good and bad under politicians of any colour, we do the public a disservice.

I will not dwell on the past. I want to address matters that have been touched on and which are directly related to the performance of our brave new teachers; namely, who teaches the teachers, how they decide what to teach and to whom they are accountable. Real evidence exists that teachers are not being equipped with the appropriate skills to take full advantage of their enthusiasm and commitment.

A campaign has been launched to give Scottish pupils the chance to study for a new qualification in English language, to help their understanding of their native tongue and foreign languages. Last Friday, a meeting was held at the University of Edinburgh that was the first step towards introducing a higher in English language. The campaign is led by April McMahon, a professor of

English language at the University of Edinburgh. She seeks to redress the balance between language and literature in the English curriculum, which is a balance that has needed to be corrected for some time.

Yet again this summer, we heard about how the use of phonics in teaching reading is to be encouraged; the First Minister endorsed that idea through a visit to a school. I welcome that endorsement because I have supported the use of phonics for some time, but such an endorsement and a statement that more phonics must be used beg the question of who removed phonics from teaching.

Margo MacDonald: Perhaps it was the person who introduced Cuisenaire rods to teach children how to count what red and green added up to.

Mr Monteith: I remember those rods well—they led me one day to become the finance spokesman of my party. Who can tell whether that means that they worked?

Is it not the case that much of the damage done to Scotland's educational reputation was visited upon it not by politicians—Tory politicians or Labour politicians—but by the very academics who were in charge and in control of our teacher training colleges? Those academics were apparently unaccountable to the parents of pupils, to the pupils, to the politicians who funded them or to the student teachers who went through the colleges. Some people put up a fight. I will quote from a professor at a university in Scotland. He states:

"I think what I found most depressing ... were the literature people who, in my view, have come to monopolise totally the English school classroom. Many of them are implacably opposed to language teaching for its own sake; in their world view, language can only be taught through literary texts; and their understanding of matters linguistic is usually abysmal. I fell out ... on many occasions with the Moray House language teacher trainers. ... I have to laugh quietly to myself when I read of the 'remarkable discovery' that teaching phonics improves early reading ability—hard not to say 'I told you so'.

Those are the words of an English professor who rails against the academics who would not listen to suggestions that there should be a variety of methods of teaching, but enforced the removal of phonics and thus condemned many of our pupils to a poorer ability to communicate. We cannot let the mistake of dropping phonics happen again—we must redress the balance and tackle the lack of accountability of our teacher-training colleges.

15:48

Robin Harper (Lothians) (Green): The question that I must put to the Executive is one that I have put to it before. Does the Executive

really think that we yet have an education system that is fit for purpose and that we yet have a common understanding of what that purpose could and should be? We hope to get a good result from the current consultation.

A famous education philosopher, Howard Gardner, identified nine intelligences. Literacy and numeracy, which the Executive concentrates on almost to the exclusion of everything else, are only two of a range of intelligences that cover social and creative intelligences, all of which should be developed as fully as possible in our education system.

I attended the education and skills discussion at the recent business in the Parliament event. I suggested to the people who were present—they did not disagree—that what businesses really look for in their employees is confidence, adaptability, communication and learning skills, and the ability to assess risks and take risks. Businesses want their employees to have a full set of social skills. I have to wonder whether in any sense our education system is specifically designed to produce that outcome.

The Executive has received substantial recommendations from a number of bodies that call for more creative opportunities in our schools. Stories of amazing success are becoming legion. I need only bring to the Executive's attention the article in *The Guardian* on Tuesday about Sandwich Technology School. The school's isolated position in an area of high unemployment led to low self-esteem, low expectations and behaviour problems among most of its students, but the school was turned around within three years and became the fifth most improved school in the country, solely through engagement with a creative arts project that involved the entire school.

I cannot believe that, in the long term, the Executive will not respond to the compelling arguments for developing the full potential of all our young people. There are consequences now for training our teachers. Before I synthesise those consequences, I wish to introduce a second issue in parallel. This is the United Nations decade of education for sustainable development. We face huge challenges over the next 40 years, and all our young people of all ages need to be eco-literate. That means that sustainability should permeate the design, management and curriculums of our schools, as well as the training of our teachers.

The biggest challenge for teacher training will be to ensure that our primary school teachers are confident in teaching science. We hear that this year—like almost every other year that I can remember over the past 15 years—a worryingly high proportion of primary school teachers report

that they are not comfortable explaining scientific issues to the children in their care.

Wendy Alexander spoke eloquently in her excellent speech about learning skills and about how people learn. She mentioned perseverance, dependability and social skills as being among the things that young people learn, or can learn, in and out of school. Learning for sustainability is not a subject, but an approach, whereby the principles of sustainability are embedded in a school's culture, ethos, management structure, learning, teaching and community links and in the management of its estate.

To prepare pupils to meet the challenges of the 21st century and play their part in creating a just and sustainable world requires new skills and approaches from teachers. Sustainable development should become a core principle of initial teacher education, continuing professional development, the role of the chartered teacher and the qualification for headship. Sufficient support from the Executive is vital to ensure that local authorities, higher education institutions and even non-governmental organisations' programmes have the capacity to enable all Scotland's teachers to meet the challenge of sustainable development.

To return to my original thesis, the development of our young people's full potential in facing real challenges in real situations is one of the most effective ways of developing self-confidence and self-esteem. Wendy Alexander mentioned IQ and "I can", referring to perseverance, dependability and social skills. Outdoor education is accepted universally as being the best medium, so what consequence does that have for teacher training? It is quite simple: all our teacher training colleges should be able to give all their students access to two levels of qualification. First, they should all attain a level of competence in general outdoor education that would preferably include a summer mountain leadership certificate. The other level, for those who really wanted to do it, would require access to a full-time masters course—as is offered at Moray House under the expertise of Dr Peter Higgins—which would be designed to train full-time teachers of outdoor education. Much more access to expertise in teaching science, music, art, and movement skills should be available to primary school teachers.

I will conclude with a couple of questions for the minister. He missed out some sets of teachers in the figures that he gave earlier. I would dearly love to know what the figures are for the numbers of teachers—and whether they are going up or down—in art, music, drama and outdoor education. I suspect that the number for outdoor education might be very small indeed.

I am now over 65. If I had stayed in teaching until this year, my life expectancy would be

another 18 months. That figure is as true here as it is in California. We cannot force teachers to stay on until they are 65 if they do not want to.

15:54

Bill Butler (Glasgow Anniesland) (Lab): I welcome the opportunity to participate in this debate on quality teachers for the 21st century. As a former member of the teaching profession, I appreciate the need to invest in the development of a teaching workforce that is able to meet the increased challenges of modern Scottish society.

My party's manifesto for the 2003 election made it clear that a Labour-led Executive would, quite correctly, continue the work that was undertaken in the Parliament's first four years of building a culture of confidence and aspiration in our schools in order to create, in short, a comprehensive education system in which every pupil has the opportunity to develop his or her innate abilities and in which no child is left behind. That is a worthy objective and it requires sufficient investment in the system to meet the growing and ever more sophisticated demands of a fast-moving society. Central to the achievement of such an aspiration is sufficient support for teachers and those who assist them in schools and communities in developing their professional skills to the fullest extent. Such development is necessary so that they are able fully to engage with pupils, which enables them to achieve their potential.

The reconstruction of our education system and the rebuilding of a positive relationship between Government and the teaching profession have not been easy. Members should not forget, and the general public should constantly be reminded of, the difficulties that were caused by 18 years of Tory underinvestment. I believe that the people of Scotland have not forgotten that during the benighted Tory years, teachers' pay, to which the minister referred, had fallen behind levels south of the border; there was undoubtedly a crisis in recruitment; there was an atmosphere of distrust between Government and teaching unions; and morale in the staffroom—this is absolutely true and authentic—was not high, to say the least. Teachers remained dedicated and committed, but the Tory Government gave them little recognition. The Tories should not and will not be forgiven for that.

I worked in the comprehensive system for 20 years, through those dismal Tory years, and I can testify to the verisimilitude of the picture that I have painted. I am pleased to say that I can also bear witness to the much-needed change that began to take place in the early days of devolution—the early days of this Parliament—and which continues apace. I will refer to certain elements of the transformation in the relationship between

Government and the teaching profession in the remainder of my speech.

In my view, the 2001 agreement was absolutely vital. It allowed many necessary and overdue innovations to be set in train, such as the induction arrangements for new teachers. Margaret Ewing talked about the traumatic and perhaps even scary first day for a probationer teacher. I remember such an experience; I think that all of us who have been in the profession do. I welcome the induction arrangement scheme which, as the minister said, allows for less class-contact time and more mentoring, so that probationer teachers are supported through the difficult first years and can deliver effectively for the children who are in their charge.

The agreement also provides for a coherent programme of continuing professional development amounting to 35 hours each week—or each year, rather; 35 hours a week would be a bit too much for any teacher. In a world that does not stand still, the need to support the development and maintenance of skills is recognised as a fundamental component of any modern profession, teaching included. That is important and I welcome it.

Allied to that emphasis on professional development for every teacher is the introduction of the masters level chartered teacher programme, which allows experienced classroom teachers to remain in the classroom while being paid £7,000 per annum above the top of the main grade pay scale. I say to Lord James Douglas-Hamilton that I believe that that is a real incentive and that it is a sensible advance. No longer will teachers whose strength lies in the classroom and in engaging with pupils be lost to senior management, albeit that senior management is, of course, always an important although subsidiary component.

There are more than 100 chartered teachers at present, and more than 2,000 others are well on their way to achieving that status. That is because, as the deputy minister acknowledged earlier in the debate, the scheme started only in 2003. I welcome that.

Recruitment to teacher-training courses gives good cause for reasoned optimism and is not unconnected to the investment that has been made by Government since devolution in respect of salaries, terms and conditions and professional development and reward. In my subject—English—I note with pleasure that the number of secondary postgraduate certificate of education scheme entrants has doubled between 2002-03 and 2005-06.

Those are all serious indicators of significant progress. I believe that they are vital if we wish to create a Scotland that has a population that enjoys

a sustainable and high standard of living within the framework of our robust and growing economy. Teachers who are valued and supported are instrumental in moulding our children and securing that future. The Executive's policies are not perfect, but they are beginning to shape the workforce. On that basis, I commend the Executive's motion and will support it tonight.

16:01

Donald Gorrie (Central Scotland) (LD): I agree with a lot of what Bill Butler has just said. The Liberal Democrats have played an important part in developing the education policies of the coalition partnership and, on the whole, there is a good story to tell. It is not by any means a perfect story and there are still many things that need to be improved but, if we compare education with some other things for which the Government is responsible, it has done well.

We need to pay considerably more attention to giving teachers more support so that they can properly control their classes and schools in areas in which that is difficult to do. It is not the fault of the teachers; they are teaching in a climate of discipline that is much worse than it was. We need to improve that aspect and help teachers to do so as well.

Robin Harper: Is not the lesson of Sandwich Technology School the fact that if children are thoroughly involved in creative activities, the problems that you are talking about disappear?

Donald Gorrie: I would agree that the problems diminish in that circumstance, but we are fighting quite a big problem in society and I do not think that they would disappear. Certainly, young people who are interested and motivated do much better than those who are not.

The motion talks about teachers rather than school teachers, so I would like to talk about teachers outwith schools. We need good teachers in colleges, which increasingly play an important part, in partnership with schools, in teaching young people. We need more good people in adult education and community education, a lot of which suffered severely when the regions were abolished some years ago. We also need a lot of investment in people and resources in youth work, which is scandalously neglected and comes under the auspices of the ministers present today.

I am assured—at second hand, but on good authority—that the total central Government grant that is given to all the national youth organisations would not keep three people for a year in a young offenders institution. If that is correct, it is ridiculous. We must put much more effort into youth work and ensure that we involve teachers in that effort.

Some schools do not value sport and the arts as much as they should. In some areas, the situation is excellent but, in others, sport and the arts are seen as an add-on, whereas they should be fundamental parts of the curriculum, flowing over into activity outside the school and influencing things within the school. I visited a school in North Lanarkshire in which the council had made a particular effort to fund sporting activities better. That had had a marked effect on the school, not only on the sporting side but on the attitude, performance, self-esteem and so on of the young people. Likewise, I think that international studies have shown that a study of music improves people's study of mathematics. The study of music is worth while on its own account, but if it has the added benefit of improving people's maths skills, it is surely something that we should be promoting.

We have to develop the use of schools after hours and at weekends. That involves the use and creation of premises and providing staff—teachers, coaches and people coming from outwith the school to help. If it helps, I do not see why we should not pay teachers extra for assisting with evening and weekend activities. People learn more outwith the classroom. To be honest, not that much is learned in the classroom; people learn outside the classroom, so such activity is critical.

How public-private partnership schemes are interpreted sometimes leads to a diminution of community activities in schools. Playing fields are often wretched. I recently heard of a school that has had to abandon its new grass pitches because they are so useless. Not enough changing rooms or other facilities are provided, for example, and the whole thing is not geared to community use of schools. The ministers conscientiously speak the right rhetoric, but the reality is different.

We should place more emphasis on outdoor education, on which I agree with Robin Harper. We both attended a presentation by the Scottish Youth Hostels Association, which provides just one example of the activities that are seriously underfunded in our society.

Instead of aiming at smaller classes, we should aim at more one-to-one or small-group learning support teachers or whatever we wish to call them. That is the way to sort out people who are having difficulty with their education. Often, intensive effort with such people can allow them to return to the normal classroom, where they catch up with the other pupils. We have started to have learning support teachers in both primary and secondary schools and we could use them more.

We can protect teachers from excessive form filling. I have several times volunteered to Jack McConnell to be his anti-bumf tsar, but he has never taken me up on that. Perhaps Peter

Peacock and his excellent assistant, Robert Brown, might take me up on the suggestion. All spheres of activity involve an excessive amount of paperwork. If those ministers or I—or anyone else—could reduce the paperwork, that would be helpful.

The concern about promoted posts is serious.

The Deputy Presiding Officer (Trish Godman): You must finish now, Mr Gorrie.

Donald Gorrie: We need good-quality people to run schools. I hope that the ministers will examine that.

16:07

Ms Rosemary Byrne (South of Scotland) (SSP): I begin by acknowledging the hard work and professionalism of Scottish teachers. In the face of constant change, subject teacher shortages and large classes in many schools, the profession has provided high-quality education for most of our young people. That is despite chronic shortages of supply teachers in many areas and the Executive's failure to reach its targets for maths and English classes. The number of maths teachers in Scotland has fallen by 18 per cent since 1998, yet 40 per cent of 13-year-olds fall short of numeracy and literacy targets.

Robert Brown: I cannot allow that point to stand. We intervened earlier to say that those figures are based on a different assessment system that takes on board senior teachers who are not actively engaged in teaching, for example. The trend in maths before and after that change has been constantly upwards. The member's point is simply wrong.

Ms Byrne: We will have to agree to disagree. The figures may be different, but I am out there speaking to teachers every day. I have read the statistics and the Executive is falling short.

Last year, the minister responded to my questions with assurances that good progress was being made on reducing class sizes, but I can tell a different story. I have the figures. For instance, 60 per cent of young people sit in maths classes whose size is above the national average; 54 per cent are in S1 English classes of sizes that are above the national average; and 61 per cent are in S2 English classes of sizes that are above the national average. I could continue, so do not kid us on, because we are not being fooled.

Young people are being taught by non-specialist maths teachers in many cases, so they are doubly disadvantaged. They sit in classes that are larger than the national average and they are taught by non-specialist teachers. Last week, I spoke to teachers in whose school French classes are being taught by teachers who used to provide

learning support. We are short of English teachers, so other teachers who are not qualified in that subject are being roped in. Are we doing the best for our young people? I think not.

The Executive's recruitment campaign targets are all falling short. The target was that 325 maths teachers and 370 English teachers should start this autumn, but only 238 maths places and 192 English places have been offered to students in Scotland. Targets are not being met.

A recent survey that was commissioned by the Educational Institute of Scotland revealed a significant decline in morale in our secondary schools, which prompted the EIS to call on the Executive to intervene on promoted-post structures in secondary schools. Some 80 per cent of the teachers who were surveyed said that teacher morale had declined in their schools following the changes. The problem is that there is no consistency of approach in council areas, which has resulted in low teacher morale and poorer school management. It is significant that 58 per cent of those who were surveyed believed that discipline had deteriorated.

If our management structures are not right and we get rid of principal teachers, the middle level that is engaging with our young people will fall short—I thought that that would have been clear to anyone who knows anything about education. For example, if guidance teams are reduced, there will be fewer staff and less time to support vulnerable young people. Is it any wonder that there is a shortfall in meeting recruitment targets?

In order to obtain quality teachers for the 21st century and quality education for 21st century young people, we require classes of no more than 20 pupils, a national strategy for promoted posts and a recruitment campaign that can reassure prospective teachers that issues relating to indiscipline, poor promoted-post structures and class sizes are being addressed. Those are issues that are important today and for the future of education.

I quoted figures in last week's debate on autism. Like any good teacher, I will reinforce what I said. Some 30 per cent of schools thought that inclusion is not working and 10 per cent of schools thought that inclusion worked only where adequate support and resources are available. Some 13 per cent of schools thought that the answer to the question, "Is inclusion working?" depended on the severity of a person's disability. There are enormous problems with teachers who deal with inclusion in our schools. I want there to be inclusion and do not want to give it a bad reputation, which is exactly what the Executive is doing. It is giving inclusion an extremely bad reputation because it is not supporting teachers

who are taking young people into their classes and it is not adequately training classroom assistants.

Before I came into the chamber, I was on the telephone to a local authority about a Down's syndrome child in a mainstream primary school. The child's special educational needs auxiliary was trained to deal with him last year, but she was removed because she would have to get a permanent contract if she got the hours this year. Someone else was brought in off the street to deal with the child. I have been dealing with another case involving a hearing and visually impaired child whose SEN auxiliary had special training last year. The auxiliary was cut for the same reason—permanent contracts are not being granted. The child is now so stressed that the mother is extremely upset.

Both cases can be resolved and I hope that they will be, but I ask the minister why parents and children should go through such things. I want answers to my question and I want him to tell me what he is doing to support inclusion in our schools.

16:13

Dennis Canavan (Falkirk West) (Ind): The motion refers to

"the Executive's commitment to secure quality teachers for the 21st century."

I doubt very much whether that commitment will be delivered within the declared timescale. The Executive has a specific commitment to reduce all S1 and S2 English and maths classes so that there is a maximum of 20 pupils by 2007. I applaud that target but, like Rosemary Byrne, I fail to see how it will be met.

According to the Executive's figures, at the last count, only one local education authority—Comhairle nan Eilean Siar, not surprisingly—could boast that it had no S1 or S2 English or maths classes with 30 or more pupils. In the Falkirk area, between 43 per cent and 55 per cent—or around half—of S1 and S2 English and maths classes had 30 or more pupils. Last year, the school inspectors were quite scathing in their report on Falkirk's education services. Since then, there have been signs of improvement, but I am amazed that the inspectors did not highlight class sizes. Falkirk Council had one of the highest proportions of S1 and S2 English and maths classes with 30 or more pupils of all the local education authorities in Scotland.

It does not take a schools inspector or an expert in education to work out that if classes are too big, it is harder for the teachers to teach and harder for the pupils to learn. Therefore, the Scottish Executive should make more effort to recruit more teachers and should ensure that councils such as

Falkirk Council have sufficient resources to employ more teachers, in order to reduce class sizes and improve educational standards.

The problem of teacher shortages seems to be especially acute in certain geographical areas and in certain subject areas, and that is reflected in pupils' performances. I referred earlier to the recent OECD report that found that Scottish pupils scored below the OECD average in both mathematics and science. Maths and science are essential building blocks for a smart, successful Scotland, yet there have been recent reports of maths classes having to be cancelled because of the shortage of teachers. The three largest teacher training universities are 20 per cent short of the recruitment target for trainee maths teachers.

Physical education seems to be another difficult area. The Executive's target is for an additional 400 PE teachers by 2008, but there are training places for only 268—33 per cent short of the target—despite the fact that the Executive has a policy of tackling childhood obesity by encouraging more sport and physical activity in schools. What is the point of having a policy and setting targets if they are not going to be met?

I urge the minister to take more urgent action now. If there are not enough teacher training places, they must be provided. If the available places are not being filled, the Executive should undertake a survey of young people—including university graduates—asking them why they are reluctant to enter teaching. Appropriate action should then be taken to make the teaching profession more attractive.

Peter Peacock: I am astonished by some of the things that Dennis Canavan says. He is missing the point. We are increasing our targets every year, to increase the number of teachers.

The Deputy Presiding Officer: Minister, can you speak into your microphone, please?

Peter Peacock: We are being highly successful in that. Last month, 3,000 probationer teachers went into our classrooms—700 more than the year before—95 of whom are working in Falkirk. I hope that Dennis Canavan will acknowledge that that is progress.

Dennis Canavan: I am not disputing the fact that the Executive and local education authorities are making efforts—with some degree of success—to recruit more teachers; I am saying that the targets that the Executive has set for 2007 will never be met at the present rate of progress. The most valuable educational resource is a good teacher. The Executive must face up to its responsibilities by ensuring the recruitment of more quality teachers to improve educational

opportunities for the children and young people in our schools.

16:18

Irene Oldfather (Cunninghame South) (Lab):

It is a pleasure to be able to speak in the debate. I trust that the fact that this subject has been raised in the chamber will send a message out to teachers throughout Scotland that the Scottish Parliament values their contribution to our society and to our children's lives. What more important job can there be than that of educating a child? What greater trust could I place in any profession than the trust that I, as a parent, place in teachers to influence and educate my child?

I confess that I enjoyed school. I am sure that we can all remember our favourite teacher. For me, it was Mr Wilson from Bank Street Primary School, in Irvine.

Dennis Canavan: Not Brian?

Irene Oldfather: Good memory.

Mr Wilson had our primary 7 class undertake a project on the general election, which I am happy to say that Labour won—perhaps that influenced me. After that, I was hooked on politics and I have been ever since. Mr Wilson influenced my future, and I am sure that other members will have memories of teachers who inspired them. Such teachers got the best out of us and encouraged us to be the best, from primary to secondary school. They made learning interesting and fun.

It is therefore right and proper that the partnership parties have taken the steps outlined by the minister this afternoon to acknowledge the importance of the teaching profession and to ensure that teachers' salaries reflect their skills and responsibilities; that they are supported in the classroom to maximise contact time with pupils; and that they have opportunities for personal development that are worthy of a prestigious profession. As we have heard from others this afternoon, that has not always been the case. All of that benefits the children and has a knock-on effect in developing that can-do, creative approach that Wendy Alexander, Robin Harper and other members spoke about this afternoon.

As an illustration, one of my local secondary schools yesterday took advantage of the route development fund to take pupils studying higher French over to Beauvais in France for the day. That was not just about language learning; it was about encouraging self-dependence and self-esteem and, for some of those pupils, it was about travelling in an aeroplane for the first time. Huge progress is being made. I am aware of a potential trip to New York for a media studies class. We must not underestimate how far we have travelled

in the past few years. A lot of that has to do with encouraging teachers and developing their morale by saying to them that we value their profession.

That leads me nicely on to language skills. The minister will probably not be surprised that, when I speak about a 21st century curriculum, I mention modern languages. I know that he will agree that in an enlarged European Union, with an increasingly global jobs market, language skills can be decisive in giving our young people a competitive edge in the jobs market. We have a duty to ensure that our young people have the opportunity to study several foreign languages. I am sure that the minister is aware that language learning is a top priority in the EU's Lisbon agenda on competitiveness. Indeed, the Commission is developing language indicators that it expects to be operational by 2007.

That is why projects such as the one in my constituency and in my colleague Margaret Jamieson's constituency—the partners in excellence project, about which I have written to the minister—must be supported. The minister will be aware that North Ayrshire Council has participated in that project for some years and, by all accounts, on every objective evaluation, the project has been a huge success. The criteria that were set for the project's success have been met—record levels of presentation in modern languages sometimes in deprived areas; increased levels of pupil attainment; the use of new technology in the teaching environment; and pupil and teacher interface with regions throughout Scotland and the EU. It would be difficult to find another project that would give such value for money and innovative teaching practice. I have written to the minister about it and it would help if he would give a commitment this afternoon to reconsider the issue and say whether he is going to withdraw funding for the programme. I believe that it is an excellent model that should be rolled out throughout Scotland.

I have a few words to say about 21st century buildings because we have to move forward with that as well. Along with the investment in people, we must continue with the capital investment. Pupils and teachers have benefited from the programme to build ambitious, excellent schools, and we are witnessing the largest ever school building programme in history, and I welcome that.

However, we should remember that that capital investment is not just about building new schools; it is about ensuring that pupils in all schools have access to the kind of 21st century high-tech environment that they might expect to encounter in the workplace with state-of-the-art computers with internet and broadband access, videoconferencing facilities, DVDs, sound and video recording equipment and language laboratories. That

equipment has become part and parcel of everyday life in today's schools and it represents a substantial investment by the partnership parties.

I realise that I am running out of time. I wanted to say something about gender imbalance, but I do not think that I have time.

The Deputy Presiding Officer: You have run out of time.

Irene Oldfather: I will go on to my conclusion.

We have come a long way in the lifetime of this Parliament. I hope that the debate will send a clear signal to Scotland's teachers that we want to work in partnership with them and that we value the contribution that they make to our education system, which is renowned throughout the European Union and around the world for excellence and achievement. I support the motion.

16:25

Margo MacDonald (Lothians) (Ind): Much as I acknowledge the Executive's good intentions and, indeed, the fact that it has had success in improving the professional status of teachers, I cannot help but think that a little modesty in the motion might have gone a long way towards more accurately reflecting where there is still work to be done. I am referring to the failure to achieve the Executive's stated target of having an additional 400 PE teachers in place by 2008-09.

In contrast to the sometimes formulaic anger of the Opposition parties when the Executive misses its targets, I want to suggest alternative ways of achieving the desired outcome, which is a healthier and happier school population and not merely an increase in the number of people who teach PE. The Executive has said that it will fill the gap in PE teacher numbers by 2008-09 by training already qualified teachers in PE. I caution the minister against trying to make good the shortfall in the number of PE teachers, which is 142, through that approach. PE is a specific discipline and most generalist classroom teachers have neither the aptitude nor the desire to teach PE. That is not just the opinion of an old PE teacher who is protective of the standards of a profession that is coming into its own. Just today, Pat O'Donnell, of the National Association of Schoolmasters Union of Women Teachers, warned that increasing the number of PE teachers will not be as simple as asking other teachers to take on PE.

Has the minister a recruitment drive to tempt back into their tracksuits PE teachers who took early-retirement packages? They could be recruited on short, fixed-term contracts and receive good money. They could have two responsibilities: they would not merely teach PE in

the classroom but encourage volunteers among parents, teachers and community activists who would be willing to do the sort of thing to which Donald Gorrie referred. I feel that a great deal of knowledge, talent and willingness remains untapped.

To widen the approach to producing healthier children, I also urge the minister to reappraise the role of teachers of home economics, particularly with regard to the teaching of nutrition, in achieving the objective of a healthier school population. I was disappointed to learn that of the 23 secondary schools in Edinburgh, only 11 offer HE at higher level. That situation is mirrored across the country. Only 14 people qualified as HE teachers in 2002-03, which was a reduction of 9 from the previous year's figure. I suggest to the minister therefore that he must boost the number of HE teachers as soon as possible, or much of the work that he is doing to improve PE in schools will be wasted. I believe that we should teach holistically with the aim of having a healthy mind in a healthy body. I am sorry if that sounds hackneyed, but it is another of the good aspects of our traditional approach to education that we have forgotten.

I recommend to the minister that he visits Bathgate Academy, where there is a superb physical activities co-ordinator, Roslyn Fraser, who, in conjunction with the canteen supervisor, Cathy Henderson, and an HE teacher, Pearl Scott, has contrived a programme that will, I think, outdo anything that comes from the hungry for success healthy eating standards that the minister wants to introduce. They have understood that to promote a healthy lifestyle it is much better to teach physical education, health education and moral education together. My knowledge of that approach was my reason for asking the minister whether there was room left in the curriculum to introduce new concepts.

I genuinely believe that the Bathgate Academy model is the way to approach physical and health education. There are teachers who are capable of taking on that holistic approach, but as it is different from the traditional approach to teacher training in Scotland, it requires investigation by the Executive. I would welcome an assurance from the minister that he has an open mind about that.

I will make one last plea. While ensuring that there is an adequate number of PE students in training, can the minister also ensure that they know how to fire a drive, whether that be in hockey, golf or any other sport that needs a stick and a ball, and that they are not all turned into sports scientists who have never hit a shuttlecock in anger?

16:30

Dr Elaine Murray (Dumfries) (Lab): There has been a bit of doom and gloom in this debate. Perhaps we should not be surprised by that. However, let us return to what we are debating and what we are celebrating. Apart from anything else, we are celebrating 2,770 newly qualified teachers this year, bringing the total up to 51,287. In my own region of Dumfries and Galloway, there are 36 primary probationer teacher induction places, and 21 in secondary. Only eight secondary teaching vacancies have been unfilled for over three months, and none in primary. Those figures are for the beginning of this term, not for February.

I thank the minister for meeting new teachers at Dumfries High School on their first day at work. I am sure that, like me, he was impressed by their commitment and enthusiasm. They were not all new graduates; they included people who had retrained from other professions. One gentleman had been in manufacturing and had decided that he wanted to be a teacher and to take on the challenges of this extremely important profession. The older new teachers will bring additional skills with them from their previous employment—skills that they will be able to pass on to their pupils. The figures from my region tie in with the figures from Strathclyde, which tell us that the average age of a PGCE graduate is 30. People are coming into teaching with a bit of extra experience.

As members know, because I am a former scientist I have always been interested in science teaching. I agree with Dennis Canavan on the importance of science and maths, so why do we not celebrate the 270 per cent increase over three years in recruitment to teacher training in chemistry? Chemistry is my subject, and I have always worried about the lack of people who want to be involved in it. Interestingly, the increase coincides with a sharp increase in the number of students studying chemistry at degree level this year. That figure was up by 17 per cent in Scotland, which must be welcomed.

The census of teachers in Scotland last year revealed that 47 per cent of chemistry teachers are over the age of 50. We have ground to make up, but let us be pleased that things are going in the right direction.

Fiona Hyslop: Anybody listening to this debate and hearing the celebration of a 274 per cent increase might wonder whether the base was awful low in the first place.

Dr Murray: The member would have to know what the base was; she would have to be able to quote me the base.

We also have to consider the continuing professional development opportunities for existing science teachers to develop their skills.

The Scottish Schools Equipment Research Centre offers to science teachers workshops, summer schools and links to networks in the science sector—things that can inject additional enthusiasm into our science teachers.

Last year, I saw the mobile sci-fun programme for S2 pupils when it came to Annan. It is part of a £10 million investment in science equipment and teacher training over three years, and it enables young people at that level to see how exciting and what fun science can be, rather than seeing it as a rather dull subject.

Some comments have been made about the performance of Scottish pupils in science. Yes, that may be an issue of concern, but I think that I am right in saying that the science curriculum will be one of the first to be reviewed, in 2007-08. It may be that we no longer need quite so many of the rigid divisions between physics, chemistry, maths and so on. It may be that some of the old barriers could be removed in a new curriculum, which could be more flexible to make it more attractive.

Ms Byrne: Will the member take an intervention?

Dr Murray: I am sorry, but I am getting a bit behind in my allotted time.

The problem that we have in science attainment in schools is not simply a matter of teaching and learning; unfortunately, I think that it reflects attitudes towards science and scientists in this country. Many of us—not only politicians, but the media and the scientific community—need to address that. Young people have to see science as something exciting and innovative, and something that can solve problems, rather than as something that is the preserve of geeks and in which other people would not want to get involved.

As Wendy Alexander suggested, there seem to be a lack of distinctive Opposition policies. On occasions, members have been talking about their own teaching experiences many years ago, or even about their experiences in school, but not actually about what is going on today. James Douglas-Hamilton and Margaret Ewing both made play of the problems of new teachers standing in front of a class, and Bill Butler told us about his own experiences in front of a class and about how it felt when he was young—although I am not suggesting that he is not young now. However, as Wendy Alexander pointed out, the new, much-lauded induction programme in Scotland means that new teachers have much more mentoring from experienced teachers and much less class contact time until they are sufficiently confident to cope with a class.

Adam Ingram warned against reducing standards to improve recruitment, as happens in

England, but that is not happening here. As the minister highlighted, for every applicant who is accepted for teacher training, two are turned away, so standards are not being lowered to attract new teachers. Recent experience is increasingly that older graduates are applying, which shows that people actually want to become teachers. In part, that is due to the esteem in which society now holds teachers, which has increased as a result of many of the initiatives that, as the minister said, have taken place since the devolution settlement in 1999.

Tory members have quoted from the Headteachers Association of Scotland bulletin. I accept that the association has highlighted some concerns, but its bulletin also states:

"The National Teaching Agreement has conferred some serious benefits on the teaching profession and to education".

It also wants to engage in a debate

"to allow schools to move forward on the improvement agenda, and to ensure further benefit to young people."

Far from saying that all is wrong, the association has simply expressed some concerns, as trade unions do, while welcoming many of the advances that have been made.

Rosemary Byrne seemed to confuse the responsibilities of local authorities and ministers.

I must now sit down as my six minutes are up, but I welcome the immense improvements that have been made in teaching and learning over the past six and a half years. I hope that we continue in that vein.

16:36

Mr David Davidson (North East Scotland) (Con): I, too, add my praise for the members of the teaching profession, who are the basis of Scotland's education system. Providing education that is available to all has always been one of our country's great cultural strengths.

I sometimes wonder whether Peter Peacock suffers from selective amnesia. He has not always been a member of the Labour Party, so perhaps that is why he forgets the black days of 1974, of which Margaret Ewing reminded him.

The Conservatives have not failed to support positive developments or to welcome improvements. That is exactly what our education spokesman said. However, during the eight years of Labour Government since the apparently terrible days of 1997—of which Mr Peacock, obviously, will know nothing—what has actually happened? Those years may have gone quickly but, as Dennis Canavan said, we have a series of as-yet-unmet targets. We just get more confusion

when another series of targets is published because something happens to be the target of the week.

Fiona Hyslop rose—

Mr Davidson: Give me a moment or two.

As well as the minister's selective amnesia, another thing that worried me was that his speech contained no words offering freedom to teachers or choice to parents. In fact, the minister's face was a picture when my colleague James Douglas-Hamilton reiterated Mr Tony Blair's comments, which contained good Conservative principles and policies. Why does the minister fail to agree with his own people?

Peter Peacock: David Davidson must pay more attention. I specifically mentioned that part of the central purpose of our curriculum reforms—as with our other reforms such as the abolition of age-and-stage regulations, the changes in the school code and our initiatives on devolved school management—is to provide teachers with more space, freedom, choice and flexibility. We are doing that because teachers are the ones who can make a difference.

Mr Davidson: Perhaps when the Deputy Minister for Education and Young People winds up the debate, he can tell us when head teachers will have full control of their budgets. That would be a good start.

Unarguably, there was some negativity in today's debate, but some good points were also made. Several members—including Adam Ingram, Rosemary Byrne and Margo MacDonald—commented on the use of non-qualified staff. Not only could that involve a risk of litigation, it also means that teachers could be put into situations for which they are not fully qualified. The minister should respond to that concern.

Lord James Douglas-Hamilton also highlighted the fact that the chartered teacher exercise is far too expensive and that promoted posts are attracting fewer and fewer candidates. When the deputy minister winds up the debate, it would be helpful if he could tell us whether any action will be taken on those two issues.

Turning to what others members said, I agree totally with some of Margaret Ewing's comments. Frankly, we need better parent-teacher partnerships. That message should be reinforced by all members whenever possible. The job of teaching a child cannot be done by the one without the other; parents as well as teachers must be involved. We agree with that completely.

Robin Harper talked about creative intelligence and creativity. In fact, in another debate, Wendy Alexander and I agreed that it was possible to

teach creativity, which is an essential ingredient for future employment.

A number of other members talked about the development of social skills in outdoor activity sports and physical education and Margo MacDonald's reference to home economics is also important in that context. Young people are increasingly living on their own and yet they are not getting their health right; they do not know how to manage their shopping or look after themselves. I believe that the development of those social skills is best done in school.

Despite Elaine Murray's comments, I will return to the HAS document. She read out what she thought were the good bits, but the HAS bulletin says:

"Staff morale in secondary schools has been affected".

That is not a plaudit but a note of concern. Elaine Murray also read out only the last half of the section "Looking to the Future". The first half says that

"Management structures require to reflect the needs of the school, the availability and career aspirations of staff, and the workload issues in the current educational climate."

The HAS wants to discuss that with the minister. Elaine Murray really ought to give out the whole story and not just partial truths. *[Interruption.]* I thought that Elaine Murray wanted to intervene but I see that she wants just to sit and pass comment.

We have debated a number of issues from the shortages in science and maths teaching to support for teacher training. My colleague Brian Monteith raised the need for a review of teacher training facilities and several members spoke about preparation for the classroom. Another issue is CPD: in education, as in the health service, the subject is more talked about than acted on. It is not easy for teachers to get time off with pay for CPD. I have a feeling that the minister will be able to deal with the CPD issue only once he has got up staff numbers. Teachers do not have much paid time at the moment; I believe that it is 30-odd days.

Other members mentioned stress levels and the school climate. In an intervention earlier, I raised the problem of ill-discipline, which is an issue that parents as well as teachers need to address. Another vital issue is access to teacher training colleges. I have written to the minister on behalf of several constituents, all of whom have a degree but who either cannot get a grant to go to teacher training college or find a training post once they have the qualification. All of those issues form part of the system and they need to be addressed if we are to make teaching more efficient and attractive.

Of course, the real basis of the debate is that the minister has still not accepted the need to move to

our vision for change, under which schools and parents have far more freedom to get on and run schools to the best advantage of the children or, as one member put it, to get a happy school climate. We need to give our young people a real future.

16:43

Fiona Hyslop (Lothians) (SNP): Iain Smith said that politicians should not tell teachers how to teach. Over the course of the debate, we have heard contributions from at least six former teachers: Margaret Ewing, Bill Butler, Robin Harper, Rosemary Byrne, Dennis Canavan and Margo MacDonald. I apologise to any member that I have missed. Some of the most hard-hitting contributions came from those former teachers. It is also interesting that the importance of respect for the teaching profession, which became the common thread in the debate, was raised in contributions from the non-teachers—perhaps that is how it should be.

"A Teaching Profession for the 21st Century" was, of course, based on the McCrone report. In his time, Gavin McCrone has written other documents for ministers. His original report was on oil, which is one of the main drivers of Scotland's economy and his latest was on teachers, who are another major driver of the economy.

A well-educated workforce is key to productivity and growth, which is one of the reasons that every child in Scotland deserves the best start in life. That means cutting class sizes, an improved use of resources and—most definitely—well-trained teachers who are happy in their jobs. That is why we have to look at the implementation of the full McCrone report—the second one that is—in order to ensure that we have the supply of teachers that we need. My reference is to the report and not the agreement.

Elaine Murray and Wendy Alexander should reflect on the fact that there are times when the Parliament can reach cross-party agreement. Although the McCrone report came at a very difficult time for Scottish education, it achieved a real strength of cross-party support. If we had implemented the ideas in the first McCrone report, we would have had enough money to implement the second McCrone report many times over.

Scotland faces serious problems of teacher supply, and that must be acknowledged. The latest statistics show alarming increases in the number of vacancies in Scotland's schools. Scotland appears to be already 1,200 teachers short; vacancies in maths have doubled; vacancies in English and in modern languages have more than trebled. That is despite, as the

minister said, almost 3,000 teachers going through the probationer induction programme.

Meanwhile, we hear stories of teachers who cannot get jobs. There is a real danger of a probationer bottleneck. I agree with Bill Butler that probationer mentoring is vital. There is a desperate need to place probationers who have to vacate their position to make way for another probationer, but who cannot get another job.

Elaine Murray mentioned the problem of people not knowing which are councils' responsibilities and which are Government's. However, the serious problem of workforce planning must be addressed, and the minister has acknowledged that. We are doing the right thing in recruiting more teachers. We warned the Executive in 2003 that it would have to start recruiting in 2003 and doubling or trebling numbers in order to meet its targets. Dennis Canavan is right that we could be in trouble.

Rosemary Byrne asked why we have shortages of supply teachers. Many new teachers are coming into the profession, yet there are still vacancies that cannot be filled. There is obviously a link between what the councils can do in their workforce planning and what the Government is doing.

Scotland's teaching workforce is the oldest it has ever been. If we do not get it right, the problems of lack of workforce planning that beset the hospital sector will visit the education sector. None of us wants that. I hope that the minister will read the McCrone agreement and consider its sensible suggestions. We desperately need to get new teachers into the profession, as 40 per cent of teachers are about to retire. Why do we not look at the wind-down agreement in the McCrone settlement to see whether we can get a phasing in of new teachers so that they can benefit from the wisdom and experience of the older teachers before those teachers leave? We should be able to do that in a sensible and planned way. Perhaps local authorities by themselves may struggle to meet those requirements, but the issue is worth addressing.

We should also look at the changing face of the workforce. We want to encourage more people to return to teaching. Some people do not want to go into teaching, having been at school or at university in an education environment. The come back to teaching initiative is one way of making sure that we attract the talent that is already out there by telling them that a change of career is possible and may be desirable. I would like the Executive to do more on that.

Continuing professional development has to be addressed. The problem with McCrone in many ways is that it missed the generation in their late

20s and early 30s, those with young families. They are the ones being asked to fork out the money for continuing professional development.

We have to be careful when reflecting on education that we do not blame the Executive for everything and that it does not blame the Opposition for everything.

Brian Monteith talked about year zero. The five-year-old who started primary 1 in 1997 is now 12 or 13 years old and is part of the generation that is underperforming in maths and science, according to the OECD. It is not necessarily the 15-year-olds who are underperforming. Neither the present Executive nor the previous Conservative Government can claim that it is the custodian of performance and success in education. The people who can legitimately claim to be the custodians of quality in education are teachers: they have been the subject of the debate today.

16.49

The Deputy Minister for Education and Young People (Robert Brown): This has been a very interesting debate, with the ebb and flow of statistics, although I am not sure that I followed all of them.

I would like to respond to as many points as I can, and I apologise in advance if I miss anyone because of a lack of time. However, as I listened to the various merchants of doom and their predictions of disaster it struck me that some members have forgotten just how far we have come since 1999 and the darker days before that, to which Brian Monteith quite rightly referred. Incidentally, I remind him of the put down of his leader by my colleague Ian Jenkins. He said that before 1999 there was darkness and the abyss. That should be borne in mind.

Lord James Douglas-Hamilton: I realise that the minister is a Liberal Democrat member of the coalition, but I remind him that between 1997 and 1999 Labour was in power, so perhaps he might revise his comments.

Robert Brown: I think there was an interregnum, if I can put it that way, before the Scottish Parliament was set up.

Let us try to get to the heart of the statistics. We have heard all sorts of figures in the chamber this afternoon. No doubt most of them have some validity in their own context, but the reality is that, across the board, there has been an enormous increase in the number of teachers who go through the system. I remind members of the figures. In maths, 147 people entered teacher training in 2003-04 compared with 250 this year. In English, the figure rose from 184 to 364. In chemistry, it rose from 46 to 116. Those are substantial increases.

The figures for those taking PGCE courses to teach in primary schools rose from 706 in 2003-04 to 1,023 last year and 1,464 this year. That is echoed at secondary level, where the figure rose from 982 in 2003-04 to 1,340 last year and 1,767 this year. In anyone's view, however they mould and deal with the statistics, those are substantial figures. We should start with them.

Mr Davidson: Will the minister take an intervention?

Robert Brown: No. I have limited time.

Those figures sit against the background of the Executive's commitment to have 53,000 teachers by 2007—a commitment that will be met. Peter Peacock led off on that matter.

A number of other positive points were made during the debate. Adam Ingram said that teachers make the difference in motivation and he was echoed by a series of speakers later in the debate. He is absolutely right. Politicians cannot carry out the actual exercise of education in the school classroom with the children. That has to be done by the professionals, which is why a series of initiatives has been introduced to back up the professional commitment of our teachers. Those important initiatives include improvements to teachers' remuneration and conditions of employment, opportunities for professional support and the arrangements for new inductions.

I return briefly to the figures that Lord James mentioned in his speech. He said that there are 740 vacancies, but I think that that figure is from June of this year or thereabouts. The vacancy rate of 1.7 per cent is low by anyone's standards, but that was before the addition of the 3,000 new teachers coming through this session. We must take account of that. There is a low vacancy rate to start with and a considerable number of new teachers are being pushed through the system.

There were some comments about problems with job sizing and the views of the Headteachers Association of Scotland. There will, no doubt, be issues about fine tuning and taking forward what is a complicated structure to make sure that everything works as well as it can, but Elaine Murray was quite right to point out that that is to be seen in the context of the Headteachers Association's much broader support for the results of the McCrone review. In Fiona Hyslop's positive winding-up speech she recognised the importance of the McCrone settlement, which was supported throughout the Parliament as the key to moving forward, but let us not forget that it was initiated by the coalition Executive.

Wendy Alexander talked in her interesting and helpful speech about the importance of leadership. In my previous existence I was convener of the Education Committee, which is undertaking the

pupil motivation inquiry that Adam Ingram mentioned. In the committee, it became increasingly clear to us all just how important leadership is, not just in terms of head teachers or senior staff but throughout the school, right down to the teachers, classroom assistants and all the people in the team. They make the success or failure of the school. When one goes into a good school, one can smell success. I think it was Irene Oldfather who talked about a local school in that context. Equally, one can smell a situation in which things are not quite as well as they should be.

The Executive's objective is to bring all schools up to the highest possible standards on the basis of an improvement agenda. Iain Smith touched on the fact that we have a great opportunity. On the one hand we have falling school rolls—although I think that Wendy Alexander is doing her personal best to try to reverse that trend—and we have rising numbers of teachers. That presents a huge opportunity both to reduce class sizes and to implement the new opportunities in PE and other areas that members, from their various perspectives, talked about. It gives us a once-in-a-generation chance to make things much better. We are well on track to doing precisely that.

Margaret Ewing and one or two Conservative members commented on the burdens that are being placed on new teachers. We are trying to reverse that trend. We have done a number of things to remove some of the pressures, like national testing, that were placed on school teachers by the previous, Conservative Government. We are trying to free up the curriculum through the curriculum review to enable teachers to teach and to increase flexibility.

That takes place against the background of parental involvement, as mentioned by Margaret Ewing. We want parents to be involved and to get behind schools and the education system. That is the purpose of the parental involvement bill that will come forward this session.

I do not want to say much about Brian Monteith's eccentric speech, but I was struck by the fact that he sat at the back of the Conservative benches. I wonder why that was. I thought that David Davidson might join him on the back bench and leave the more reasonable presentation of the Conservative viewpoint to Lord James Douglas-Hamilton, as always.

Robin Harper made a number of good points on business looking for social skills, on greater creative opportunities, on the UN decade of education for sustainable development, and particularly on outdoor education, which he has a substantial record of raising previously. Ministers are sympathetic to the points he makes, and we are examining exactly what can be done to take

them forward. Like Donald Gorrie, he touched on the numbers of art, music and drama teachers. I can come back to him on that point later, because I do not have time to do so in the context of this speech.

Donald Gorrie talked about discipline. I know where he is coming from. The point is echoed by teachers from time to time. It is clear that discipline is very much assisted by the success of a school. It is not just about success within happy, well organised, well motivated and well led schools; it is also about the effect that they have on the surrounding communities. That is an important point to bear in mind.

Donald Gorrie also talked about youth work, and drew an interesting parallel with the amount of money that is spent on it. We are awaiting the youth strategy, which will be announced this autumn and will give the context in which we can progress in that area. We should remember that our young people are educated and make progress not only in our schools, but in the surrounding community. *[Interruption.]*

The Presiding Officer (Mr George Reid): Order. Could members please take their seats? Far too many private conversations are going on.

Robert Brown: The uniformed organisations, youth organisations, the Scottish Youth Hostels Association, as Robin Harper said, and other organisations are important aspects of extra-curricular activities.

I am tempted to take up Donald Gorrie's offer of a bumf buster. We will consider whether it is practical.

Members seemed to get excited towards the end of the debate. I am not sure why. Dennis Canavan followed Rosemary Byrne, and they went on at great length about class sizes. The reality is that in the bulk of Scottish schools we are well on track to achieve the maximum targets that we set—25 pupils in P1 and 20 in S1 and S2 in maths and English. The bulk of Scottish schools are already arriving at that point. Our objective is to ensure that the position is universal by 2007. Let us not forget that those targets are mechanisms and drivers for broader educational objectives. They are not meritorious in themselves; they are meritorious because they will affect the quality of education in our schools.

Young people are our future. Sir Jonathan Sacks said to me yesterday that we have a tremendous new generation of young people who are able, innovative and public spirited. Our aim as a Scottish Executive is to ensure that all our young people have the fullest opportunity to fulfil their potential, and to support our professional teachers in their support of that aim. I beg members to support the motion.

Business Motion

16:59

The Presiding Officer (Mr George Reid): The next item of business is consideration of business motion S2M-3273, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, which sets out a timetable for consideration of two statutory instruments.

Motion moved,

That the Parliament agrees—

(a) that the Standards and Public Appointments Committee reports to the Local Government and Transport Committee by 14 October 2005 on the draft Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Amendment of Specified Authorities) Order 2005; and

(b) that the Standards and Public Appointments Committee reports to the Local Government and Transport Committee by 14 October 2005 on the draft Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Office or Body as Specified Authority) Order 2005.—*[Ms Margaret Curran.]*

Motion agreed to.

Parliamentary Bureau Motions

17:00

The Presiding Officer (Mr George Reid): The next item of business is three Parliamentary Bureau motions. I ask Margaret Curran to move motions S2M-3270, S2M-3271 and S2M-3272, which are on committee membership.

Motions moved,

That the Parliament agrees that Tricia Marwick be appointed to replace Linda Fabiani on the Communities Committee.

That the Parliament agrees that Linda Fabiani be appointed to replace Mr John Swinney on the European and External Relations Committee.

That the Parliament agrees that Mr John Swinney be appointed to replace Alasdair Morgan on the Finance Committee.—[*Ms Margaret Curran.*]

The Presiding Officer: The questions on the motions will be put at decision time.

Decision Time

17:00

The Presiding Officer (Mr George Reid): There are six questions as a result of today's business. The first question is, that motion S2M-3233, in the name of Cathy Jamieson, on the general principles of the Family Law (Scotland) Bill, 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)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 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)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 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)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Tosh, Murray (West of Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)

The Presiding Officer: The result of the division is: For 86, Against 4, Abstentions 23.

Motion agreed to.

That the Parliament agrees to the general principles of the Family Law (Scotland) Bill.

The Presiding Officer: The second question is, that motion S2M-2737, in the name of Tom McCabe, on the financial resolution in respect of the Family Law (Scotland) Bill, 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)
 Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Campbell (West of Scotland) (Ind)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 May, Christine (Central Fife) (Lab)

McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Cunningham, Roseanna (Perth) (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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Tosh, Murray (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 94, Against 2, Abstentions 17.

Motion agreed to.

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Family Law (Scotland) Bill, agrees to any increase, in consequence of

the Act, in expenditure charged on, or payable out of, the Scottish Consolidated Fund.

The Presiding Officer: The third question is, that amendment S2M-3278.2, in the name of Adam Ingram, which seeks to amend motion S2M-3278, in the name of Peter Peacock, on quality teachers for the 21st century, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)

Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 35, Against 77, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The fourth question is, that amendment S2M-3278.1, in the name of Lord James Douglas-Hamilton, which seeks to amend motion S2M-3278, in the name of Peter Peacock, on quality teachers for the 21st century, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central 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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Welsh, Mr Andrew (Angus) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (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)
 Home Robertson, John (East Lothian) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 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, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Byrne, Ms Rosemary (South of Scotland) (SSP)
 Sheridan, Tommy (Glasgow) (SSP)

The Presiding Officer: The result of the division is: For 48, Against 63, Abstentions 2.

Amendment disagreed to.

The Presiding Officer: The fifth question is, that motion S2M-3278, in the name of Peter Peacock, on quality teachers for the 21st century, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)

Baird, Shiona (North East Scotland) (Green)
 Baker, Richard (North East Scotland) (Lab)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, John (East Lothian) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 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)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)
 Wallace, Mr Jim (Orkney) (LD)
 Welsh, Mr Andrew (Angus) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Tosh, Murray (West of Scotland) (Con)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)
 Martin, Campbell (West of Scotland) (Ind)

The Presiding Officer: The result of the division is: For 93, Against 18, Abstentions 2.

Motion agreed to.

That the Parliament recognises the significant investments made by the Scottish Executive in developing the capabilities and professionalism of teachers in Scotland; notes the increase in teacher recruitment and the delivery of improved initial teacher education; welcomes the implementation of radically improved teacher induction arrangements; acknowledges the widening of opportunities and improved quality of Continuing Professional Development for teachers and the development of chartered teacher programmes; recognises the importance of teaching standards in delivering higher educational attainment, and welcomes the Executive's commitment to secure quality teachers for the 21st century.

The Presiding Officer: I propose to put a single question on motions S2M-3270 to S2M-3272, on committee membership. The question is, that motions S2M-3270 to S2M-3272, in the name of Margaret Curran, on committee membership, be agreed to.

Motions agreed to.

That the Parliament agrees that Tricia Marwick be appointed to replace Linda Fabiani on the Communities Committee.

That the Parliament agrees that Linda Fabiani be appointed to replace Mr John Swinney on the European and External Relations Committee.

That the Parliament agrees that Mr John Swinney be appointed to replace Alasdair Morgan on the Finance Committee.

Victims' Rights

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S2M-3171, in the name of Margaret Jamieson, on victims' rights. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes recent court decisions which put the human rights of prisoners before those of their victims by ignoring the rights of victims to pursue their assailant for damages when compensation is awarded and believes that the Scottish Executive should pursue all avenues to ensure that no convicted criminal has the opportunity to gain financially from their crimes or imprisonment and that victims should be advised of awards of compensation, inheritance or other financial gain.

17:08

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): Last week the First Minister spoke in the chamber of justice and respect for Scotland and for the people of Scotland. I, like others, totally agree with him. Victims of crime would also agree with him and ask how those aims can be achieved by the Scottish Executive.

Take the circumstances of the victims of Robert Napier. He was convicted in 2001 and sentenced to six years for robbing and assaulting Margaret Zambonini and her assistant Jemma Carlton, who was then aged 15. Some would say that that is justice. However, Napier went on to complain that his rights had been violated as he had had to slop out while he was in prison on remand. Unfortunately for us—the custodians of the public purse—the gravy train swung into motion and the public purse was asked to fund his case for compensation.

Meanwhile, his victims, who had been terrorised by the knife-wielding criminal for over an hour, sought criminal injuries compensation. Napier and his legal team, who were, again, paid from the public purse, claimed that he had been suffering from eczema caused by the overcrowding, the slopping out and his spending 20 hours a day locked in a cell while on remand. His victims received criminal injuries compensation for his actions. Napier, who was convicted of a deliberate act, was awarded compensation of £2,450 by Lord Bonomy for the impact of slopping out.

Members would be right to ask where the justice is in that, hence the debate tonight. The case and its ramifications were raised with me by constituents of Kilmarnock and Loudon during the summer recess. They rightly saw the public purse as having been manipulated by convicted criminals. I take this opportunity to thank Lindsay McGarvie, political editor of the *Sunday Mail*, for

assisting me in highlighting the injustice that has been afforded to victims of crime.

The floodgates have now been opened by those who see the opportunity to profit from their crimes, with us paying for it all. I have attempted to obtain information on the number of people who are pursuing the Scottish Executive in a similar vein. Unfortunately, the Executive requires more time to deal with my request fully. Had that information been available, I believe that the extent of the injustice to victims would have had an impact on the number of members attending the debate. That said, we now have an opportunity to rebalance the rights of victims of crime.

It is unfortunate that Stewart Stevenson is not here now. I welcome his statement last week in which he called for ring fencing of moneys in prisoners' bank accounts to give victims the opportunity to take action. I am sorry that he did not see merit in signing the motion for this debate, which takes the issue further.

A victim's right to sue a person who has been convicted of committing a crime against them and who subsequently derives financial benefit from whatever means should be at the top of our agenda. That financial gain could come from compensation, inheritance or even a lottery win. The retired judge, Lord McCluskey, agrees that those who inflict damage and end up with assets can and should have those assets seized.

No impediment to that right should come in the way of victims. Victims of crime should not be subject to time bars in pursuit of their assailants. Local authorities have no time bar in pursuing individuals for non-payment of council tax, so why should victims of crime be treated differently? There should be a condition that the convicted person is required to advise the court of their financial circumstances, thus giving the victim the opportunity to claim redress and the state the opportunity to reclaim payment.

In the coming weeks, we have an opportunity to demonstrate that we are on the side of victims of crime, when stage 2 of the Management of Offenders etc (Scotland) Bill commences. That bill will provide a power to recover money from offenders for the Criminal Injuries Compensation Authority.

Victims such as Jemma, who is in the gallery tonight and who was unable to continue her studies because the trauma of the trial and reliving the harrowing events of the crime affected her ability to go back to school and sit her exams, should have their rights protected. Why should not Jemma, as a victim of crime, be given equal treatment in respect of compensation? Why should not she be afforded the opportunity to pursue her assailant when he comes into funds?

Those are the questions that we must address if we believe in justice and respect for all in Scotland.

17:15

Mr Kenny MacAskill (Lothians) (SNP): As is traditional, I congratulate Margaret Jamieson on lodging a motion on an important issue that has to be addressed. I assure her that my colleague Stewart Stevenson supports the motion. I think that his failure to sign it was down to an administrative error rather a failure to support the principle.

Margaret Jamieson has rightly raised matters that we have all taken for granted. There are two aspects to the debate: the general issue of victims' rights and the specific issue of the outcome of the on-going slopping out cases. It is to the Executive's credit that the general issue is being addressed by both the Minister for Justice and the Solicitor General for Scotland. However, the attitude that permeated not just political parties but the whole legal system was that victims were at best an inconvenience and at worst rated no higher than any other aspect of the evidence gathered; they were there simply as part of the process. Sheriffs, in hearing cases, were doing everyone a favour, as opposed to having their wages paid by the taxpayer—including, in many instances, the victims themselves. We need an attitudinal change in this country and to recognise that victims have rights and that they have suffered. That has to be taken into account.

I turn to an aspect of the debate that Margaret Jamieson raised. I, too, read the recent article by Lord McCluskey, and I agree with him wholeheartedly. All of us in this chamber, from all political parties, sign up to the belief that there has to be an acceptance of the principles of the European convention on human rights, which is enshrined in legislation. However, what is happening is not what we anticipated. Like many people, such as Lord McCluskey in particular, for whom I have the utmost respect, I am bamboozled about just how we got into the mess that we are in. Of course prisoners have rights. Nobody is arguing that they should be given a diet of bread and water or that they should be detained in leg irons; they have to be treated with dignity and respect.

Patrick Harvie (Glasgow) (Green): Will the member confirm that he regards slopping out as a violation of prisoners' human rights?

Mr MacAskill: Slopping out is regrettable; I do not think that it should happen. However, I disagree with where Patrick Harvie is coming from and sympathise with Margaret Jamieson's position. I think that the amount of compensation

that has been awarded is scandalous, given that, without going into the rights and wrongs of regeneration, urban blight and poverty, we accept that one in four children live in poverty and that people live in damp housing. Many people cannot understand how all of us, as members elected to look after their interests, manage to give a substantial award of money to the likes of Mr Napier when they face problems through our failings. We can decide whether to cast the blame on a Tory Government or the Executive, but there is something manifestly wrong in our society when Mr Napier benefits to the extent that he has and yet we fail to address the problems of those who are poor, dispossessed or disenfranchised or who live in bad housing.

The issue is not simply the amount of money that has been or is going to be awarded to prisoners, but the cost. Despite the amount of money that has been spent on the legal aid bill, women who have been battered as a result of domestic violence suffer from not having access to legal aid. There is something wrong in our society; the situation is simply unacceptable.

Of course Mr Napier has rights; of course in the 21st century we do not want prisoners to slop out. That should not happen, but, having weighed up the situation on the scales of justice, which is what we have to do, I would much rather see the money go towards repairing damp housing in Scotland than into the pockets of Mr Napier. He should perhaps not have had to expect to slop out, but the amount of money that he was awarded, which astounded Lord McCluskey, baffles Margaret Jamieson and confounds me, shows that there is something far wrong.

Yes, we want prisoners to have rights, but we have always to remember that in our society communities also have rights. Frankly, this chamber has got something wrong and out of kilter when the rights of an individual who has transgressed weigh far more than the rights of a community that has to suffer. We have to take action and ensure that the victims have the right to access that money, which, frankly, should not have gone to prisoners in the first place. We must ensure that we end slopping out but we must not reward those who do not merit it, which baffles ordinary people in Scotland.

17:21

Patrick Harvie (Glasgow) (Green): This debate raises strong feelings that I am sure are genuine. However, it is with deep regret that I must say that at times it seems to have become not just difficult but almost unacceptable to suggest that prisoners have human rights, that their human rights should be defended and that the violation of their human rights should not be tolerated. In this debate, that

is my position. I make that case with mixed feelings following an event that I attended last night. At a time when human rights in our society are being given a bad name, I hosted an event, in a room just around the corner, as the convener of the cross-party group on human rights: the Amnesty International human rights media awards. However, I was embarrassed to see that no other member of the Scottish Parliament was present at that successful event, which celebrated the work of journalists in Scotland who support human rights. It was embarrassing to have to admit that this Parliament appears to place little value on human rights.

In many debates on justice, a clear, sharp line is imagined between victims and offenders, with the Executive keen to present itself as being on the side of the victim. Of course we should be on the side of the victim but we should also have the courage to say that we are on the side of everyone whose interests we represent. Does inhumane and degrading treatment give offenders the best chance of changing their behaviour for the better? Does the violation of prisoners' human rights act as a reforming influence and represent good policy? I would challenge any member to make that case.

Respected voices in legal circles—Helena Kennedy is one that I would cite—have questioned the distinction between victims and offenders. Many offenders in our prisons are themselves the victims of crime. It is wrong to use the legitimate demands for greater respect for victims and for a bigger place for them in the system as a means to attack the rights of prisoners or to undermine the culture of human rights.

Some members might question how it is possible to be on the side of victims and the side of prisoners such as Robert Napier. However, that is difficult to understand only if we see the issue as an equation, as the motion implies that we are doing, that puts the human rights of prisoners before the human rights of victims. However, nobody has done that. The human rights of all are important; that is why we call them human rights.

A prisoner who is compensated for the violation of their human rights is not gaining "from their crimes", as the motion says, nor are they gaining from their incarceration; they are being compensated for the violation of their human rights.

Margaret Jamieson: If Robert Napier is not gaining financially, how is he gaining?

Patrick Harvie: I said that he is not gaining from his crime or his incarceration; he is being compensated for the violation of his human rights as the result of treatment that prisoners in

Scotland are still experiencing and which should, by now, be history.

I accept the perceived injustice, but the motion implies an equal injustice. To award damages to victims on the basis of degrading treatment of prisoners is wrong. For one person to benefit financially because of the violation by the state of another's human rights would be every bit as ugly as the current situation that has been described.

I remind members that, quite rightly, the Executive will be legislating later this year to create a human rights commission. With human rights under sustained political threat in the United Kingdom and around the world, it is essential that we reinforce the culture of human rights in our society. Each of us, including those with whom we do not sympathise and cannot identify, must have a sense of ownership of the rights that are due to us. Reactive howls against perceived injustice will only strengthen the hand of those who would remove those rights from all of us.

17:24

Margaret Mitchell (Central Scotland) (Con): I congratulate Margaret Jamieson on securing this important debate. I apologise for the oversight of not signing her motion before today, which I assure her I have now rectified.

Victims' rights have been brought starkly into focus as a result of the recent Napier judgment. A claim under the European convention on human rights was upheld and Lord Bonomy awarded Robert Napier compensation for slopping out. Despite the fact that the decision could have been avoided had the Scottish Executive not left itself wide open to a claim by incorporating the convention directly into Scots law without sufficient regard for the consequences and by diverting to other projects funds that were set aside for the express purpose of dealing with slopping out, it is nonetheless the case that, as a result of its application in this case, the ECHR has changed from being a mechanism to protect individual rights from being abused into a compensation scheme for crooks and criminals. Furthermore, as a result, law suits have been threatened not only for slopping out, but for prison boredom. That is madness.

Criminals should not benefit from their crimes. It is right and proper to press the Scottish Executive to pursue all avenues to ensure that no convicted criminal has the opportunity to gain financially from their wrongdoing or imprisonment.

In recent years, several criminals have profited from their crimes by publishing their memoirs or being paid to recount their crimes, for example. That is totally unacceptable and it is why the Conservatives pledged at the recent general

election to amend the Proceeds of Crime Act 2002 to ensure that literary proceeds could be considered to be proceeds of crime. Literary proceeds would include not only royalties from the publication of a book, essay or article, but advance payments to assist any such book or newspaper story. Live entertainment or any other commercial exploitation of a crime would be included and the liability for confiscation of such proceeds would have no time limit.

I very much hope that the minister will support the motion in an effort to ensure that the real victims of crime—those who are mugged, robbed or abused—can in turn sue their assailants when prisoners for the suffering and distress that they inflicted. I am pleased to have had the opportunity to speak in favour of the motion.

17:28

Dr Elaine Murray (Dumfries) (Lab): I, too, congratulate Margaret Jamieson on having her motion accepted for debate tonight. I concur with many of the sensible suggestions that she made. I do not always agree with Kenny MacAskill, but I very much agree with him that something is out of kilter when the rights of a perpetrator of crime seem to count for much more than a victim's rights. That is why I welcomed much of what the First Minister said in his statement on the legislative programme about the improvements to the justice system that will take place, including action on remand and bail and reform to sheriff courts.

I will not speak much about financial compensation, which has been well discussed; I will talk about other instances in the justice system where victims' human rights seem to count for less than others' rights. I will refer to local issues and local cases.

The Minister for Justice is well aware that when Adam Carruthers appealed against his sentence for the rape of two women constables, I was concerned that the justice system seemed to let down those rape victims by the continual protraction of the case and of the appeals system. I know from replies from the minister that action was taken to try to prevent that from happening in future, but we still have a problem in the sheriff courts. I hope that the action that we will take will deal with what happens in sheriff courts.

More than two years ago in the Parliament, I referred to a case in which a nine-year-old girl was sexually assaulted by a 15-year-old boy. I was concerned about the way in which the case was being protracted in the sheriff court. The young man was eventually convicted, sent to residential accommodation for a year and then returned to Dumfries and put into accommodation far from his

victim. Unfortunately, he broke his bail conditions and went back to court. In his infinite wisdom, the sheriff decided to rehouse the young man with his family, which meant that he was housed opposite the school that the young girl still attends.

The young girl has moved home—her parents took her to another community—but her parents thought that it was in her interests to remain at the primary school because she had been so traumatised by her experience. Her granny lives just down the road from the school. There are conditions on the young man's bail and he is not allowed to go into the school, but they will not prevent the young girl from meeting him when she visits her granny or leaves school.

Where are the young girl's rights? Her granny came to see me during the summer recess in a fair state of upset. Nobody had told her about what was happening—she had found out from a neighbour. She said to me, "When I heard about what was happening, I was physically sick." Where are her rights? Something is still wrong and out of kilter if we do not sufficiently consider victims' rights.

I do not agree with everything Margaret Mitchell says, but I agree with what she said in this debate. I want to see a lawyer take somebody to court over a victim's rights. I challenge the real community out there to make an offer to a victim to take the perpetrator of a crime to court over the suffering that has been caused to that victim. It will take a hell of a long time for the little girl who was sexually assaulted to recover from what the young man did to her. At present, the system does not stick up for her rights.

17:32

The Minister for Justice (Cathy Jamieson): I, too, thank Margaret Jamieson for introducing this important debate. I share the commitment that she and other members have shown to putting victims and witnesses at the heart of our policies and legislation.

I say to Patrick Harvie that I do not see any contradiction between, on the one hand, being on the side of victims and wanting to ensure the best possible deal for them and, on the other hand, taking action as the Minister for Justice to tackle problems in our prisons and to ensure that our justice system deals with reoffending problems and tries to reduce the number of victims who will suffer in the future.

I understand Margaret Jamieson's views and other views that have been expressed. Sometimes it seems unjust or unfair to think that prisoners will somehow benefit financially from their imprisonment. I hope that people understand that I cannot comment on courts' decisions in individual

cases and that, as a minister, of course I have to uphold the law and court judgments. However, if we are serious about justice and respect for the people of Scotland, it is important to think about individual human rights as well as social and collective rights, so that we can ensure that everyone has a fair opportunity to have their interests considered in law and legislation.

Kenny MacAskill was correct to follow up on Margaret Jamieson's comments on the general rights of victims and slopping-out issues. I welcome his recognition of the work that has been done by the Executive and the Solicitor General for Scotland in that context. Like Margaret Jamieson, he expressed concern about the lack of balance in the process and he pointed out that the issue involves not only the amount of compensation money—Margaret Jamieson and others have raised that issue, too—but the wider impact on the public purse and the legal aid bill.

In this morning's debate on the Family Law (Scotland) Bill, we heard about people who think that their access to justice to deal with daily problems that families face is being denied. People sometimes feel that those in the criminal justice system can take up cases while ordinary law-abiding citizens do not receive support. The Executive must seriously examine that issue when we consider legal aid reforms.

The Criminal Injuries Compensation Authority runs one of the oldest and most generous compensation schemes of its kind in the world, although that does not mean that we cannot improve things. The scheme compensated almost 5,000 victims of violent crime in Scotland last year, paying out more than £20 million. In some ways, that does not give me a great deal of comfort, as I want to see an end to such violence and an end to victims having to go through that process to gain compensation. Nonetheless, the total averages out at just over £4,350 per claim. As members will know, the scheme allows victims to make a claim to the authority, as opposed to making one against the offender. That is an important principle. If the victim is eligible, within the rules of the scheme, he or she will be guaranteed payment irrespective of the means of the offender. I would not want us to lose that principle.

Other routes allow victims to be compensated by offenders. A court can grant a compensation order to a victim, which is not limited to loss through personal injury. A victim can take their own civil action for damages against an offender, under the law of delict, if the offender has means. In those circumstances, the victim may be eligible for legal aid in pursuing that action. However, an important point that is raised in Margaret Jamieson's motion and that has been mentioned in the speeches that we have heard is that, if the Criminal Injuries

Compensation Authority has paid compensation to a victim out of public funds, it should be able to pursue the offender to recoup the amount that has been paid out. That is why we have included provisions to that effect in section 13 of the Management of Offenders etc (Scotland) Bill, to amend the Criminal Injuries Compensation Act 1995.

I note Margaret Jamieson's concern about the time bar. She has pointed out other circumstances in which there are no time bars. We must strive to ensure that the rules on the time bar strike a balance between the rights of those who are pursuing claims and the rights of defendants to know that, after a set time, no claim can be made. That is important and it is an issue that we will examine during consideration of the Management of Offenders etc (Scotland) Bill. If any amendments were to be lodged to that bill, we would need to see whether we felt that a change could be made that improved the position but that, at the same time, protected those principles.

Margaret Mitchell and Elaine Murray made a number of points on the position of victims in general. Part of the reason why we have moved to speed up the court processes to deal with the reforms under the Criminal Procedure (Amendment) (Scotland) Act 2004 is to ensure that people do not have to go through the anguish of multiple appearances. Recent figures suggest that around 1,000 people—victims and witnesses—have been helped by those reforms. I assure Elaine Murray that I want to see the issue dealt with as we go through the process of summary justice reform.

Patrick Harvie said that it was with deep regret that he made some of his comments. I return to what I said at the beginning of my speech. Of course I want us to improve the whole range of resources that are available to help people who commit crime to turn their lives around and to ensure that they do not commit further crimes. Victims expect us to do that; they expect to see punishment and they expect us to move on to rehabilitation. Patrick Harvie also said that some offenders are themselves the victims of crime. I do not doubt that. However, that does not excuse their actions. There can be no circumstances in which the fact that someone has been a victim allows them to commit crimes against someone else. I believe strongly that that is why we need a joined-up approach to the management of offenders.

Margaret Jamieson outlines several other interesting ideas in her motion and has raised them again this afternoon. It is right and proper that we should have this kind of debate, which opens up the possibility of future debate. The point was made in this morning's debate on family law,

in which there are sensitive issues, that we must consider all the possibilities properly and get the balance right. We must not rush to law and end up making bad law in response to specific cases. That is why it is right and proper that we have had this debate this afternoon. I will reflect on all the comments that members have made and we will have further opportunities to discuss the matter in due course.

Meeting closed at 17:39.

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