

MEETING OF THE PARLIAMENT

Thursday 29 September 2005

Session 2

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Scottish Parliament

Thursday 29 September 2005

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

Youth Justice

The Deputy Presiding Officer (Murray Tosh):

Good morning. The first item of business is a debate on motion S2M-3317, in the name of Miss Annabel Goldie, on behalf of the Justice 2 Committee, on its ninth report in 2005, "Inquiry into Youth Justice". I call Bill Butler to speak to and move the motion.

09:15

Bill Butler (Glasgow Anniesland) (Lab): It is an unexpected privilege to be able, on behalf of the Justice 2 Committee, to move the motion. My colleague, Annabel Goldie, extends her apologies to Parliament. Obviously, she is stuck—not in transit gloria, but certainly in transit—somewhere outside Linlithgow. I will not attempt to substitute for Miss Goldie—given her inimitable style, no one could—but I will, nonetheless, do my level best to open for the committee.

It is a pleasure to open for the Justice 2 Committee in the debate on our report "Inquiry into Youth Justice". By way of a preamble, I record my thanks, and those of my fellow committee members, to the clerks for their support and hard work in the task of compiling our extensive and thorough-going report into the youth justice service in Scotland. I also thank all the witnesses who gave evidence before the committee in formal session and those who helped to facilitate evidence-gathering sessions and site visits in locations throughout Scotland during the 12-months-plus duration of the inquiry.

The subject is not narrow, so in order to arrive at a set of recommendations that we hoped would be both sensible and practicable, the committee agreed a remit that was both focused and manageable. We decided to review the effectiveness of multi-agency working in the planning and delivery of services to young people and then to assess the impact of any gaps that we might discover in service provision. That two-pronged approach allowed us to deal with the salient matters in the complex and challenging matter of judging how different agencies work successfully together to meet the complex variety of needs that young offenders present. Those are needs that the inquiry states at the outset:

"no single agency could hope to meet."

I believe that this morning's debate will reflect the complexity and wide-ranging nature of the planning and delivery of youth justice services that are instanced in the committee's report. With all members of the committee, I hope for a good, serious debate. I am sure that members' contributions will be both serious and thoughtful and that members will avoid being overtly partisan.

The issue is serious and the task that we face as a Parliament is to ensure that we deliver for all the young people of Scotland, even those who have offended. We need to ensure that those young people are integrated, or reintegrated, into society and become useful members of our nation. I am sure that several committee members will mention that we are in no doubt that there exists a need for a multi-agency structure to plan and deliver effectively services for the very small percentage of our young people who offend. I stress that only a very small percentage of the under-18 population in our country offend. It is therefore essential that

"the constituent parts of the multi-agency presence dovetail to ensure its overall effectiveness."

So, the issue is about working together—the committee made a number of recommendations on multi-agency working. I am sure that some members will refer to the desirability of coterminosity between agencies where that can be achieved, although it is not always possible. In such cases, services need to be delivered based not just on core agencies such as social work, but on the inclusion of housing, education, culture and leisure services.

In particular, the committee felt that education services have a vital role in the delivery of effective youth justice services, but that they

"are not always sufficiently aware of the importance of their contribution nor effective in delivering it."

That is a concern, which is why I am glad that the Executive's response to the committee's report, entitled "getting it right for every child", which was published just after our inquiry was put into the public domain, includes proposals to require education, the voluntary sector and other non-core services to work together to produce for each child an integrated assessment, plan and record, which will be used by all agencies.

If we are serious about reintegrating young people who have offended, we must do so in a co-ordinated fashion that recognises the particular needs of each child. Such an approach would fit with the committee's conclusion on the essential role of local authorities in transforming the concept of corporate responsibility into practice on the ground. I am sure that members will reflect on that.

The committee believes that we need to accept that young offenders are not exclusively the responsibility of social work departments. I am pleased to note that the Executive will shortly issue guidance on a quality improvement framework to support integrated children's services, so that support will be given to planners and service providers to agree common outcomes, objectives and targets, and to evaluate progress towards them.

I wish to refer to the important role of the voluntary sector, which is another area on which members may wish to comment. The committee was pleased to hear the Minister for Justice's

"clear encouragement to the voluntary sector to play its part in the development of local youth justice strategies."

Committee members recognise that there will be local differences as to the best way of achieving that. We were unanimous in stressing the need for voluntary sector involvement in youth justice strategy groups. That involvement is essential, which is why I am glad that in its response to the inquiry the Executive promised that vital voluntary sector involvement in youth justice strategy groups will be checked and followed up.

Two other aspects of multi-agency working are worthy of note—funding and data sharing. On the latter, the committee felt

"that agencies are struggling to achieve effective data sharing, are concerned about possible conflicts between operational requirements and legal constraints, and are looking for further guidance."

I welcome the fact that the Executive noted in its response that it is working to provide that guidance on data sharing. I hope that it will be available soon, because it is one of the prerequisites of the integrated approach that we all agree is the way forward.

Members may also wish to comment in particular on funding, which is vital. The committee rightly felt—I agreed with the rest of the committee—that there are too many funding sources, each with its own timescale and reporting requirements. Also, too much funding is for pilots and short-term initiatives. The committee felt that proper roll-out needs to be planned from the beginning.

Christine Grahame (South of Scotland) (SNP): I despair to hear that point again and to read it in the report, given that previous committee reports on diversions from offending made a similar point. We made the point five or six years ago, but the situation remains the same. Is Bill Butler as saddened by that as I am?

Bill Butler: Obviously I am concerned, but I am given a degree of comfort that the Executive in its response has agreed that

"more can be done to consolidate and rationalise funding streams"

and that it is exploring ways of doing so. I hope that that exploration will be expeditious. Perhaps the ministerial team will comment on that.

I turn to some of the gaps in services that the inquiry highlighted. The committee believes that diversionary services are critical in preventing youth crime by keeping young people out of formal criminal processes and supporting them so that they are not drawn into offending behaviour. That process is vital and diversionary services are key to it. As members will know, the services range from restorative justice programmes to innovative ways of working with leisure and recreation services. The committee believes that diversionary services are worth while, but that their provision throughout Scotland is patchy and that evidence about their effectiveness is not yet well developed. Members may wish to reflect on that in the course of the debate, although I note the Executive's intention to analyse mapping returns so that it can get a clearer picture of diversionary services' availability and their outcomes in each area. I accept the Executive's unwillingness to issue formal guidance to local authorities on minimum diversionary provision; that unwillingness is based on a belief in subsidiarity, in which every member should believe. However, I hope that local authorities are positively encouraged to develop such services.

The report also voiced a legitimate concern about

"the apparent variation in the availability of services for young people involved in offending who have substance misuse problems."

Again, members may wish to comment on that. In passing, I note that the Executive takes the view that it is up to local drug and alcohol action teams—DAATs—to assess local needs and to design services accordingly. I ask the Executive to ensure that the provision of such services is strictly monitored so that, as the committee recommended,

"sufficient coverage of services across Scotland"

is ensured. Perhaps the ministerial team would like to comment on that gap, which the inquiry uncovered.

The committee also expressed serious concern about the availability of child and adolescent mental health services, or CAMHS. Although I recognise and accept the steps that the Executive is taking to develop mental health services for young people in general and, to a lesser extent, for young people who offend, the committee retains

"serious doubts about the adequacy of CAMHS provision in Scotland".

Obviously, workforce shortages mean that there are unlikely to be quick fixes, but the committee was correct to urge the Executive to develop mental health services as speedily as is humanly possible. Again, I look forward to the ministerial team referring to the committee's concern on that.

The committee welcomed the expansion of residential and secure care services and urged that a national strategy be developed to avoid the risk of inappropriate placements. I acknowledge the Executive's belief that a national strategy is not required, as the individual needs of each child should be key to service provision, but I would like a comment from the ministerial team on the committee's recommendation.

Throughcare services were also felt to be patchy, with no central co-ordination of services. Members may wish to discuss that in the ensuing debate. The committee felt that national standards for throughcare should be audited and enforced. The Executive's commitment to work with local authorities to monitor progress towards meeting national standards in throughcare is welcome, as is its commitment to the allocation of officers to supervise those who are subject to supervision on release.

I hope—I am sure—that this will be a serious debate on what is a serious subject for the people of Scotland. It must be the aim of every member to ensure that all Scotland's young people are able to make a positive contribution to our communities and to society in general. The Justice 2 Committee's ninth report is a useful and practical aid to achievement of that objective.

I move,

That the Parliament notes the recommendations contained in the Justice 2 Committee's 9th Report 2005 (Session 2): *Report on Inquiry into Youth Justice* (SP Paper 370).

The Deputy Presiding Officer: Many thanks for stepping in to open the debate.

09:30

The Deputy Minister for Justice (Hugh Henry): I commend Bill Butler. It is a brave man who would attempt to substitute for Annabel Goldie, but he did so exceptionally well. He has not only offered Parliament a comprehensive overview of the committee's report but has touched on a number of significant subjects.

This is a welcome opportunity to debate the Justice 2 Committee's report and to focus on youth justice issues. I pay tribute to the committee for the work that it has done. It took a significant amount of evidence from a wide range of groups, and the report is both comprehensive and balanced. We welcome the report's

acknowledgement of our national strategic approach and our support for national and local agencies, and we acknowledge the committee's concerns and recommendations for action in specific areas. It has made many pertinent points well.

We agree with the committee—it would be foolish to disagree—that more can be done. We have made huge strides in the last few years, but there is more that we need to do. We have attempted to concentrate on increases in funding, and we have put in place the necessary infrastructure. Having done that, we must now turn our focus to delivery.

When we talk about youth justice, it is important that we remember that the vast majority of young people in Scotland do not offend. Of those who do, most will respond positively to the guiding hand of a concerned parent, the support of a teacher, the involvement of a youth worker or a warning from the police. Our starting point in tackling youth offending must be to place the young person at the centre of what we do. We need to put their needs and their deeds at the centre. That is not about excusing their behaviour or their actions, but about providing support where and when it is needed, as well as challenging their offending behaviour.

We must do that because we care passionately about young people, because we do not want to lose anyone to a life of crime and because we want to help them to turn round their lives and make the most of the opportunities that are out there for them. We want to enable every young person in Scotland to become a successful learner, a confident individual, an effective contributor to society and a responsible citizen.

So, what are we doing to tackle the youth offending of the minority? Wherever possible, we are looking to prevent and divert young people from offending through positive interventions. We are investing heavily in community safety partnerships, in community quality of life and in closing the opportunity gap—all of which seek to engage young people in their communities and to divert them from crime.

Bill Butler touched on an important point, to which I may return if I have the time. It is exceptionally important that we give young people the opportunity to do something positive in their communities. During the summer, I visited a project called the pulse in West Dunbartonshire. It is an imaginative scheme that has, as Bill Butler suggested should be done, brought together a range of services—education, youth services, the police, social workers and others—to offer young people a variety of opportunities to engage in activities that they enjoy but have probably never had the chance to experience, such as music and

drama, outdoor activities and various leisure activities. What I saw there was positive and enthusiastic engagement with young people. I hope to learn more over the coming months about how successful that project has been.

We are committed to developing services for children, but we are also committed to reforming services, including the children's hearings system, to ensure that our children and young people get the help and support that they need when they need them. We want to challenge their behaviour and meet their needs, and we want to intervene in an appropriate, proportionate and timely manner to improve their life chances. Consultation on those proposals closes tomorrow.

We need a wide range of interventions such as counselling, work with families, and supporting education, which all rightly have a place, so that we can ensure effective action in all cases. Intensive community-based programmes, including electronic monitoring, and residential and secure care also have their place, however. For some offenders, an antisocial behaviour order might be appropriate. Many members will know that last week an antisocial behaviour order was deemed appropriate for a young person in my area of Renfrewshire.

However, it is important that we view in context the use of antisocial behaviour orders for young people under the age of 16. Such orders should be used ordinarily only when other measures have been tried but have failed; for example, when it looks likely that secure accommodation will be required. They should be used only as one element in a range of measures that are designed to change a young person's behaviour.

We also need to ensure that we have effective links between the youth and adult justice systems and that we make the necessary links in order to share good practice and reduce reoffending. An example of that is the Management of Offenders etc (Scotland) Bill. We cannot be, and we are not, complacent.

The important themes of the committee's report—improving multi-agency working and addressing gaps in services—are crucial if we are to have the youth justice system that we want. The report has helpfully flagged up a range of important issues; in some, work with local partners is already on-going, in others, more action is undoubtedly required. Our response to the committee made it clear that we are committed to working with partners to take action.

We want to ensure effective multi-agency working. We will place new statutory duties on all responsible agencies to work together to ensure that young people get the support that they need, we will ensure that there is appropriate

representation in all youth justice strategy groups and we will ensure that we identify and share examples of effective multi-agency delivery and information sharing.

Susan Deacon (Edinburgh East and Musselburgh) (Lab): Although it is undoubtedly the case that much more can and should be done to improve multi-agency working in youth justice and in children's services, does the minister agree that many of the problems that the committee identified are not specific to that area of service delivery? One need only look at our work in the Audit Committee, for example, to see that better multi-agency and joint working is necessary across public services.

Will the minister assure me that as well as working within his own portfolio, he will work with ministerial colleagues across the Executive and with local delivery agencies to ensure that in culture, training and practice the mindset and the systems are developed that will ensure that joint working becomes a reality so that we are not repeating this cry four or five years from now?

Hugh Henry: Susan Deacon makes a valid point. She is right: multi-agency working does not apply just to youth justice. The time is right for examination of how services are delivered locally and across Scotland; indeed, the concept of community planning is an attempt to ensure that agencies come together at local level. However, much more needs to be done. We need to reflect on the experience of the past five or six years in considering the best way forward. We do not want to create bureaucratic responses and we want at the same time to ensure that we break down barriers. There is no excuse for people to retreat into their own areas of responsibility and to blame others when things go wrong.

We also need to address gaps in services. Since 2000-01, funding for youth justice has increased remarkably from £3.5 million to £63 million this year. That is a huge increase in anyone's language. Most of that money has been used to build capacity to allow local authorities, police, and the voluntary sector to bring new services on stream. That means services that are designed to meet local needs and priorities and address local gaps. Bill Whyte from the criminal justice social work development centre for Scotland told the Committee:

"more has probably been done in the past three years than had been done in the previous 20 years."—[*Justice 2 Committee, Official Report*, 11 January 2005; c 1257.]

Bill Butler made a valid point about different funding streams and the need to ensure continuity. We need to examine that, but we are encouraging three-year funding streams under the Scottish compact. At the same time, however, we also need to try out some pilot projects.

Without skipping over other points that the committee raised, let me simply say that we will certainly work to ensure that there is better and more co-ordination. Having had the opportunity over the summer to visit a number of projects such as Includem, I have been heartened to see the work that is being done to make a positive impact on the lives of children and young people from sometimes very difficult backgrounds. I was very much encouraged by the commitment not just of the staff in those projects but, it is fair to say, of the young people who were being engaged with. That commitment can make the difference.

Changes will not happen overnight, but we are in this for the long haul. We are committed to providing the support—including funding—that local partners need. The committee's report highlights a number of key issues and areas and I hope that we can, by focusing on those, build on existing activity and continue to look forward. I am confident that we can make our vision for children and young people a reality.

I commend the committee for its work.

The Deputy Presiding Officer: Before I call the next member, I point out that we have several gaps because of this morning's transport problems, so other members who are present may have the opportunity to participate in the debate if they wish. I have invited one member already, but she took it as a bit of a dig, so I want to make it clear that the offer is genuine and is open to everyone.

09:42

Mr Kenny MacAskill (Lothians) (SNP): I put on record our thanks to the committee, the clerks and all those who were involved in the inquiry. I also pay tribute to the deputy convener. Having occasionally appeared at the committee as a substitute, I appreciate the difficulties that he must have experienced today. It is hard enough to prepare for these debates at the best of times, but when one has prepared oneself to sum up the debate and one is then asked to lead it, immediate problems arise. Important debates such as this, which are the final outcome and the public airing of a committee's report, have a natural beginning, middle and end, but Mr Butler managed to set the scene not only correctly but with aplomb.

Although the committee's denigrators might say that the report is, on the face of it, worthy but dull, there is nothing wrong with that. Not all action by a legislature, executive or other public or voluntary sector administration needs to be snappy or sexy. However, any action must be worthy and must address the fundamental problems. The report's summary of conclusions confirms the breadth of the problems, for which there is no single solution.

The problem of the small minority of young people who behave in a deeply antisocial manner will not be addressed by a snappy soundbite, because it is deep-rooted and multifaceted. Short-term action, such as the ASBO in the deputy minister's constituency, is required, but the fundamental need is for long-term action.

As my colleague Christine Grahame has pointed out, many of the committee's recommendations have been made before but have not been acted on as well as they should have been, so it is necessary that we repeat them. The need for multi-agency planning and multi-agency delivery to address the gaps in services may be a classic no-brainer, but we need to continue to address the issue. I am glad that the committee forswore the opportunity to seek tabloid headlines and instead went for a more sensible and practical approach by asking for pragmatic steps to be taken to deal with the issues that have been raised.

The committee inquiry took place at a time when the press was full of headlines such as those that we have seen in more recent weeks. According to a United Nations report, Scotland is the most violent place in the world, and other reports have said that Scotland is the murder capital of western Europe. However, that is not the case, and to say so is clearly nonsensical. I am glad that all political parties in the chamber have sought to knock that down. Such reports do us no favours and they certainly do our young people no favours. The perception that we need to live in an almost gated community because every young person is a potential mugger creates serious problems for intergenerational understanding.

Stewart Stevenson (Banff and Buchan) (SNP): Does the member share my disappointment that the UN survey chose to interview only 250 people from a geographical area of Scotland in which there are particular problems with violence? Does he agree that for that reason the conclusions that were reached are entirely invalid for Scotland?

Mr MacAskill: Absolutely. The UN report was flawed, and it is a credit to all members that they repudiated it.

Stewart Stevenson is right to say that there are hot spots—or whatever terminology one chooses to use for them. The statistics for murder—never mind knife crime and other matters—are serious. There are areas of our country that are of fundamental concern. In most of Scotland, people can leave their car keys in the ignition and their door open without being robbed or having their car stolen, and both young and elderly people can move around in safety. However, there are problems in areas of deprivation, in particular, as well as in some other areas, where there is simply bad behaviour. We must address those problems.

Fundamentally, our approach to youth justice is tied in with the most recent report that was published on deprivation. I will return to that issue.

The minister was correct to point out that the overwhelming majority of our children are a credit to themselves, to their families and to their communities. However, a small minority of children are seriously out of control. A chief constable in England has described them as feral youth. That is a rather distasteful phrase, but it is symptomatic of the culture, which we must address, of almost nihilistic behaviour that is antisocial, self-harming and dangerous to others.

The great danger is that there will be a war on a generation. I am glad that Susan Deacon is in the chamber, because I remember attending a school meeting at which she said that there are many complaints from middle-aged and elderly people about youngsters hanging about, but that youngsters have always hung about. Simply hanging about is not a crime, although hanging about with a sword or a dagger or in order to mug an old lady certainly is. I am taken by the fact that Miss Goldie is stuck in Linlithgow, because many years ago, when I was growing up in that town, I used to hang around in the railway station, because it was warmer than standing or walking around outside. That was not a crime, but our society is driving towards removing youngsters from such places when they are not doing anything wrong. That creates a sense of alienation, which we must address.

We should recall that youngsters are more likely than others to be the victims of crime—a fact that we often ignore. In our society, the person who is stabbed or murdered is more likely to be a member of the offender's peer group than someone else.

The solutions are deep rooted. Obviously, short-term action needs to be taken, whether through ASBOs or by ensuring that there are sufficient secure residential places for those who are a danger not just to others but to themselves. However, we must drill down to the fundamental issues. That is where I perceive the strength of the committee's report to lie. It discusses the worthy but dull actions that need to be taken, but it makes it clear that the root solution is to address the fundamental issues. Like Susan Deacon, I have shared a platform with Roger Houchin. The problems of youth justice are to be found mainly in the areas of multiple deprivation. When 25 per cent of our prison population comes from only 56 of the 1,222 local authority areas, there is clearly a serious problem, which we must address.

There is no one simple solution. We need to get people into work and to provide rehabilitation. The report also identifies the need for longer-term funding. On page 39, it states:

"There is too much short term initiative-based funding", relative to longer-term and core service funding. There is a clear driver for the Executive and all political parties to seek short-term fixes, and such action is necessary.

Hugh Henry: I agree with what Kenny MacAskill has said about the difficulties of short-term funding. Sometimes, given the pace and scale at which we have invested, we have had to try out new things, and it would be wrong for us to give guarantees of indefinite funding for such initiatives.

That said, we should try to introduce some stability where something has been proven to work. The context of which Kenny MacAskill speaks—the huge scale of deprivation and the links to antisocial behaviour and criminality—poses a challenge for us all in the Parliament. One of the things that we might all have to face up to is that we need to start to invest at a greater level in such areas than we invest in others across a range of services—health, education, social work and housing—to make a proportionate difference. Such a funding approach might have consequences for other parts of Scotland. Does the member agree that we need to face up to that situation?

Mr MacAskill: Such choices might have to be made. We cannot invest in one area without considering where the money is taken from.

However, where I have sympathy with the minister is that I agree that not all short-term initiatives necessarily work. We live in a world in which there is a great deal of risk aversion, and we are criticised for not being an entrepreneurial society—that certainly applies to the public sector. We have to be prepared to fund initiatives; if they fail, that does not mean that we should not try something else.

We do not have all the solutions. If a clear solution existed on the internet, we would simply download it and use it. We need to look at the deep-rooted problems and try to work out solutions. We also need to work with individuals, because at the end of the day, antisocial behaviour is a problem of individuals, and we have to recognise that there is no one-size-fits-all solution.

The simple element of repression—although that wording is not used—in the United States is not seen as a longer-term solution. The Scandinavian model that looks to address the problems is far preferable. I am grateful for the initiatives that have taken place in Strathclyde and Lothian, in which police work towards problem solving with youngsters as opposed to simply employing crime control or management methods. We have to get to the root of the problem and ask what is causing it. In many instances, the problem is not the young

person who is offending, but his drug-addicted mother or alcoholic father. Unless we address the root of the problem, we will simply be offering a short-term fix and the problem will recur when the young person is released from wherever they have been held.

We welcome the report. Although it has drawn to our attention matters that have been touched on before, that does not mean that it does not have lessons to teach us. It draws to our attention the fact that although we need to take short-term action, we are still seeking a long-term solution. We recognise that the vast majority of our youngsters are a credit to our country, but we must drill down deep with a small minority of youngsters, look at individual solutions to their problems, be prepared to take risks—as the minister was correct to say—and invest resources, because that is the long-term solution.

09:53

Margaret Mitchell (Central Scotland) (Con): I begin by thanking Bill Butler, the deputy convener of the Justice 2 Committee, for stepping in to replace Annabel Goldie this morning. As the old BBC test card used to say, this was due to circumstances beyond her control.

I add my congratulations to the clerks and members of the Justice 2 Committee for undertaking such an important inquiry into, and subsequently producing its report on, youth justice. I also commend the Executive for setting aside time this morning for a proper debate on the committee's findings.

When youth justice is discussed, a common theme runs through members' contributions—namely that early intervention is the key both to reducing reoffending and to the delivery of an effective youth justice system.

The Justice 2 Committee's report highlights the considerable challenges to be overcome in delivering those objectives. They include filling the gaps in service provision and the requirement for a clear understanding of what partnership working and best practice entail. In particular, the committee expressed reservations about whether the concept of corporate responsibility exists in local authorities. I am sad to say that the problem is not a new one. For too long, Scottish local authorities have been signed up to the theory of corporate responsibility without delivering in practice. Such a prerequisite is fundamental to ensuring that youth justice services are delivered in the best and most efficient way.

The report also emphasises not just the importance but the necessity of ensuring that each youth justice strategy group recognises the contribution that the voluntary sector can make

and that, where appropriate, the groups actively seek to involve the sector in the delivery of youth justice services. In that respect, the committee expressed profound concerns about the stability and continuity of funding. There is little doubt that the voluntary sector has the experience, expertise, flexibility and innovative thinking that will help to deliver the multi-agency approach to which Susan Deacon alluded and which is so necessary to the delivery of youth justice services. Indeed, projects set up by voluntary services and organisations such as the Barnardo's project in Falkirk, which is aimed at reducing youth reoffending, have been a huge success and speak for themselves. I urge the minister to bear those points in mind in making funding decisions and to ensure that the voluntary sector is properly provided for. Funds should not be simply allocated automatically to local authorities in preference to voluntary sector organisations.

The report highlights gaps in the provision of addiction services at a time when the problems of binge drinking dominate press and media coverage. Such an omission is worrying. The committee was also concerned about the variation in the provision of services for young people with substance misuse problems and about gaps in the provision of services for young people with learning difficulties and/or behavioural disorders.

Various worthwhile suggestions have been made about the best way of addressing such concerns. I add to that list by suggesting to the minister that he extend supervised attendance orders so that the modules, which include alcohol and substance abuse counselling and literacy and numeracy testing, are available not only to fine defaulters but as a disposal of first instance for young offenders appearing at court or at a children's hearing. Such a simple early-intervention measure would have a significant impact on youth offending and on the delivery of a more effective and efficient youth justice system.

I echo Kenny MacAskill's plea for an increase in the number of secure places for young offenders and, again, make the case that drug and testing treatment orders should be available to the district courts and the children's hearings system.

I also press the minister to revisit the issue of youth courts and ensure that 14 and 15-year-old persistent offenders who are currently languishing in the children's hearings system are referred to them. Not only would that free up the children's hearings system to deal with vulnerable children with social and behavioural problems, it would, crucially, speed up the whole process and lead to a more effective—

The Deputy Minister for Education and Young People (Robert Brown): Will the member give way?

Margaret Mitchell: I was just about to finish, but I will give way.

Robert Brown: I wonder whether Margaret Mitchell's comments demonstrate a misunderstanding of what the children's hearings system does. It tries to draw in children who need support and to provide solutions to their problems. Prosecution is all very well as a different method of getting at the matter, but it does not solve the problem of how we change the offending behaviour of the children and young people who come before the courts or the children's panel. We will not sort that out by moving things from the children's hearings system to the courts—in fact, we will probably make matters worse.

Margaret Mitchell: I am talking about 14 and 15-year-olds who are persistent offenders, who have been in the children's hearings system for a number of years and for whom every possible option has been considered. In such cases, in line with the principle of early intervention, it seems eminently sensible that those children should be passed on to youth courts. I freely admit that youth courts are working for 16 and 17-year-olds because they have the necessary resources, sheriffs, monitoring and accountability. However, if a choice is to be made because unlimited resources are not available, my preference would be for 14 and 15-year-olds to be sent to the youth courts to curb their offending behaviour as soon as possible and to give them every opportunity to set off on the right track.

Again, I congratulate the Justice 2 Committee on producing a worthwhile and excellent report.

10:00

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Much as I would like to believe that Annabel Goldie is hanging around Linlithgow station waiting for Kenny MacAskill to turn up, I think that her delay is a result of the deficiency of the public transport system, which I am delighted that the Parliament took the opportunity to improve yesterday by voting to agree to the general principles of the Waverley Railway (Scotland) Bill, which seeks to run the Waverley line to my constituency.

As a relatively new member of the Justice 2 Committee, I arrived late to the committee's inquiry. Although the committee's report may be worthy but dull, it provides a thorough analysis and reflects what Kenny MacAskill referred to as deep-rooted and complex issues, which he felt required a long-term approach. The report goes a considerable way towards providing an analysis of the deep-rooted and complex problems and an indication of where fundamental, long-term

changes to our approach to youth justice are needed.

In other justice debates, I have said that it is my belief and that of the Liberal Democrats that the justice system should be effective, efficient and fair. By "effective", I mean that it needs to work so that our communities are safer when people have offended. By "efficient", I mean that it must work fast and be cost-effective. Susan Deacon spoke about the importance of the efficient government review not just for the youth justice system, but for all Government departments. It is crucial that that review includes an element of better working and does not just strive to reduce costs. The justice system needs to be fair to ensure that we do not stigmatise our young people in particular. In a previous debate, I mentioned my concern that there had been too much focus on the respect agenda and on categorising young people as neds, without reference to the fact that, through volunteering, growing numbers of young people provide a huge benefit to all our communities.

I want to focus on a few areas in which the report has highlighted that there are considerable problems. Bill Butler referred to the difficulties with coterminosity. Alcohol misuse, the need to have better partnership working, funding and what approaches will be effective in the long term are other issues with which I wish to deal, but first, I agree with Kenny MacAskill that we are a remarkably safe society. I was extremely disappointed with the UN report, which I felt was as valid as the comment made by the former mayor of Washington when he said that, if you took away the shootings and the homicides, Washington was the safest place in the world. Scotland is a safe and remarkably violence-free society, and we must always consider what we would like to do on criminal justice in that context. That is as true of youth justice as it is of adult justice. We are a safer society than we have been. Recorded crime has fallen since last year and that has been a trend for 15 years.

That said, there is still a small number of young people who offend. It is important that youth justice plays a part in seeking to reduce recidivism in young people. Regrettably, the fact that young people's drinking is increasing is directly related to offending. In the most recent survey, 23 per cent of 13-year-olds and 46 per cent of 15-year-olds reported that they had drunk alcohol in the previous week. In the most extreme cases, young people under the age of 13 are admitted to hospital for serious alcohol misuse. I represent the Borders general hospital area, which is not categorised as being highly violent, but within the past year, more than 10 young people have been admitted for very serious alcohol poisoning.

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

On the member's point about alcohol and young people and the problems that he has rightly highlighted, I wondered whether he supports the proposed opening hours for off-licences in the Licensing (Scotland) Bill, which is going through Parliament. The bill initially suggested almost unlimited opening possibilities. Does he support the amendment that was agreed to this week by the Local Government and Transport Committee to restrict the hours of sales of alcohol in off-licences? Off-licences in communities often cause problems when young people hang around them.

Jeremy Purvis: The solution must, as far as possible, be local, and the licensing system should reflect local circumstances. I hope that the importance of a local solution is given a serious and sympathetic hearing in the debate. Such an approach would allow local licensing officers and others, taking part in youth justice work with other agencies, to find the most effective solution for their area.

I recently met representatives of Lothian and Borders police's safer communities department, local authorities and housing associations. Kerr Scott from Scottish Borders Council has put together a highly dedicated and outstanding team to ensure that there is proper working between all the agencies. As an example of how a local solution can be more effective, any young person found in possession of or under the influence of alcohol in the Borders is automatically referred to an alcohol project in Galashiels. In the past, I have raised the need for long-term funding for such projects. When the police work in proactive co-operation with the council and others, much can be done within existing powers, without necessarily changing the licensing regime. Following the automatic referral of a youngster to the alcohol project, their parent or guardian has an option to allow them to opt out—not to opt in. That kind of tough approach is ultimately far more effective for young people, and all the local agencies in the Borders support it.

The committee's report also raised the issue of coterminosity. Although Bill Butler commented that one solution may not fit all the areas of Scotland, fortunately the area that I represent has coterminosity between the council, the police, the health board and others, which allows proper partnership working. Consistency of approach is also important, especially when an individual is moving from youth justice into adult justice. Integrated children's services, which I hope will work with the criminal justice authorities, will be an indicator of proper co-operation and joint action. With regard to the youth justice team and the ASBO team in the Borders, the outcome of such joint working can be real results. A core group holds monthly meetings with the police, the ASBO

team officer, registered social landlords, NHS Borders, representatives of accident and emergency and primary care services and a solicitor from Scottish Borders Council; the core group can also co-opt other agencies. The committee found that an important aspect was that those who attend joint meetings should be empowered to do so and motivated to make decisions. In the Borders, the antisocial behaviour strategy group meets bi-monthly to co-ordinate the whole approach. There are models elsewhere that give the committee a degree of confidence that such approaches can work locally.

Speaking of approaches that can be effective, I was delighted to host a meeting in the Parliament, which the Minister for Justice attended, with Fairbridge on its prison project. Of the young people with whom the project works, 76 per cent have no formal qualifications, 45 per cent have no experience of work and 25 per cent have difficulties with reading and writing. Since January, of 61 young men and women who were offenders but who have been released, 77 per cent continue to engage with Fairbridge's prison project. Fourteen of them are in employment; five are on the Fairbridge programme in the community; two are in education; and one is doing voluntary work. Only 20 per cent have returned to prison. It is by far the most effective project that we have seen in Scotland so far. I hope that it does not remain a pilot and that it secures long-term core funding in future.

I hope that even though the report may be worthy but dull, it indicates that we can be successful in some areas.

The Deputy Presiding Officer: We come now to the open debate. Before I call the next member to speak, I will explain that I am budgeting on the arrival of two members who are believed to be still in transit. If they do not arrive before the end of the debate, there may be some flexibility to allow more time for the closing speakers. For the moment, the open debate will run on the basis of six-minute speeches.

10:10

Maureen Macmillan (Highlands and Islands)

(Lab): It has been extremely interesting and informative to be part of the inquiry. Members of the Justice 2 Committee have met many thoughtful people who are committed to the welfare of youngsters. We have seen examples of excellent practice and innovative methods and have come to understand the complexity of the task that is faced by local authority departments, the police and the health services. We should also not forget the input of the voluntary sector at this time of great change. As Bill Whyte, the director of

the criminal justice social work development centre for Scotland, said,

“more has probably been done in the past three years than had been done in the previous 20 years.”—[*Official Report, Justice 2 Committee*, 11 January 2005; c 1257.]

The pace of change is itself a challenge.

Everyone, from practitioners to the Executive, agrees that an holistic approach should be taken to youth justice. That means multi-agency planning and delivery of services. The Scottish Children's Reporter Administration noted that people are now more prepared and able to take a radical look at how we deliver services. The Borders youth justice strategy group said that more organisations were now realising that they had a valuable role to play.

We are under no illusions about the difficulty of setting up joint working. It has not always been easy for the police to share information with social work or education departments; sometimes it has not been easy for the social work and education departments in the same local authority to share information with each other. It is evident that such barriers are being broken down. There are good examples of joint working, such as the Moray youth justice team. It may be easier to build relationships within a local authority with a small population. I do not think that coterminosity has anything to do with it; there is not coterminosity in Moray, but people know and trust one another.

The committee was impressed by the Edinburgh youth justice services. Our visit showed us that good practice was about having a clear strategy and about building interagency relationships. We ended that day by meeting the youth justice strategy group, which expressed optimism that much better co-ordination now existed between projects. All strategy groups should strive for that, although it is not easy. Dr John Marshall from Greater Glasgow NHS Board said:

“Great challenges exist for joint working between mental health services in the NHS and social work services at various levels. There is a lack of understanding of roles and different languages are used.”—[*Official Report, Justice 2 Committee*, 16 November 2004; c 1115.]

Those are the challenges that we must get over.

Questions arose from our evidence taking. Was there equal engagement from all sectors? Was social work being left to bear the load? What role were education and leisure services playing? Were health services—particularly psychological services—readily available? Answers were not always positive. Data sharing was seen to be difficult and bound up in bureaucracy. It is evident that departments do not always communicate effectively, and not only in local authorities. According to practitioners, different Executive departments can also promote initiatives for young

people that do not gel together. For example, NCH Scotland said that youth justice is not a front-loaded priority in the health services. Consequently, when pressures on health budgets occur, other priorities are given precedence.

As a former teacher, I was especially interested in the role of education in youth justice strategies. It is not difficult to pick out youngsters in the class who are probably heading for trouble. How can schools help to prevent that from happening?

A lot of concern was expressed about education services. Includem noted that many of the young people with whom it had been involved had a history of interrupted education and Barnardo's Scotland emphasised the importance of keeping young people in school and maintaining links with mainstream education.

When I was a teacher, schools often excluded pupils for truancy. That seemed to me to be counterintuitive, but it was to protect the school's back. Truancy leads to shoplifting, substance misuse and so on, so the policy now is much better—to exclude from the classroom, yes, but not to exclude from the school. We have to hold on to those children.

The theme of early intervention ran throughout the evidence. Moray youth justice team worried that too much concentration on persistent offenders might make us miss those who were just at the start of that road. Schools can play a part in alerting youth justice teams to possible problems.

As is always the way after a report has been finished, more information has come along. I would like to mention one or two initiatives that I have discovered. In Orkney, a confidential chat room for professionals who deal with young people has been set up. A teacher might flag up a problem that she has come across with a youth in school. The local policeman might note that he had met the young person late at night and had been a bit concerned about them. The local doctor might then read that and agree that there is a problem. In an informal way, therefore, a child or young person can be noted as being in some kind of danger and can then be supported.

Yesterday, I attended a briefing given by representatives of Barnardo's about young people who exhibit inappropriate sexual behaviour towards younger children. In presenting their research on that difficult subject, the Barnardo's representatives said that such behaviour was on average first noted around the age of 10, but that it took four years for a referral to be made, by which time it could be a case for the courts rather than for the children's panel. Early intervention is crucial in such cases. That underlines the importance of the voluntary sector in youth justice,

which we felt was not always recognised by the statutory bodies.

I also recently attended a conference on attention deficit hyperactivity disorder, which made me think that many young people who end up in the justice system might suffer from that disorder, given their impulsive behaviour. I would like to think that some research could be done on the disorder in Scotland. I believe that other countries have found a close connection. I also mention autistic spectrum disorder and learning difficulties in the same context.

I thank the clerking team and the committee's adviser, Fergus McNeill. I will close with the thought that many young people who offend are as much in need of care and protection as those who appear before the children's panel for welfare reasons.

10:16

Stewart Stevenson (Banff and Buchan) (SNP): I come to the debate as a grumpy old man.

Hugh Henry: Hear, hear.

Stewart Stevenson: Thank you, Hugh. That is because I, too, had my travel interrupted. I left Linlithgow at 6.02 am and got here at 7.40 am, so perhaps the disruption did not intrude too much.

Reading the Justice 2 Committee's report, I am reminded of a quotation from Barnett Cocks:

"A committee is a cul-de-sac down which ideas are lured and then quietly strangled."

Let me illustrate my grumpiness on that. When I looked at the summary of conclusions and recommendations, I played the game that I often play when I want to get a quick sense of what is in front of me: hunt the verb. Among the various recommendations, I see one on coterminosity. It says:

"effective planning ... must therefore be developed."

That is not too bad. Another recommendation is on the role of local authorities. It uses the phrase:

"we invite the Executive to consider".

The recommendation on the involvement of the voluntary sector says:

"We recommend that the Executive asks each ... group to explain".

For the role and remit of strategy groups, the wording is:

"we suggest that the Executive considers".

We read that:

"education services have a critical role".

That is good. Under the heading "Multi-agency delivery arrangements", the report says:

"We invite the Scottish Executive to undertake some evaluation".

And so it goes on. That is a bit light on solutions, although there are a lot of suggestions for new work for the Executive. That will make the Deputy Minister for Justice very happy because, of course, he is underemployed and needs such suggestions.

I return to the point that my colleague Kenny MacAskill made. The challenges are genuinely difficult. What the Justice 2 Committee has come up with reflects that difficulty, which we all face.

Article 24 of the Charter of Fundamental Rights of the European Union, which was signed on 2 December 2000 in Nice, is on the rights of the child. Paragraph 2 states:

"In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration."

I should also mention article 15, which is headed "Freedom to choose an occupation and right to engage in work". In many respects, we are all failing our children in relation to meeting our duties under the charter and our obligations to wider society. In fulfilling those duties, we benefit—we benefit from children who are engaged.

The numbers are interesting. I am slightly surprised that other members, particularly the minister, have not already cited them, because they contain some good news. The number of prison receptions went down by 22 per cent in the period from 1996 to 2004 and the decline was continuous. The figures for young offenders are even better: over the same period, the number fell by 38 per cent, to 1,908 from 3,058. Interestingly enough, receptions for drug offences are down by nearly half. Therefore, there is good news out there. Even receptions for fine defaults are down by 40 per cent for adults and by 61 per cent for under-21s in that period. That is something to build on. However, the average numbers in prison have gone up—we are putting more serious people away for longer. That is against the background of the suggestion on page 27 of the report that there are perhaps half a million no-offence referrals, in which children touch the system. Others have mentioned the need to act at that point.

I agree with what Margaret Mitchell said about the need to address people's literacy and numeracy when they come into contact with the justice system. I think that the issue should be addressed earlier, because it is clear that low levels of literacy and numeracy will cause problems for children later.

The national standards for Scotland's youth justice services, which were developed and published in the minister's name, illustrate much of

the problem of multi-agency working, because they include long lists of targets and of the interactions that there have to be between the police, the Scottish Children's Reporter Administration, social work, the reporter again, the children's hearings system and the council.

The danger is that, by looking at things in that way, we might lose sight of the fact that we are dealing with a young person. The key thing that we lose sight of is responsibility. We lose sight of who is responsible, who has to do what and who has to deliver to support our young people and to ensure that they do not get into trouble. We also lose sight of what that costs us to do and, equally important, what it will cost us as a society and in our budget if we do nothing—the problem, as well as the solution, has a cost. I am not terribly clear what the balance between those costs is.

I smell something of the classic comment from *The Economist* 10 years ago:

"The British Civil Servant – a man"—

or woman—

"who cannot be bribed to do wrong nor persuaded to do right."

I believe that the report is somewhat symptomatic of that approach. I do not know who gets fired if things do not work. Political accountability is clear, but the minister does not run things; he sets the strategy, but who gets fired if things do not work on the ground? I am still no clearer.

10:23

Patrick Harvie (Glasgow) (Green): Stewart Stevenson told us that he is a grumpy old man today. If I had got up that early, I would be pretty grumpy, too. Thankfully, I had a little longer in bed.

I congratulate the Justice 2 Committee members and the clerks on the work that they have done in producing the report. No member of any party would question the importance of the issue. The youth justice system is crucial if we are to give every young person in Scotland the opportunity to grow, thrive and fulfil their potential.

I do not think that anyone would be shocked by some of the report's top headlines, such as that diversion services are patchy and underdeveloped and that there are huge gaps in mental health and addiction services.

Last week, I visited Edinburgh prison at Saughton. Of course, I was not the only politician to go there last week—not all went through the same door. I went to see the governor and to be given a tour of the education and rehabilitation services, because I had heard from colleagues in the justice field that what was happening at

Edinburgh was particularly impressive—and so it was.

I had flagged up to me some of the behavioural problems of the younger men who were graduating—if we can use that term—from the youth justice system into the adult criminal justice system. Some of those problems were linked not only to the men's imprisonment and their offending behaviour, but—crucially—to bereavement. I was told that behavioural issues linked to bereavement and parental addiction were becoming huge problems. I asked the natural question: what is society doing to prevent such problems for the next generation? After the briefest of pauses while they glanced at each other, the two people to whom I was speaking said, "Nothing."

That reply might be a bit of an overstatement, but it is clear from the people to whom we all speak as MSPs and from the committee's work that we are not doing nearly enough. Without those vital services, no enforcement, preventive order or punishment will ever be effective in the long run in dealing with a problem that many people throughout Scotland have to put up with. The young people who are now being electronically tagged and receiving ASBOs—such as the person to whom Hugh Henry referred—were toddlers when the enforcement-led approach that ASBOs represent was first put on the table. How well have we served them since then? To what extent have we ensured that they have been able to fulfil their potential to grow and thrive? I believe that they have been failed.

I became a member of the Parliament in 2003 and immediately had the delight of serving on the Communities Committee and dealing with the Antisocial Behaviour etc (Scotland) Bill. At the time, I argued that the order of priorities was wrong. I did not argue that all the wrong things were being done; my view was that things were being done in the wrong order. Our first job should have been to consider what Hugh Henry described as positive interventions. We should then have worked out what we could do to reinforce, strengthen and reform the existing systems, such as the children's hearings system, to make them better able to do their job. After that, it would have been clear what the necessary new enforcement measures would be. However, exactly the opposite approach was taken and the new enforcement measures are now in place. I hope that those measures will help, but I doubt that they will do anything to address the problem in the long term until the issues that the committee's report addresses are given greater priority.

The minister said that his starting point is to put the young person at the centre of the Executive's approach. However, it is interesting that he talked about young people after they had become young

offenders. The starting point should be the children who are being born today. We know that having high-quality child care and nurseries, parents who have the time and support to be as good parents as they can be, good diets, youth work provision and high-quality play spaces help to prevent young people from becoming involved in low-level offending behaviour. Those things should be our starting point.

We have distinctive structures, historical factors and institutions in Scotland and we have the opportunity to take a distinctive approach that recognises children's rights, which Stewart Stevenson mentioned. Those rights are enshrined in documents such as the United Nations Convention on the Rights of the Child. As was said in a debate last week, the United Kingdom Government does not always take such an approach.

In politics, what everybody thinks is important is not necessarily what is important. Health is a good example. People think that health is a big election issue, but it is not. The treatment of illness and ill health and the potential loss of hospitals are big issues, but health is about matters such as junk food, lack of exercise and high-stress lifestyles—things that do not have a high political priority. With respect to crime, prevention and rehabilitation are difficult to sell—a headline about being tough on crime is always more appealing. Children should be society's highest priority, but we are failing to do what is in their best interests. I add with regret that police officers are now receiving calls in Scotland not about young people being rowdy or offending on the streets, but about their being on the streets at all. A society that considers that to be a problem has got its priorities wrong.

10:29

Jackie Baillie (Dumbarton) (Lab): I am pleased to have the opportunity to address some of the key aspects of the Justice 2 Committee's inquiry into youth justice. I open by echoing the minister's comments that only a minority of young people offend and that the vast majority of Scotland's young people make a positive contribution to our communities and to society as a whole. Indeed, our young people are a great source of optimism for the future; they are talented and enthusiastic participants in much of what is good about Scotland.

As my committee colleagues have said, children and young people are more likely than anyone else to be the victims of crime and antisocial behaviour and so are equally concerned about those issues. However, we need to recognise that a minority of young people do not respond to the existing measures of the youth justice or criminal

justice systems and that an even smaller minority—less than 1 per cent—are disruptive and sometimes even dangerous. We cannot get away from that fact. Although those persistent offenders are small in number, they have an excessively negative impact on our communities. It is for that reason that a wide variety of resources must be targeted at tackling the problem, for the sake not just of those young people, but of the communities in which they live.

We know that many of the young people who end up in the criminal justice system are among the most disadvantaged in our society and that they come from some of our poorest communities. Invariably, they are the children who are deemed to be in need. For that reason, we are absolutely right about and should be proud of the approach that we have adopted in Scotland, which is to take an integrated approach to the linked issues of juvenile care and justice.

I am not sure whether to take as a compliment Kenny MacAskill's comment that the committee report is "worthy but dull". There is nothing dull about trying to tackle the complexity of youth offending in order to improve outcomes or about trying to prevent young people from ending up in the criminal justice system in the first place. Perhaps what he said was just an unfortunate choice of words.

The committee considered the framework of youth justice services in Scotland in order to see what arrangements were in place in the planning and delivery of services. We then asked whether the services were working effectively, what was working well and where the gaps were. We were well assisted by a variety of witnesses, who are far too numerous to mention, and by our special adviser, Fergus McNeill. I add my thanks to those that other members have given.

I will focus briefly on multi-agency working before moving on to highlight a couple of gaps in provision. In so doing, I give recognition to the considerable work of the Executive in the area. Like my colleague Maureen Macmillan, I was struck by what Bill Whyte of the criminal justice social work development centre for Scotland said:

"more has probably been done in the past three years than had been done in the previous 20 years."—[*Official Report*, 11 January 2005, c 1257.]

We should acknowledge that, although youth justice is a challenging and complex area, in which quite a lot has already been done, more can always be done to reduce the level of youth offending.

Given the multiple causes that lead to offending behaviour, it is only common sense to say that multiple agencies should be required to work together in order to tackle it. The convener and I

paid a visit—it was less fraught in transport terms—to Hamilton to consider multi-agency working and to look specifically at the youth court pilot that began in June 2003. One of the conclusions of the interim evaluation report on the Hamilton pilot was that offenders are being dealt with more quickly and that there is positive evidence of multi-agency working—we found that, too. However, even with that successful example of agencies working together, we became aware that local authorities are not taking corporate responsibility for young offenders as seriously as we would want them to.

The committee found that, invariably, youth justice strategies are driven largely by social work despite the fact that, as Maureen Macmillan highlighted, we know that education is often a key factor in reducing offending, given that most young offenders have educational difficulties. We saw that education services did not even begin to understand the importance of their role in youth justice or to have the flexibility to deliver what was needed. Clear, explicit guidance is needed on the role of education services in youth justice. I welcome the minister's acceptance of the need to place a stronger and more effective statutory duty on local authorities as a whole.

We were also told that agencies are struggling to share data effectively, as they are concerned about legal constraints. We would welcome some kind of statutory duty being placed on or clarification provided to those agencies in relation to data sharing.

I will deal quickly with the gaps in addiction services and mental health services. We know that half of young offenders have an alcohol or drug problem, yet we heard that there is considerable variation throughout Scotland in the availability of addiction services for young offenders. If those young people cannot access such services and their problem is not addressed, the likelihood is that they will reoffend.

There is also a huge problem with the lack of child and adolescent mental health services. Although there may not be a direct link between mental health problems and youth offending, we know that mental health treatment is essential in dealing with some of the behaviours that are exhibited by those who go on to offend and reoffend.

All those issues are important at a strategic level, but, in closing, I emphasise that there is lots of innovative work on the ground, as the minister touched on. For example, the pulse project in my constituency in West Dunbartonshire is, yes, about diverting young people who are at risk of touching the criminal justice system, but it is ultimately about preventing offending behaviour for a new generation.

10:36

Mike Pringle (Edinburgh South) (LD): I welcome the opportunity to debate the Justice 2 Committee's report on its inquiry into youth justice. The report is about compassion. Patrick Harvie should reflect on that. As a member of the committee when the report was started, and as a member of the Justice 1 Committee now, I have an interest in improving youth justice services. As a constituency MSP, I too often see instances of youth justice services having failed young people and our communities. In my area, antisocial behaviour is often caused by a small number of persistent offenders who have fallen through the current gap in youth justice systems. Tackling youth justice issues and ensuring that no one is left out could do as much to tackle antisocial behaviour in our communities as can antisocial behaviour orders or dispersal orders.

Just last week, I was at a meeting of the Inch community association at which antisocial behaviour was raised. The issue has been and continues to be a persistent problem in my constituency. The association is concerned that there remains a small core—and it is only a small core—that causes all the problems. I agree with Bill Butler, the minister, Kenny MacAskill, my colleague Jeremy Purvis and others—and it is worth saying again—that the vast majority of children in our communities are law abiding and are a credit to the communities in which they live.

I have mentioned in the chamber before the good work that the youth action team is doing to address the wider issue of youth crime in my constituency. It is a City of Edinburgh Council initiative involving housing and the social inclusion partnership, which has helped to reduce youth crime. I was pleased to be at the same stakeholder group's launch of a new safer communities unit, encompassing four new police officers who are dedicated to making the community in Edinburgh South a safer place.

Today I will focus on the variation in the services that are provided throughout the country and the need to share and implement best practice. During its inquiry, the committee rightly discovered that that is—as others have said—a huge multi-agency challenge. While I was on the Justice 2 Committee, I was part of a visit to Dundee. Derek Aitken, Dundee's youth co-ordinator, met us and during the visit we became aware of just what a multi-disciplinary network of youth services Dundee has. We met the Dundee youth justice group; victims of youth crime, or VOYCE; the choice project, which is a fast-track children's hearing pilot that is doing extremely good work; and many other groups.

Bill Butler referred to one problem that was highlighted, which is that the short-term funding

that many organisations are given means that there is often not enough time to evaluate some of the pilots meaningfully. That was a concern, which requires closer examination by the Executive. The problem is complex, and it will not just be solved by a committee report. As the report points out, youth justice is often seen as the problem of social work or as being just about the children's hearings system. However, we all know that the issue is much wider than that.

I am concerned that many local authorities do not seem to take corporate responsibility for youth justice, which is a situation that I hope the Executive will address. I strongly support the committee's call for the Executive to assess the organisational structures that the youth justice teams—the bodies that actually engage in service delivery—have put in place. It is vital that we identify best practice in multi-agency delivery and implement it throughout Scotland. In that respect, the youth justice network at the criminal justice social work development centre for Scotland must be fully resourced. Many smaller local authorities may see only a small handful of the most problematic cases, so it is vital that they can draw on the experience of the 12 youth justice groups.

On best practice, I highlight the role that the voluntary sector plays in delivering youth justice services. I have seen at first hand how Fairbridge in Edinburgh, which my colleague Jeremy Purvis mentioned, has achieved fantastic success in reducing reoffending rates. Jeremy Purvis talked about the percentages, but the most telling one is that 77 per cent of people with whom Fairbridge has worked from HM Prison Edinburgh, HM Young Offenders Institution Polmont and Cornton Vale have not returned to prison. Barnardo's also runs a number of successful schemes, to which members have referred, especially for those who are at risk of offending behaviour. However, too often, funding for such projects is not sustained.

As I have said, funding is provided for a new initiative but, after three years, it often moves to another new initiative, which forces the successful project to close. It is vital that programmes that are proven to be effective continue to receive funding, although I accept that projects that are perhaps less successful may close. We need to find what works best and support it for the long term.

I welcome the report and I call on the Executive to pay attention to its recommendations—our young people and their communities will thank the Executive for doing so.

10:42

Susan Deacon (Edinburgh East and Musselburgh) (Lab): This is an unexpected speaking opportunity, but I welcome it, as I have

taken an interest in the subject over the years. My vantage point is different from that of many other members who have spoken—I was not a member of the committee that compiled the report, so I have looked at the issue with a slightly different eye. I want to share two overarching observations that I have made.

The first theme that I want to develop is that of how we can really make progress on improving services, which is the point that I raised in my intervention on the minister earlier. When I read the report, the headings, themes, words and aspirations that we see so often—about the need for improved multi-agency working; for an interdisciplinary approach; for better data sharing; for better sharing of best practice; to tackle the fact that there are too many pilots and short-term initiatives and a multiplicity of funding streams; and to get better at supporting and involving the voluntary sector—screamed out at me once again.

Jackie Baillie and others made an important point about the enormous progress in the field of youth justice and elsewhere. However, I contend that we need acceleration of the pace—we need to increase the effort that we put in to ensure that the aspirations about the way in which services are delivered really happen; otherwise, the potentially serious consequence is that gaps may arise between the Government's genuine policy commitment and the expectation of service users, and between the increased amount of investment in many services and the impact that is felt.

Let us make no mistake: the weaknesses that have been identified in the youth justice system are shared in many other areas, such as older people's services, services for those with special educational needs and health improvement services, to name but a few. To my mind, the big prize in implementing the report—and a host of other reports that have been generated in the Parliament in the past six years—will be in ensuring that we get better at delivering public services in Scotland. That means that, as well as many of the specific issues that have been addressed today, we must tackle issues such as that of building leadership and management capacity in the public sector. The 21st century social work review is an enormous opportunity to do just that in an area that will have a direct impact on youth justice as well as across a range of other services.

Training and education are important, too. If we train people in silos, they will practise in silos when they go out into the world of work. We have not yet brought people together across professional boundaries right from the start of their training and the educational process, as we could and should.

Jeremy Purvis: Does Susan Deacon agree that that could apply equally to the voluntary sector,

which is sometimes more successful in delivering public services—and not only to peer-to-peer young people's groups, such as Up 2 U in Peebles, but to the professionals in the voluntary sector? Does she agree that, if the state sector is doing training and management, that can be transferred to the voluntary sector?

Susan Deacon: I agree absolutely. The frustration for many of us is that that is not being done, although it is not rocket science. It requires a focus on people and consideration of what makes us tick, how we learn, how we work and how we co-exist. If we bring people together at an early stage—including people in the voluntary sector—that will build relationships, trust and a mutual understanding. If those things are not present, frankly, no amount of guidance, regulation, rules or prescription will deliver the joined-up services to which the committee's report and many others aspire.

The second theme that I will touch on briefly is early intervention. I often feel that early intervention is a misnomer, as it is never too early for intervention. So much of what goes on under the label of early intervention takes place in adolescence or, at the earliest, in primary or secondary education. However, early intervention can and must start from birth. A robust piece of work on youth justice was undertaken by the Executive during the early months of devolution, in 1999-2000. That report focused on the twin pillars of the justice system—which is the primary focus of the report that we are discussing today—and prevention. The report drew together overwhelming evidence to show that support for infants from birth—meeting their nutritional needs and nurturing and caring for them from an early stage—has a direct effect on how they behave later in life. Again, much of that is not rocket science: the evidence base is before us.

To be fair, a huge amount has been done by the Executive and the Parliament to address the prevention agenda; however, it is important that we do not forget that, in talking about early intervention, we can and should always get better at pushing our efforts further and further upstream. We regularly call for more police officers; perhaps if we called for more midwives, health visitors, nursery nurses and the like, we would build a better society for the future.

10:48

Christine Grahame (South of Scotland) (SNP): I congratulate Susan Deacon on a very thoughtful speech. As my colleague said, areas of deprivation are where young people are more likely to offend and be offended against. That links with what Susan Deacon said—intervention cannot start early enough. Children need good

nutrition and care from parents who, themselves, do not have deconstructed lives.

I will speak on a practical level about the role of the children's hearings system, to which children who are in need of care and attention—whether they are offending or not—will be referred. Only 25 per cent of referrals to the children's panel concern children who are involved in criminal pursuits; unfortunately, children who have begun to come apart at the seams and have not yet committed a criminal offence might do so if there is no intervention at that stage.

Before I delve into that, I endorse Susan Deacon's request for acceleration of the pace of delivery. In an intervention on Bill Butler, I made the point that this report seems to be cauld kail rehet. The Justice 1 Committee hit on all the same bullet points years ago, including the need for continuity of funding and more secure places for those who are under the remit of both the social work and justice departments. At one stage, the committee asked why the funding does not come from one funding stream rather than competing funding streams. We also identified the lack of social workers and the lack of an index of diversionary and throughcare programmes, as well as the absence of a database and an inability to share information across the various agencies. We discussed the silos that people work in—their own little territories—in the voluntary sector and in Executive agencies. That has all been talked about before; we need to deliver more.

We are at phase 2 of a review of the children's hearings system. I will quote heavily from a letter from the Scottish Borders Council children's panel advisory committee to bring the panel's concerns to the minister's attention. The hearings system was the jewel in the Scottish crown of dealing with difficult children and children with problems. The system has a quasi-informal set-up, and its methods are inquisitorial rather than adversarial. Most important, its approach has always been child centred rather than to see the child as a problem or someone to blame; it has looked for solutions rather than punishments.

One or two issues were of grave concern to the advisory committee, and I would not like the advisory committees to be undermined. Statement 14 in the "Statements of Intent" of the Executive's "getting it right for every child: Proposals For Action" states:

"If appropriate, community representatives or victims might be invited to sit in on the Hearing to reinforce that the behaviour has an impact on others, and to understand better what efforts are being made to address the child's behaviour."

The Scottish Borders Council children's panel advisory committee's response does not support that at all. It says:

"This could have a negative effect on the child by distorting the focus of the Hearing away from the needs of the child, which must remain paramount.

That is important.

Scott Barrie (Dunfermline West) (Lab): Does the member agree that although the remit of the children's panel is to focus on the needs of the child, which are indeed paramount, one cannot have a children's hearing without making reference to the grounds of referral that bring a young person before a hearing? In my experience of children's hearings, when those grounds relate to an offence, not enough focus is given to the grounds of referral rather than the outcome of the hearing.

Christine Grahame: The grounds of referral should be made very clear; the panel must be fully apprised of all the facts. However, having someone else sit in on the hearing might distort it. The advisory committee was open to the idea of links with victims through a system of restorative justice; the issue was simply that if the victim sits in on the hearing, the atmosphere created will be more like a trial than an investigation into circumstances.

Statement of intent 16 states:

"Children's Hearings should provide information to communities about the nature of decisions made and their outcomes."

The advisory committee had serious concerns about the lack of clarity in that proposal. Although it would support the publication of general information about decisions, it would not want to publish individual decisions publicly. What is meant is not clear from the statement of intent.

Statement of intent 21 suggests:

"We propose amending the Children (Scotland) Act 1995 to remove the requirements that Children's Panels and Children's Panel Advisory Committees be linked to local authority boundaries."

Jeremy Purvis quite rightly made the point that, in the Borders, we are extremely lucky, in that all the services—including the health board, the police, the council and the children's panel—are coterminous, which makes it so much easier to work in a team. Other areas are not so fortunate. Penicuik in the Tweeddale, Ettrick and Lauderdale seat is in the Midlothian Council area and is perhaps sometimes isolated from services. Team working is terribly important. The advisory committee does not support statement of intent 21.

The recruitment, training and retention of panel members are ignored, which is a huge issue. Years ago, I argued in the chamber against the Executive's resistance to allowing people over the age of 60 to sit on panels. I know that that now happens. I thank the Executive for that and

welcome it. However, complex issues concerning children come before panels. The panels need support, training and recognition. Increased pressures on panel members to go on weekend training are ignored.

Although we are saying good things in the chamber, children's panels, which are so special to Scotland, need to be looked after, cherished and addressed. I would like to hear the minister respond, if not today then in due course, to the issues that I have highlighted, which come from front-line panel members.

10:54

Mr Kenneth Macintosh (Eastwood) (Lab): I begin by apologising to colleagues for missing the start of the debate. I was caught up in the rather tortuous travel arrangements that I assume many of us experienced this morning.

We have spent a great deal of parliamentary time and energy in discussing youth justice over the past six years, and I am pleased that we have. It reflects the anxiety and unease that exist on the subject in our communities. No one can say that the issue is not difficult; nor are we claiming that we have got the approach exactly right. However, I am pleased with the measures that we are taking and with the priority that we have given the problem. For today's debate, perhaps the most important of those is the efforts that we are now making to integrate our work across the various public agencies.

I was disappointed to hear some of Patrick Harvie's remarks, as I had hoped that today's debate would not be conducted in the same terms as our discussions on the Antisocial Behaviour etc (Scotland) Bill. The portrayal of measures that are designed to crack down on antisocial behaviour as somehow demonising all young people has now been seen, I hope, as a sterile and artificial diversion. The respect agenda—the idea that offensive behaviour in the community will not be tolerated or go unpunished—is at last being seen as part of a range of policies that are designed to help and to support young people to make the most of their talents and abilities, no matter their circumstances.

Those policies range from early intervention programmes, the expansion of nursery education, the child tax credit, the surestart scheme and investment in new school buildings to reform of the children's hearings system, the recruitment and training of more social workers and even the Scottish Schools (Parental Involvement) Bill, which has been introduced. Our policies are designed not just to give all our children the best start in life but to ensure that they have more than one chance.

There will always be a tension between allowing young people the opportunity to address their offending or antisocial behaviour and protecting the community. Undoubtedly, we have shifted the balance towards community safety, but we have not done so by writing off our young people. Just as we now have a range of sentencing options and a new confidence that criminal or offensive behaviour will be punished, so too we have put in place a range of supports to turn individuals who display such behaviour around. Today's debate is about ensuring that both approaches, and both types of service, work together.

I am pleased to note the presence in the chamber of the Deputy Minister for Education and Young People, Robert Brown, who will sum up the debate for the Executive. That is a clear signal of the Executive's multifaceted and joined-up approach to youth justice. Other members have already highlighted the importance of education, which is also identified in the committee's report, and I have already mentioned some important initiatives. However, I take this opportunity to flag up to the minister the importance of the Executive's integrated child care strategy. I know that a lot of work has been done on developing that policy, but the witnesses at yesterday's meeting of the Education Committee made a strong plea for the strategy to be published as soon as possible.

In any debate on youth justice, the use or abuse of drugs is a central issue, although I am not sure how much attention it has received this morning. I refer not so much to drug abuse by young people—although there are gaps in addiction services for young people throughout the country—as to the commonplace use of drugs in their homes. The extent of the problem of drug abuse among families, especially in our big cities, is very worrying indeed. How can we expect young people to know how to behave or conduct themselves when so many parents or guardians are abusing drugs or struggling to cope with their addiction? In parts of Glasgow, scarcely a case comes before the children's panel in which drugs do not feature somewhere in the home background. It has been estimated that something like 4,000 to 5,000 children are born each year in Scotland to drug-abusing families.

As I have already argued, there is no simple or single solution to the problem of youth offending, but the ubiquitous presence of drugs needs to be challenged. Any integrated approach must include specific measures to address the impact of drugs in the home.

Margaret Mitchell: Would the member welcome the extension of drug treatment and testing orders to district courts and to children's hearings, given the extent of the problem that he has just outlined?

Mr Macintosh: I will need to check, but I think that drug treatment and testing orders are being rolled out and are being used to a far greater degree than was previously the case. That is a recognition of the need for a range of measures to combat drugs. However, the point that I was trying to make is about family backgrounds. We need to tackle not only the misuse of drugs by offenders but the use of drugs in the home, so that young people are brought up in the right environment. The problem is not just the abuse of drugs but, for example, the number of families who are on methadone scripts and who are struggling to control a drug addiction. We need to recognise that background when we are trying to address young people's behaviour.

We need to reintroduce a culture of respect through our youth justice policies by punishing those who do not show respect for others. However, through social work, health support and education, we need to give to young people the self-respect that will, in turn, allow them to treat others properly. The committee's report and the Executive's response to it demonstrate that that is now happening. I commend both Parliament and the Executive for their efforts.

11:00

Donald Gorrie (Central Scotland) (LD): I commend the Justice 2 Committee for its report, which touches on a number of important issues. For example, it refers to the need to audit what exists at the moment, which is hard to do, because this is a varied area of work involving many different organisations. We need to know what is happening and what works.

We need to involve voluntary organisations far more than is the case at the moment. One problem with Governments is that they do not like voluntary organisations. They like to overcentralise everything and to produce a piece of paper that tells everyone how they should do things. That is not how voluntary organisations work. There is a great deal of rhetoric about voluntary organisations, but the whole government system is hostile to them. We must change that and destroy overcentralisation.

The report speaks about the importance of education, which is a good point. It discusses detailed issues such as problems with data sharing, which seem to hold up much of what should be good activity.

Susan Deacon has just left the chamber, but I would like to build on her remarks about early intervention. She said that we must go further upstream. I agree entirely. At the moment, we look at a river that is flooding and say, "The flooding starts here, so we must do something about it

there.” That is fine, but the flooding is caused by the fact that someone has chopped down all the trees further up the river. We must attend to that. We must attend to the society that we have created, in which there is a lack of good things for young people to do and a lack of support for families. The youth work system has been massacred since local government reorganisation 10 or so years ago. We must put much more effort into youth work, family support, informal education and so on. Good things are happening here and there, but there is no sustained drive to support them.

Hugh Henry: I am sure that Donald Gorrie recognises the significant investment that has been made in youth justice services. I know that he is raising a broader issue, but he talks about the investment that is needed and what must be done to translate that into practice at local level. I would be interested to hear whether he thinks that that should be decided by the Executive from the centre or whether he thinks that there should still be local decision making that is able to respond to local needs. If it is the latter, there will always be variations across Scotland that we cannot resolve from the centre.

Donald Gorrie: There must be local decision making, but we must have a more effective local democratic system and greater accountability, so that people can point out that council X is not doing something right and put a boot up its rear to ensure that it does it better. That should be done by local people, rather than by the Executive.

In a previous debate, there was some dispute about the phrase “core funding”. The phrase does not matter, but the concept does. There must be continuing funding—call it investment, or what you will—of organisations that provide many of the services that we need. We need to support successful projects much more than we do at the moment. Many of us have repeatedly made speeches about projects such as Freagarrach or Fairbridge. Everyone agrees with us, but the projects are never copied. We are in the position of a family that goes to the farmers market, buys some produce, goes home to eat it and says, “That’s really good produce. Next time, we’ll try another stall.” We put our money into something else, instead of saying, “This is a really good project. Let’s get on with it.” We must support what works well. We must interpret best value in a more civilised way, taking human aspects into account, rather than just accountancy aspects.

We must involve young people. Young people are difficult, and many of them are inarticulate. The only difference between them and us is that we are difficult, but are mostly overarticulate. If one gets together with young people, one finds that they have ideas and they are not stupid. They

know much better than I do what is needed in their areas, but we do not ask them. We need to get together with them and say, “Look, what is really needed in your community?” We want to give each community the right resources and say, “Right, you’ve got a local problem, the adults and young people will get together and sort it out,” and, with all respect, I am sure that they will do it much better than MSPs or ministers could.

11:05

Scott Barrie (Dunfermline West) (Lab): I thank the Justice 2 Committee, the clerks and the witnesses for producing their worth-while report. Although I had nothing to do with it, I thought that it was an incredibly interesting read, and those of us who have worked in the youth justice system appreciate that it touched all the buttons.

I will pick up a number of points that others have made. Margaret Mitchell touched and expanded on the corporate responsibility of local authorities, which is a serious issue that we have to look at. The Children (Scotland) Act 1995 placed a duty on local authorities to be the corporate parent of looked-after children, yet in numerous debates in the chamber we have talked about how that has not quite worked and how, yet again, the social work service has been left to take on the corporate parenting role that was envisaged for the local authority. Paragraph 39 of the committee’s report states that there is clear evidence that the corporate identity of local authorities has again been negated and, as Jackie Baillie said, that it has been left to the social work service to deal with youth justice.

We have to broaden out the perspective, and what Maureen Macmillan said about education was absolutely right. Education and schools have a key role in identifying the need for early intervention, which was mentioned by other members, because the vast majority of our children attend school. However, one often finds with youngsters who are referred either directly to the social work service or indirectly through the children’s hearings system that people have had concerns about those youngsters for many years but did nothing about it, felt that they could do nothing about it or did not know who was supposed to do something about it. The concerns therefore were not articulated and remained with the individual, and the early intervention stage was not reached. The corporate role of the local authority is crucial.

We have to look at not only multi-agency working, but multi-agency training. Many of our professionals in local authorities and voluntary organisations come from a variety of professional backgrounds, and the training that they undergo is incredibly different. When one trains to be a

teacher, housing officer, social worker or youth worker, one does not have much knowledge of what those other people who are being trained will do. We have to look to our institutions that undertake that training to ensure that they bring together those different professionals at an earlier stage in their training so that they have a better understanding of what other agencies do. When they are asked later to do multi-agency work, they will then be able to do it without the professional barriers and boundaries that they have sometimes faced in the past.

The links between the children's hearings system and adult courts are crucial. The remit of the inquiry into youth justice was slightly tighter than I thought that it might be, given that when we talk about young offending in social work, we mean young people up to the age of 21. The inquiry covered young people from the ages of eight to 18, so it did not concentrate on the court system as much as it would have done if it had dealt with young people up to 21—the age at which young offenders institutions no longer cater for young people. Within its terms of reference, however, the inquiry made the essential links between those two different systems.

We could be far more creative in the children's hearings system than we have been in the past, even under the current legislation, never mind in the review that is being undertaken. Too often in the past, when young offenders were placed under supervision, very few conditions were attached. We could be far more imaginative, in both social work and children's hearings disposals, about attaching proper conditions to what we expect from a young person who is under a supervision order as well as from the professionals who are supposed to be assisting that person with what they are expected to do. Too often, our expectations are resource driven, which means that we end up with outcomes that are based on resources instead of on the work that should be undertaken with a young person.

As far as resource-driven solutions are concerned, I do not deny that we have had a problem with the number of secure accommodation places in Scotland and that youngsters who clearly need such accommodation have not been able to get it. However, we must be careful about suggesting that simply doubling, tripling or quadrupling the number of places will solve things. Instead, we must be clear about what we want secure accommodation to achieve. It is a question not just of containment, but of how we help a young person, and we have to think about the sort of help that they can receive only in secure accommodation. In the past, social workers, children's hearings and other professionals have been too ready to see secure accommodation as a solution, not as an aid to a

solution. Again, we must be clear about what we mean by secure accommodation; about the help that we think young people require; and about what secure accommodation offers above other forms of accommodation.

More needs to be done about youth justice, but we should not forget that considerable improvements have been made over the past few years. I have no doubt that such improvements will continue to be made. As a result, we should not simply say that everything in the system is bad. We need to acknowledge that, at long last, some things are improving and that, although we have some way to go, we are on the right track.

11:11

Bill Aitken (Glasgow) (Con): The somewhat chaotic situation that arose earlier this morning placed a great deal of stress and strain on Presiding Officers, clerks and business managers alike. However, cometh the hour, cometh the man, and the chamber should be grateful to Bill Butler for leading off the debate at the last moment. We are obliged to him. Indeed, it just goes to show that only a Partick Thistle supporter could win such a triumph from adversity.

The committee report has been described, not unkindly, as "worthy but dull". Everyone in this consensual debate has acknowledged that much in the report is well worth while. We must be concerned by the fact that in certain areas the multi-agency approach has not entirely worked, and I know that the Executive will address that problem. The report also refers to the voluntary sector in Scotland, for whose contribution to child welfare we must be very grateful.

We are concerned about operational requirements and legal inhibitors with regard to data sharing, and that problem must be addressed in the short term. Moreover, we must examine and seek to standardise the differing levels of drug abuse assistance throughout the country. The overall impression from the report is that, despite the best intentions, co-ordination is still patchy and it is important that we tackle that matter.

In his opening speech, Hugh Henry correctly pointed out that the vast majority of youngsters in Scotland pose no problems. Indeed, he could have strengthened his case by pointing out that only 2 per cent of youngsters are referred to the children's hearings system on offence grounds. Given that 3 per cent of adults in Scotland go before the criminal courts, it is clear that youngsters are performing somewhat better than we are.

The minister would be surprised if I did not take slight issue with a point that he made. Like many members of the Executive, he has trumpeted the

success of ASBOs. I should point out that the common law of Scotland was in place long before the Antisocial Behaviour etc (Scotland) Act 2004 was introduced, and the fact that common-law provisions were not used represents a failure.

Kenny MacAskill was right to highlight the fact that youngsters are often the victims of crime and that they are assaulted and have their property stolen. Perhaps we should examine the issue against that background. Indeed, Mr MacAskill pointed out that problem solving should be one of the top criteria in considering the matter.

Margaret Mitchell was the first to highlight early intervention, which a number of other members subsequently mentioned. She underlined, quite properly, the fact that substance and alcohol abuse is becoming a growing problem and that we must be more determined in deciding how to address it.

Jeremy Purvis was correct to state that Scotland is a safe society, but we cannot afford to be complacent. I part company with him on his belief that there has been a reduction in recorded crime. It is my view, and that of my colleagues, that the figures do not reflect accurately the level of criminality in Scotland. That is because, unfortunately, the public, who are somewhat inured to the lower levels of criminality, are now complacent about reporting crime.

Stewart Stevenson is a man of many parts. He highlighted another one today when he revealed that he is the archetypal grumpy old man; few of us would take issue with that. He argued that the reductions in the number of prison receptions and receptions in young offenders institutions were an indication that things were getting better. I say to Stewart Stevenson that all the ways in which fine defaulters are no longer incarcerated are the reason for those reductions in figures. The situation is not getting any better.

Stewart Stevenson: Does the member share my concern that more than 6,000 fine defaulters were sent to prison last year?

Bill Aitken: I have made it clear all along that I do not think that the problem should exist. We should not be sending fine defaulters to prison, because we should be deducting the fines from benefits and salaries. Unfortunately, that idea does not seem to have penetrated the minds of Executive ministers.

Christine Grahame was correct to highlight that only 25 per cent of those young people who are referred to the children's hearings system are referred on offence grounds. I make clear the Conservatives' support for the children's hearings system. However, it must be of concern to the Executive that one third of panel members resign every year; indeed, I know that the Deputy

Minister for Education and Young People is concerned about that.

We need to examine the system, because a system that has been in existence for 40 years is not totally relevant to modern-day needs—the young offender of 1968 is not the same as the young offender of 2005. Although the welfare of the child should be paramount, the wider interests of society cannot be ignored. The ignoring of those wider interests is becoming a growing problem. We must consider how the system works, provide the appropriate number of secure places and think about how we can extend the powers of the children's hearings system to take in restorative justice, community service and compulsory attendance at attendance centres as forms of grounding. Most important, we must recognise that the age limits need to be examined closely. Young people who are aged 14 or 15 are not a suitable client base for the children's hearings system; they should go to a youth court.

11:18

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

As other members have done, I thank the clerks, the Justice 2 Committee's special adviser and, in particular, everyone who sent in written evidence and all the witnesses who gave oral evidence as part of the inquiry. I also thank Bill Butler, who stepped in in the committee's hour of need earlier this morning.

Like other members of the committee, such as Bill Butler and Jeremy Purvis, I joined the committee when it was midway through its inquiry, as a result of changes in committee membership. Although we were not present at the outset of the inquiry, we brought with us from our previous committees a new perspective that helped to move the inquiry along; it certainly did not detract from the committee's work.

I agree with the minister's view that more needs to be done. It is important for us to acknowledge that a great deal has already been done. I commend the Executive for that and do not doubt its commitment on youth justice. I accept that, as many members said, more has been done in the past three years than in the previous 20 years. However, the minister must accept that, in spite of the Executive's commitment, there is a problem with what is happening on the ground. I am sure that he accepts that more has to be done in that area.

One of the key messages that must go out from the debate and from the Parliament is that only a tiny minority of young people in our society are offenders. That point was made by almost every member—Bill Butler made it right at the start of the debate and the minister, Kenny MacAskill, Jeremy

Purvis and various others all followed suit. It is extremely important that we do not demonise our young people. There are problems in some sections of our society, but they represent a tiny minority. The UN report seemed to reflect badly on Scotland but, like many others, I believe that it reflected badly on the UN rather than on Scottish society.

Susan Deacon's speech was exceptionally good. She is absolutely right when she talks about early intervention. My only point of disagreement arose when she talked about early intervention from birth; I agree that there should be more midwives and more nursery teachers, but I think that it should be early intervention before birth. There are issues such as smoking, alcohol consumption during pregnancy, whether we should add folic acid to food products such as flour and mothers' other dietary and nutritional needs. A range of issues need to be discussed, apart from deprivation among mothers-to-be, all of which have an impact on a child even before it is born.

The issue of coterminosity was raised by a number of members. I agree and disagree with Maureen Macmillan's comments about coterminosity. Lack of coterminosity can be overcome, as in the example that she gave in Moray. However, there is no doubt that coterminosity assists in interagency working. It should be the case that we have coterminosity wherever possible, although I accept that it is not always feasible, particularly in the rural areas that Maureen Macmillan represents.

Maureen Macmillan: Does the member accept that it depends on relationships between agencies rather than on whether they are within the same boundaries?

Mr Maxwell: Absolutely. I accept that we can overcome the problems and difficulties of lack of coterminosity if people on the ground are willing to work together and to co-operate. All that I am saying is that, wherever it can be achieved, coterminosity has its advantages.

The Justice 2 Committee is not convinced that the concept of corporate responsibility is a reality in local authorities. The reality appears to be that young offenders are still viewed as the responsibility of social work departments, despite the essential role of other departments in meeting their needs. When the committee went round and examined various other departments, it found a lack of involvement in the process. Certain members highlighted education departments' responsibility in that area. Many individuals—it may be an individual rather than a systemic problem—believed that it was their job to turn up because they had a place on the committee, but that that was the extent of their responsibility, and that it was down to social workers to deal with the

problem of young offenders. We must ensure that the message goes out that that is not the case.

The Executive is correct to point out that the guidance makes clear that

"It is the local authority as a whole that has 'corporate responsibility' for implementing supervision requirements."

The guidance may say that and the Executive may say that, but that message is not getting through in some areas on the ground.

I commend the involvement of the voluntary sector in youth justice. It has a vital role to play, which we undermine at our peril. The role of volunteers is extremely important and we must ensure that they get the support that they deserve.

Many members, for example Kenny MacAskill and Mike Pringle, mentioned funding. The committee had profound concerns about short-term funding and the problems of funding that many agencies experienced. In about 1990—15 years ago—I worked in an area of long-term unemployment, in a project dealing with literacy and numeracy problems in adults. Much of the effort of such projects went into ensuring that they could get the funding for the next phase rather than into dealing with those problems. That issue is not new—it has been around for so many years that we should have tackled it by now; I hope that we will do so in the near future.

Many of the problems that we face are related to alcohol. I agree with some of Jeremy Purvis's comments about alcohol problems. However, I hope that I am incorrect in thinking that he said that every youngster who is caught with alcohol should be referred to alcohol counsellors. I do not believe that that would be appropriate. It is a perverse idea that every youngster who happens to be at a party with their pals or who happens to be under the age of 18 and has a glass of wine or a can of beer should be referred to alcohol counselling. That is a rather skewed and bizarre view of how we should educate our children about alcohol use. If that is what Jeremy Purvis intended to say, I cannot agree with him. We have to deal with the core, underlying problems, not just with the symptoms. We have to deal with alcohol abuse, drug abuse and deprivation, and with a society that believes that consumerism is the ideal way forward. The consumerist ideal says, "Get it all. Get it now", but many young people feel left out of that, which unfortunately leads to problems.

11:25

The Deputy Minister for Education and Young People (Robert Brown): It has been a huge privilege to sit in Parliament and listen to the excellent speeches in this debate. The topic of the debate is highly important and I pay tribute to the Justice 2 Committee report that stimulated it.

Despite the difficulties that he had in having to introduce the debate, Bill Butler identified, as the committee had done, most of the main themes that subsequently emerged during the debate. I am thinking of the role of education services; the corporate responsibility of local authorities; the involvement of the voluntary sector; data sharing; funding; diversionary services; mental health services and so on. Hugh Henry took up those themes and spoke about progress, resources, funding and the development and reform of services that we are seeing in many ways across the board. I would like to draw together, if I can, some of the strands of today's debate.

As the Deputy Minister for Education and Young People, I can perhaps say that the justice system has to be set in context. It has to do with the pathology of society's failures. Links to other services—education, health and social work services—are extremely important. Although it is true that education services should be more aware of the role of youth justice services, it is also true—I say this to the Conservatives in particular—that the role of education services and schools in dealing with, or seeking to avoid, some issues that come out of the youth justice agenda is also extremely important. As is so often the case, it is a two-way thing.

The range of issues that have been raised during this morning's debate demonstrate clearly the complexities that are faced by those who work in youth justice and the huge importance of joined-up partnership working across all agencies. Kenny MacAskill and Stewart Stevenson talked about how difficult such issues were. Indeed they are.

It is not too much to say that a substantial part of the work of the Scottish Executive is devoted to supporting and encouraging the common ownership of issues and programmes by all relevant agencies. It is especially important that children and young people do not fall through cracks in the arrangements. That is important for their welfare and future prospects, and for the community at large, which benefits when we get things right and suffers when we get them wrong.

Youth justice services have to have effective links with many other organisations on a multi-agency basis. That idea leads to consideration of the relationships with local authorities, and local authorities' democratic mandate and role in providing services in association with partners in the voluntary sector and elsewhere.

One of the best speeches of the morning—dare I say it?—was from Maureen Macmillan. She described effectively the underlying connections with interrupted schooling and truancy. She also mentioned the interrelationships between police, doctors and teachers in Orkney, and the point that was made by Barnardo's Scotland that it can be—

[Interruption.] I do not think that it was my pager that that noise came from.

As I was saying, Maureen Macmillan mentioned Barnardo's point that identification can take place at the age of 10 but that it can often take four years before references are made. The importance of early intervention was touched on by many members this morning.

The proposals that we have set out in "getting it right for every child"—proposals that will reform children's services and reform and modernise the children's hearings system—are very clear. Without effective partnership working, we will not secure the outcomes that we want for our children and young people. As Hugh Henry said, the matter is under consultation and the consultation closes tomorrow. I say to Christine Grahame and others that we will consider the responses carefully.

The basic outline of the children's hearings system is robust. Susan Deacon and Jackie Baillie talked about the links between our care system and our systems for dealing with young offenders. The central point that they made is entirely right.

Although I can understand the motivation behind the Conservatives wanting to take 14 and 15-year-olds out of the system, it is the wrong way to approach the issue. The issue is not so much the procedures as the philosophy and practice that underlie them. We are trying to divert young people from offending, challenge their offending behaviour and help both them and society by reducing the number of people who get involved in the criminal justice system. As Jackie Baillie said, we should be proud of the integrated approach to care and justice that has been taken in Scotland.

The new system that we propose will mean that all those who work with children and young people will have a collective and individual responsibility to ensure that children get the help and support that they need, when they need it, and that it is appropriate, proportionate and timely.

I think that it was Stewart Stevenson who asked who would get fired if things did not work. It is to be hoped that we will not usually be in the position of firing people. To coin a phrase, the point is that, "It's everyone's job to make sure I'm alright." It is the responsibility of teachers, of assistants—

Stewart Stevenson: I accept what the minister is saying, but does he accept that, where it is everybody's responsibility, it is nobody's responsibility?

Robert Brown: I do not entirely accept that; that is obviously a risk, however, which I accept. However, in the context of trying to achieve integration of services, one of the key things is to get people to bring to the table the decision-making power and resources to achieve things in

practice, so that everybody has ownership, which I think is a good concept in this regard.

The end result will be that fewer children should be referred to reporters, and there should be fewer hearings. Professionals will be empowered to act promptly, without the need for formal referral, and to take more responsibility. That is the answer to Stewart Stevenson's question when it comes to taking decisions.

Scott Barrie made a good point about hearings being more imaginative, with more imaginative use being made of conditions and supervision orders. The call to reform and revise the system to ensure that it delivers straddled many of the speeches from around the chamber.

The debate has highlighted gaps in services and the difficult issue of the relationship between central Government and local authorities. It is mostly for local authorities to take decisions on the ground in accordance with local priorities and working with voluntary sector partners. We will continue to play our part in encouraging, supporting and backing up local authorities in that context. Authorities are backed up, as Hugh Henry said, by an enormous increase in resource—from £3.5 million to £63 million—going into youth justice in this regard, along with money that is going into antisocial behaviour measures.

We are committed to reform and improvement. *[Interruption.]* That is not my pager, is it? I do not think so. Sorry—I think that it is mine, after all. I beg your pardon. We are committed to the reform and improvement of both children's services and the justice system. Youth justice is an important part of those agendas.

Most young people are a huge credit to their parents, their school and their country. I think that we have a wonderful generation of young people coming through, who will do great things for our society and communities in the future. Every young person who does not make it through the system and who does not fulfil their potential—who underachieves or who ends up in criminal activity—represents a tragedy that we all wish to avoid. I pay tribute to the Justice 2 Committee's report, which postulates a number of those themes. I am grateful for the support.

11:32

Miss Annabel Goldie (West of Scotland) (Con): I apologise to you, Presiding Officer, and to the Parliament, for my late arrival, the reasons for which are reasonably well known. I was certainly not the only person to be affected. If being in a bus that took two hours to get from Glasgow to Edinburgh was a somewhat depressing prospect, it could have been worse: I might have been sitting next to Stewart Stevenson, in which case I should

have given up on the will to get here at all. I very much hope that, when I get a ministerial car, I will travel with the same impunity as Mr Henry, and that such difficulties will diminish.

I pay thanks in particular to Bill Butler. I do not know whether he is still in the chamber, but I heard that, at very short notice, he picked up the ball running. I am indebted to him for doing so. I am sorry that he got landed in that position. I am also slightly sorry that I have been landed in this position: winding up without having heard all the speeches is slightly challenging. However, I have never lacked powers of invention, so I will do what I can.

I thank members for their kind remarks about both the Justice 2 Committee and our report. I know that I speak for the whole committee when I say that we are pleased if the report has contributed to useful debate. The report might seem modest to some. It did not require committee members to travel to far-flung parts or exotic climes. Glasgow, Hamilton, Dundee, Falkirk and Edinburgh were as far as we got, but the report is none the worse for that. It is a solid piece of work, which I hope will inform debate. I record my thanks to our clerks for their equally solid administrative support and immense patience. I thank our adviser, Fergus McNeill, and the many individuals and organisations who submitted evidence and facilitated visits. Of course, I also thank my fellow committee members.

Stewart Stevenson: Will the member note that the report was signed by the Scottish socialists and regret their failure to put up any speakers for the debate?

The Deputy Presiding Officer (Trish Godman): Before Miss Goldie answers that, I have to say that Ms Byrne has been held up.

Miss Goldie: Yes. I have been dogged by the same difficulties, so I sympathise.

I will emphasise a theme that has emerged during the debate: although youth justice is a subject that has not left the headlines since the advent of devolution, we know that, just as not all adults are criminals, certainly not all young people are hooligans. Young people will push barriers, because that is part of learning, but it is worth considering that the relatively small proportion of 2 per cent of children under 16 find their way to a children's hearing on offence grounds and almost 3 per cent of adults find their way to court. Perhaps we have a problem with youth crime, but we should view it in perspective; it is important that we do not lose sight of that.

The committee was slightly frenzied as it tried to find a remit for the inquiry. Members might have mentioned the scoping seminar that we held in Glasgow, which was immensely useful in focusing

our minds. It was attended by a high calibre of participant and it was good to find that those participants were generally supportive of the existing youth justice framework, although they noted a range of gaps in service provision. That is how we decided the remit. The remit was chosen carefully and, although I did not hear Mr MacAskill's speech, I gather that it had a slightly sour note to it.

Christine Grahame: It was all sweetness and light.

Miss Goldie: Sweetness and light? I am not in a position to comment, because I was not here, but another member indicated that they thought that Mr MacAskill thought the report was pretty tedious and boring. The report might not sound sexy, but I thought that it was spot on in that it considered what matters. It is not setting off rockets, ringing bells or blowing whistles, but it is shining a bright light over the canvas of youth justice. I will not regurgitate the report, but it is important to recognise how broad and intricate that canvas is; it is a very close weave and it is extremely difficult to come up with dazzling proposals for any one aspect of it. The report does not try to do that; it tries carefully to tease out difficulties and make what I hope are sensible observations about them.

I hope that Christine Grahame was reassured to see that one of the first things we did in the report was commend the children's hearings system and express our support for its principles. As far as multi-agency working is concerned, one of the most telling descriptions came from Perth and Kinross Council, which said that interagency service planning and delivery was like a three-dimensional game of chess—I really do not think it could be described better. That begins to indicate the complicated backdrop against which we were operating as a committee.

What has struck me about the speeches that I have been privileged to listen to is that they have touched on many of the themes that the committee picked up, such as concerns about stability of funding and the need for an holistic and coherent multi-agency approach. That was picked up by Mike Pringle, Susan Deacon and Donald Gorrie. Maureen Macmillan made a positive contribution and explained the value of a networking approach in the real sense, which has certainly been achieved in Moray. A number of contributors rightly highlighted literacy and the need for education to form part of the general backdrop for our young people if we want to try to provide them with a stable platform for life ahead. Maureen Macmillan mentioned Orkney, but other contributors such as Jackie Baillie, Kenneth Macintosh and Robert Brown made good points about the significance of that area of activity.

The committee thought that early intervention was important. A number of members touched on that, but I thought that Susan Deacon made a telling contribution. Stewart Maxwell said that early intervention should happen almost before birth, but the point is that from the moment a young life in this country starts we have to be alert to how it will proceed. Scott Barrie said helpfully that if we are really going to try to achieve a corporate approach at local authority level, training will be required—it will not just happen.

During the debate, I was most struck by three issues: the role of the voluntary sector; drugs, alcohol and mental health facilities and services; and accountability, to which Stewart Stevenson alluded. I say to the minister that I was struck by the fact that there is a very real need for drugs, alcohol abuse and mental health facilities. My impression is that we cannot quite quantify what the supply needs for services will be to meet demand. The debate has highlighted that issue and provided a timely reminder to us all.

The committee was mindful of the role of voluntary organisations and specifically referred to that role in its report. Donald Gorrie pungently referred to that matter; he described the perceived hostility to the voluntary sector and talked about too much centralisation.

The debate has been useful. It has gone a long way towards further colouring what the committee has said. I hope that the report has helped to stimulate debate and I thank all members and ministers for their contributions.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:41

Chemistry Teachers (Numbers)

1. Alasdair Morgan (South of Scotland) (SNP): To ask the Scottish Executive what steps it is taking to ensure that there are adequate numbers of chemistry teachers in secondary schools. (S2O-7701)

The Deputy Minister for Education and Young People (Robert Brown): As part of the commitment to increase teacher numbers to 53,000 by 2007, recruitment to chemistry postgraduate certificate in education courses this year has increased by 271 per cent compared with the figure for 2003.

Alasdair Morgan: The minister will be aware that his boss said in April in a reply to a parliamentary question that there was no evidence of any significant shortages of physics teachers or chemistry teachers. However, a recent survey by the Royal Society of Chemistry showed that more than one in five schools in Scotland has had to turn pupils away from studying chemistry as a result of a lack of teachers. Given the results of that survey and the importance of science subjects for the modern economy, is the minister happy that he is doing enough to ensure a supply of chemistry teachers?

Robert Brown: I am well aware of that report, which I looked at closely before I became a minister. One interesting thing about being a minister is that ministers can get a bit of inside information about such things.

I draw Mr Morgan's attention to the recruitment figures—that is the top line. There were 31 recruits in 2002-03, 53 recruits in 2003-04 and 115 recruits in 2005-06. By anybody's account, such increases are substantial and we are confident that they will deal with the need. There is no shortage of chemistry teachers coming through the system as a result of the Executive's workforce planning studies, which are fairly detailed and take on board potential retirements over the immediate period, for example.

Dr Sylvia Jackson (Stirling) (Lab): I have been a chemistry teacher and a teacher trainer and therefore have a keen interest in the matter. The minister knows that considerable work is being done on the curriculum for excellence and the assessment for learning programme. The latter is

particularly important for teacher development in how subjects such as chemistry are taught and could well help to increase the number of students moving to degrees and on into teaching. Will he assure us of his continued support for the important work on how a subject is taught?

Robert Brown: Sylvia Jackson is right to make the point that it is not only the numbers that are important. The quality of how the subject is taught is also important, and that is very much at the heart of the Executive's agenda for excellence.

Some 415 people studied chemistry at degree level in 2001-02. The figures increased to 470 and then to 500 in 2003-04. Therefore, there does not appear to be any lack of interest. The support includes support for science centres and other ways of trying to interest young people in pursuing careers in chemistry and—more generally—knowledge of chemistry.

Property (Pensions)

2. Jim Mather (Highlands and Islands) (SNP): To ask the Scottish Executive what measures it plans to monitor the impact on house prices and the working age population in the Highlands and Islands and other parts of rural Scotland of the new pension tax legislation which will allow investors to include residential property in their personal pension portfolios from 6 April 2006. (S2O-7699)

The Minister for Communities (Malcolm Chisholm): The new pension rules that will be introduced from April 2006 are reserved to the United Kingdom Government. If there should be any evidence of the changes having a negative impact on the Scottish housing market—in the Highlands and Islands or anywhere else—the Executive will raise any concerns with the UK Government.

Jim Mather: I hear the minister's answer, and I am grateful for it. However my question was really about the concrete steps that he might take to monitor the situation and whether he has considered fully the outcome, which could see more houses with low levels of occupancy, increased homelessness and reduced numbers of working people in rural Scotland.

Malcolm Chisholm: Obviously, we will keep an eye on it. However, the regulatory impact assessment of the policy concluded that there is unlikely to be a significant inflow of pension capital into residential property. It proposed that the consequences of investing in self-invested personal pensions will mean that, for most people, residential property will not be an appropriate investment and that the impact of the changes is likely to be small.

I remind Jim Mather and others that at the moment around 200,000 people hold specialised registered pension funds including self-invested personal pensions. I also remind him that more than 15 million people hold ordinary pensions and that most of them can invest in residential property via those pensions.

It is correct to say that the changes will increase the number of pension funds that can potentially invest in residential property because the restriction on SIPPs will be lifted. However, we are talking about a very small proportion of people; currently, 1.3 per cent of the total number of investors can purchase residential property as part of their pension funds

Health Promotion (Children)

3. Iain Smith (North East Fife) (LD): To ask the Scottish Executive how the proposed health promotion bill will specifically improve the health of children. (S2O-7714)

The Deputy Minister for Education and Young People (Robert Brown): Ministers are currently discussing the scope of the health promotion and nutrition in schools bill and intend to consult on a range of options for legislation, all of which are directed specifically at improving the health of Scotland's children.

Our aim is to build on the hungry for success programme and to develop a health promoting environment in all schools. We will be considering new powers to remove products from the school environment which are damaging to child health, such as sugary drinks. The bill will help to underpin not only the quality of food on offer to Scotland's schoolchildren but also to embed a real, sustainable focus on health improvement within Scotland's schools.

Iain Smith: I am sure that the minister welcomes the Secretary of State for Education and Skills' belated recognition of the importance of nutritional standards in school meals.

Does the minister recognise that the way to work is not just to say that we will ban things, but to encourage children—such as those from my former primary school, Gateside Primary School, who are attending the Parliament today—to choose healthy eating options? Children need to eat good-quality school meals, and other meals, throughout the day.

Robert Brown: Iain Smith makes some good points. Of course, the matter is wide and is not susceptible to a simple solution. We must deal with both the take-up of the food that is on offer, which must be attractive and interesting to children, and with dietary habits. Indeed, the issue is also linked to exercise.

Against that background, Iain Smith will recall the First Minister's statement in which he said that over £70 million would go into the hungry for success programme over the next three years in order to allow local authorities to build on the work that they are doing at the moment in this context. The money will allow them to go forward in an area in which Scotland is already leading the world.

School Nursing Service

4. Susan Deacon (Edinburgh East and Musselburgh) (Lab): To ask the Scottish Executive what steps it is taking to develop and expand the school nursing service to achieve the standards set out in "A Scottish framework for nursing in schools". (S2O-7659)

The Deputy Minister for Health and Community Care (Lewis Macdonald): National health service boards have made good progress in implementing the standards set out in "A Scottish framework for nursing in schools", in co-operation with education authorities, community health partnerships and a wide range of health and education professionals. NHS boards will be able to build on that in the future development of the service.

Susan Deacon: I am sure that the minister will agree that the school nursing service has an enormous contribution to make in improving the health and well-being of children and, indeed, communities.

However, is the minister aware that many of the people who work in the field, as well as many parents and families, are not experiencing on the ground the improvements and expansion in the service to which successive ministerial statements and Executive policies have aspired? Will he look into the matter in order to ensure that we develop the full potential of this vitally important service?

Lewis Macdonald: We are very clear that we need to make further progress in this area. At the same time, it is important to say that the approach in Scotland is very much one in which the public health nurse is the professional in the school. We no longer have school nurses such as those of us who were at school some decades ago might remember and imagine.

We are doing things in Scotland in a way that has not as yet been done in England to the same extent—although England is moving in that direction. We are broadening the skills and capabilities of nurses in schools to cover the whole range of public health issues and to work as part of a wider public health team. It is towards those aspirations that we will encourage boards and their partners to continue to strive.

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

I welcome the minister's comments about widening the role of school nurses to involve them in a public health role. That is extremely important.

Is the minister aware that in many schools there is an endemic nits problem? Many of us will remember the nit nurse from our days at school, but that role seems to have diminished. Now, nurses in schools do not appear to be dealing with the problem, which seems to follow a direction from local authorities. Has there been a change in policy in dealing with nits? The matter is amusing to many, but it is a serious public health issue.

Lewis Macdonald: It is a serious issue. I am not aware of any change in policy on the approach taken by nurses who work in schools. Their role is to operate within a wider team; it is no longer focused on inspection, as was once the case. That is the right direction of travel. At the same time, it is important that the whole public health team takes some responsibility for ensuring that no new public health threats arise on school premises.

Rowallan Castle

5. Margaret Jamieson (Kilmarnock and Loudoun) (Lab): To ask the Scottish Executive what plans it has for Rowallan castle. (S2O-7668)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): Historic Scotland plans to provide regular access to the property next summer. The delicate nature of the surviving historic elements makes guided tours the best means of access for visitors. Tours were arranged this summer on a pilot basis and proved to be very popular, as did doors open day in early September.

Margaret Jamieson: As a participant in the Ayrshire doors open day at Rowallan castle, I enjoyed the wonderful, hitherto closed, castle. As the minister indicated, we have an opportunity to open the castle to my constituents in Kilmarnock and Loudoun and to people from beyond. However, that will require the castle owner and Historic Scotland to reach agreement on access facilities. Will she assure me that she will do all that she can to broker such an agreement, which will allow the public to share the history of the castle and the wonderful views from the castle across Ayrshire, and provide employment in my constituency?

Patricia Ferguson: I am very much aware that the castle provides a much needed tourism resource for east Ayrshire. In fact, it will become Historic Scotland's only staffed property in the area. I know that Historic Scotland is keen to work with owners to ensure that access is realisable. At the moment, there is a plan for a development comprising an hotel, a golf course and leisure

facilities on the site. Historic Scotland wants to work in partnership with the estate managers to ensure that joint arrangements can be made so that the aspirations of both organisations can be complementary.

Historic Scotland (Planning Decisions)

6. Mr Bruce McFee (West of Scotland) (SNP):

To ask the Scottish Executive how long on average it takes Historic Scotland to reach a decision regarding a listed building where the local authority has granted planning consent and referred the matter to Historic Scotland. (S2O-7697)

The Minister for Tourism, Culture and Sport (Patricia Ferguson): Last year, Historic Scotland dealt with 98 per cent of those applications within 28 days.

Mr McFee: The minister will be aware that North Ayrshire Council passed plans for the refurbishment of Nardini's cafe in Largs, which is a category B listed building, in February. Historic Scotland has had an application for consent before it for six months, and has been in consultation with the developers and the local authority for more than a year. To date, no decision has been made. Is she aware that there is the real prospect that if Historic Scotland continues to drag its feet, the project to upgrade and reopen Nardini's will collapse, and that up to 80 local jobs and an important part of Ayrshire's heritage will be lost? Is that kind of delay consistent with the Executive's enterprise agenda? Can she guarantee that she will examine the situation to see whether a conclusion of some sort might be reached in the foreseeable future?

Patricia Ferguson: As members will have understood, given my answer to Mr McFee's original question, it is unusual for Historic Scotland to take this long to deal with an application. However, the case is a complex one that involves the proposed demolition of a 200-year-old listed building to allow the work at Nardini's to go ahead. That obviously cannot be entered into lightly—all possible avenues must be explored before permission to demolish that listed building is granted. Historic Scotland is involved in consultation and discussion with the developers and the local authority. I am sure that there will be a resolution very soon.

Maureen Macmillan (Highlands and Islands) (Lab): I declare an interest: I live in a listed building.

In view of the concerns about climate change, will Historic Scotland re-examine its policy about the work that is permitted on listed buildings and consider allowing work such as attaching a wind turbine or installing double glazing?

Patricia Ferguson: I am pleased to announce that I do not have to declare an interest in that regard, as I no longer live in a listed building.

Historic Scotland is well aware of the issue that Maureen Macmillan raises. As one would expect from that agency, it constantly reviews and considers its policy and how it is implemented on the ground. I am happy to give Maureen Macmillan the assurance that she seeks: Historic Scotland will bear the issue in mind.

Scottish Borders Council (Meetings)

7. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Executive when it last met education officials at Scottish Borders Council and what issues were discussed. (S2O-7711)

The Deputy Minister for Education and Young People (Robert Brown): Scottish Executive officials are in regular contact with their counterparts at Scottish Borders Council to discuss matters of mutual interest.

Jeremy Purvis: Is the minister aware of the deep concern of parents and local residents over the consultation on the future of Channelkirk Primary School in Oxton in my constituency? What powers does he have to ensure that Scottish Borders Council provides accurate information during that process? It has made an error in some papers, which state that the number of residents in Oxton is just over 100, whereas it is just over 500. When his officials next meet Scottish Borders Council officials, will he ensure that proper and accurate information is given to parents and the local community so that they can fight what I hope will be a successful campaign to secure the future of that excellent school?

Robert Brown: Scottish Borders Council is consulting parents on the proposal that the pupils from Oxton might go to a new school in Lauder. That is a matter for the council. It would not be appropriate for ministers to comment on a particular school closure proposal, although it is important that the council sets out the arguments and takes account of views and, of course, that decisions are made based on accurate information. If there is an inaccuracy, it should come to light during the consultation period, given that one of the key purposes of the consultation is to enable parents to ask questions and seek clarification. I cannot comment further, as the consultation is on-going.

Christine Grahame (South of Scotland) (SNP): Is the minister aware that Channelkirk Primary School has 54 pupils, with 11 who are enrolled in the nursery and that, as Jeremy Purvis said, the local community numbers about 500? That is hardly unsustainable. If the school closes,

it will set a new high level that is required for schools to stay open in the Scottish Borders and elsewhere. As Scottish Borders Council is not listening to the people of Oxton, will the minister meet with their representatives to discuss the matter?

Robert Brown: I repeat that school closures are broadly a matter for local authorities, subject to exceptions, of which Christine Grahame is aware. Councils are the democratically elected bodies whose job is to consult parents and decide what is best in their local area. Legal remedies are available in certain circumstances and ministers can take final decisions, but only on a limited set of issues. The present matter is for the council and not for me.

Diabetes (Diagnosis)

8. Paul Martin (Glasgow Springburn) (Lab): To ask the Scottish Executive, in light of the release of figures stating that 148,000 people in Scotland suffer from diabetes and that up to 500,000 women in the United Kingdom may have diabetes without realising it, what measures are in place to offer diagnostic checks more widely. (S2O-7672)

The Minister for Health and Community Care (Mr Andy Kerr): We now have a strong focus on the importance of identifying diabetes at an early stage and the Executive supports a range of measures to prevent, diagnose and treat diabetes. That work is supported by the establishment of managed clinical networks in diabetes at local level throughout Scotland and by the incentives in the new general medical services contract. The national screening committee is undertaking a review of diabetes screening, which will help to determine what additional action may be required.

Paul Martin: Will the minister consider a more creative approach to providing information to people who may suffer from diabetes and to those who need to undergo the diagnostic process? Will he build on the examples of good practice in Greater Glasgow NHS Board?

Mr Kerr: There are good examples throughout the country. Indeed, many of our high street pharmacies already deliver diabetes checks for those who walk through the door. Our framework shows how seriously we are taking the issue in Scotland. We lead the UK in our diabetes measures, but we are not resting on our laurels. We are trying to develop the approach that Professor Kerr's review supported, which is to break down traditional primary and secondary care boundaries. The managed clinical networks—which are very effective, as I have seen at first hand—are identifying risk, ensuring that the risk is categorised and ensuring that we get to those patients who need treatment the most.

Mary Scanlon (Highlands and Islands) (Con):

Given the fact that diabetes can lead to circulation, sight, heart and kidney problems, as well as strokes, should not more emphasis be placed on early diagnosis to ensure early intervention for many problems?

Mr Kerr: The new contract that we have with our general practitioners is delivering exactly that. The management of risk in our communities, through the GP contract and the quality outcomes framework, is doing exactly that. We are also leading the country on the issue through our managed clinical networks, which are identifying those who are most at risk and making interventions at a primary care level and outwith the secondary care sector. We are doing extremely well on the issue, although we are not complacent. We are keeping a close eye on the work of the national screening committee's review.

First Minister's Question Time

12:01

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-1836)

The First Minister (Mr Jack McConnell): I meet the Prime Minister regularly and we discuss a range of issues.

Nicola Sturgeon: Perhaps when the First Minister next meets the Prime Minister, he will tell him that pensioners deserve far more respect than they were shown at the Labour Party conference yesterday.

On another matter, is the First Minister aware that the Enterprise and Culture Committee this week unanimously backed Dennis Canavan's bill to make St Andrew's day a national public holiday? Will the First Minister now join the growing consensus and back the bill?

The First Minister: The Prime Minister is well able to defend himself without my assistance. I understand that he apologised for yesterday's incident, and he was absolutely right to do so.

I believe that we, in Scotland, should celebrate St Andrew's day more and use it more to celebrate Scotland. That is why we have spent so much time and effort over the six years of devolution on increasing the profile of St Andrew's day internationally and on celebrating St Andrew's day more in Scotland. However, for a number of good reasons I am not yet convinced that there is a case for a public holiday on St Andrew's day.

The St Andrew's Day Bank Holiday (Scotland) Bill would not guarantee a public holiday for everybody in Scotland. A decision to call a public holiday would not, in any case, guarantee a holiday for anybody, especially in the private sector; it would merely increase pressure on employers in the public sector to give an additional public holiday. If we are to consider the proposal, we need first to ensure that St Andrew's day is recognised more as a day of national celebration and, secondly, to think through the consequences and costs of such a measure far more effectively.

Nicola Sturgeon: I remind the First Minister that many employers, including the Parliament, already give a holiday on St Andrew's day. Surely it is time that Parliament took a lead and encouraged more employers to do that to mark our national day.

Is the First Minister aware that Scotland has fewer public holidays than any other country in the

European Union and that, more important, we are one of the few countries—not just in Europe, but in the whole world—that does not have a national holiday to mark its national day? Is not it time for us to catch up by using a St Andrew's day holiday to celebrate and promote Scotland both at home and abroad?

The First Minister: I have always taken great pride in St Andrew's day; I have done everything I can to promote Scotland internationally on St Andrew's day and in advance of St Andrew's day and in Scotland I have celebrated Scotland around St Andrew's day, but the reality is that St Andrew's day is not a recognised national day of celebration such as other countries have. I would like it to be such a day, but we are not there yet. More Scots celebrate Burns night than celebrate St Andrew's day.

I agree absolutely that, if we are serious about the matter, Parliament needs to take a lead. However, taking a lead does not mean just choosing the easy option. It is not just like giving a kid a sweetie; it is about educating people on how a St Andrew's day holiday could be used properly. Therefore, although the committee's report endorsed the general principles of the bill, it is important that we take into account that it also requests that Parliament have a serious debate on the effect of the proposals as well as on the deficiencies in some of them. When we debate the bill next week, I hope that we will do just that.

Nicola Sturgeon: If the First Minister is not convinced himself—clearly he is not—will he acknowledge that many people in his party and in the Liberal Democrats do support Mr Canavan's bill? Will he at least agree with me that the bill should not be a matter for the party whips? Will he and his deputy, Nicol Stephen, allow their respective parties a free vote on the issue when it comes before Parliament next week so that the true will of the Parliament can prevail?

The First Minister: The Scottish National Party has been the most consistent of all parties in not allowing its members free votes, in disciplining its members for speaking out and in ensuring that good, long-standing members such as Margo MacDonald have had to leave the party simply for expressing their personal opinions. The SNP ensured that Dorothy-Grace Elder, who gave a lifetime to the Scottish National Party and who was a valued member of this Parliament for four years, was kicked out of the party and had to leave the Parliament. The Scottish National Party cannot give anybody lectures on free votes. Its members need to sort out their own internal procedures before they can comment on anybody else's.

Dennis Canavan (Falkirk West) (Ind): I thank the First Minister for agreeing to meet me to

discuss my bill; I look forward to persuading him to support it.

The general principles of the bill have the unanimous support of the Enterprise and Culture Committee and the support of a record 75 MSPs from all parties and none, and it has the support of 85 per cent of respondents to my nationwide consultation. Does not the First Minister agree that it would be absolutely untenable for the Executive to call on the people of Scotland to celebrate St Andrew's day while using the party whipping system to scupper a St Andrew's day holiday?

The First Minister: I understand Dennis Canavan's long-standing commitment to the idea of a St Andrew's day holiday.

Mr John Swinney (North Tayside) (SNP): Dennis Canavan was chucked out of the Labour Party.

The Deputy Presiding Officer (Murray Tosh): Mr Swinney.

The First Minister: Thank you, Deputy Presiding Officer. I remind Parliament that Mr Swinney was the leader of the Scottish National Party when all those people were thrown out of it for expressing personal opinions. The SNP did not have much to celebrate when he was its leader—certainly not individual opinion.

As Dennis Canavan knows, I am not instinctively hostile to his proposals. I recognise and respect his long-standing commitment to the celebration of St Andrew's day and the proposal that it be made a national public holiday. However, I hope that he will respect many members' view that if Parliament is to consider such a proposal, it is important that we think it through carefully.

The effect of Dennis Canavan's bill would not be to guarantee a national public holiday, as he says in the accompanying notes to the bill. Rather, it would simply increase pressure on public sector employers to release public sector employees at significant cost to the taxpayer, without anybody in the private sector getting an additional public holiday.

If we are going to celebrate St Andrew's day in the future, we must think through what we are doing so that we can do that effectively. I would prefer to do that on a cross-party basis and in a way that would move us forward rather than simply try to grab headlines like that crew over on the SNP benches. I hope, therefore, that it will be possible for us to have a constructive debate next Thursday. The Executive will respond constructively to the committee's report.

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-1837)

The First Minister (Mr Jack McConnell): At the next meeting of the Cabinet we will discuss our progress in delivering the commitments that were given in our 2003 partnership agreement.

David McLetchie: In our exchanges last week, the First Minister said that he hoped that the Conservatives would welcome the Scottish Executive's proposals on reform of the law on bail. I welcome them, but with some reservations.

As the First Minister is aware, our present law on bail is already weaker than that which applies in England—it has been since 2000. In the relevant English statute, there are still categories of accused persons who are prevented from being given bail in all but the most exceptional circumstances. Will the First Minister tell Parliament whether the Scottish Executive proposes to introduce in this country laws on bail that will be at least as tough as those which apply down south? Will our statute use the same language about “exceptional circumstances”?

The First Minister: Mr McLetchie has used a cleverly worded question to imply that there are some outright exemptions to the availability of bail in England. That is not the case, as he perhaps acknowledged in the very last words of his question.

Mr McLetchie has used a similar approach in what he has said about the European convention on human rights. The document that the Minister for Justice published on Monday notes:

“The European Court of Human Rights has recognised a number of reasons which may make it appropriate to refuse bail”.

Those reasons include obvious issues that would cause public concern, such as the possibility that the accused would

“Fail to appear for trial”

or would

“Take action to prejudice the administration of justice”

or, in other words, that the accused would interfere with victims or witnesses. Other reasons for refusing bail include the possibility that the accused might reoffend—an issue of serious concern across Scotland—and, fourthly, the possibility that the accused would

“Create a risk of public disorder.”

Mr McLetchie is wrong to make such generalisations in Parliament, because it is important that people in Scotland clearly understand that our system of bail involves a judge making an individual decision in the light of the facts that are presented to him or her.

As the Government in Scotland, we are determined to have a clearer system of bail and remand that is more consistently applied in courtrooms throughout Scotland. We want clearer conditions that count against the granting of bail for people who are charged with the most serious offences, especially those who have a record of offending. Critically, we want to ensure that if people who are given bail conditions breach those conditions, their sentences will be disadvantaged as a result. Our specific proposal on Monday that a person who breaches bail conditions will have their sentence quadrupled should be welcomed by every party in the chamber.

David McLetchie: The First Minister is right to say that I chose my language with care; I did not speak in generalisations but quoted from the statute. The relevant statute in England says that, in relation to certain categories of offender, bail will be granted only in “exceptional circumstances”. My question was whether the same language will be used in the statute that will be introduced in this Parliament. I had thought that he would be able to give a fairly simple and straightforward answer.

The First Minister cannot, however, deny that whatever proposals are put in place, our law on bail will still be weaker than it was before changes were forced on Parliament as a result of incorporation into our law of the European convention on human rights. He has implied that our law will be the same, or as strong as, the law down south. Will he confirm whether such a change is necessary because law that is made by the Scottish Parliament is in an even tighter ECHR straitjacket than applies in England, or because the Executive chose as a matter of policy when this Parliament changed the law in 2000 to relax the law on granting bail?

The First Minister: First, Mr McLetchie has confirmed that there are no completely non-bailable conditions in the English system. He has stated that clearly, so he should not imply that anything other than that is the case.

The reality is that our proposals to amend statute to improve the criminal justice system will be appropriate for the Scottish legal system. Those proposals will be part of our overall package of reforms to Scotland's criminal justice system. The reforms are designed not just to toughen up sentencing, but to make it more consistent. They will ensure not only that people who are given a custodial sentence are required to undergo a proper process of rehabilitation, but that those who are given community-based sentences receive meaningful sentences that they remember for all time.

The package is designed to ensure that we have more specific laws and more consistent application of a system of bail and remand, and

that we toughen up the system that deals with breaches of bail conditions. That is critical to ensuring that people go through the courts more quickly, that between appearances when they are outside the court system they are caught when they breach bail conditions, and that the sentence that is applied to them for that breach is additional to the sentence that they would otherwise have received. That is a comprehensive package. It does not deal with the issue in headlines or one-off single measures in statute. The package reforms statute, but it also reforms the system. That is precisely what we need to do.

Patrick Harvie (Glasgow) (Green): Today it has been reported that the Vucaj family—Glaswegians for the past five years, whose treatment has so outraged people in Scotland, as we debated last week—were taken from their beds at 4 am this morning, to be removed from the country with nothing but the clothes that they wore and their Glasgow accents. Following that report and the First Minister's decision that a protocol needs to be put in place to defend the rights of the Vucaj children and others in Glasgow who are living in fear, does he agree that there must be an immediate suspension of dawn raids in Scotland?

The First Minister: If there is to be a system of immigration and asylum in this country, there must be a system for implementing the rules when decisions on individual cases have been made. There are two things wrong with the current system. I agree that there should be a system and that sometimes even force will be required to implement the rules. However, I also believe strongly that individual cases should be dealt with more quickly than happens at present and that people should not have to wait five years for a final decision. I also believe that, where that final decision involves deportation or removal from the country and a family with children under 16 is affected, a clear protocol should be established that involves education and social services in advance of any action being taken by the immigration authorities.

I discussed the matter with Charles Clarke, the Home Secretary, on Sunday afternoon. He has agreed that the establishment of such an agreement in Scotland and, perhaps, elsewhere would be advisable. We will continue those discussions as soon as possible, to ensure that we in Scotland have a regime that ensures not only that there is consistent application of immigration and asylum rules but that the system operates humanely.

Incomes (Taxation)

3. Tommy Sheridan (Glasgow) (SSP): To ask the First Minister what percentage of citizens live on less than £10,000 per annum, what action the

Scottish Executive is taking to improve the disposable incomes of individuals and households living on the lowest incomes and whether it considers that they should be exempt from local taxation. (S2F-1842)

The First Minister (Mr Jack McConnell): We have reduced the percentage of people in households living on less than £10,000 to 23 per cent by 2003. We are improving the lives of everyone on low incomes by supporting people into sustainable employment, driving down fuel poverty and extending concessionary fares. In addition, nearly a quarter of Scottish households receive council tax benefit and 400,000 receive full benefit.

Tommy Sheridan: I wish that the First Minister would answer questions. After eight years of Labour in power at Westminster and six years of the Labour-Liberal Executive here at Holyrood, 47 per cent of Scots live on incomes of less than £10,000 a year. In a rich country such as ours, almost one in two people are living on less than £10,000 a year. Will he today accept finally the dire need to help people on the lowest incomes by scrapping the unfair council tax and ensuring exemption for those who live on under £10,000 a year?

The First Minister: What Tommy Sheridan says is untrue. In 2003, the proportion of households in Scotland living on less than £10,000 a year was 23 per cent. The figure has come down dramatically since the change of Government in 1997 and since the establishment of devolution and the coalition Government in 1999. The best way for more people to find themselves above that income line and facing less of a challenge in respect of their household income is for us to ensure that there are more jobs and a more successful and prosperous economy in Scotland, and that people have the skills, the talent and the opportunity to participate in that economy. If people in Scotland are to get those jobs and be sustained into the future by a growing economy, the last thing that they need is the policies of Tommy Sheridan and the Scottish Socialist Party.

Tommy Sheridan: Deputy Presiding Officer—

The Deputy Presiding Officer (Murray Tosh): No, Mr Sheridan, I did not call you to speak again.

Tommy Sheridan: I have to say to you that it is not the protocol that we have in this Parliament that when the smaller parties are offered—

The Deputy Presiding Officer: Order. Mr Sheridan, you have a single supplementary. Occasionally you are given a second supplementary, but I have chosen not to give you a second supplementary today.

Tommy Sheridan: That is totally unacceptable. I wish to question—

The Deputy Presiding Officer: Sit down, Mr Sheridan.

Tommy Sheridan: I will not sit down!

The Deputy Presiding Officer: Mr Sheridan, resume your seat. I suspend the meeting.

12:20

Meeting suspended.

12:24

On resuming—

The Deputy Presiding Officer: I call Jackie Baillie to ask question 4.

Tommy Sheridan: On a point of order, Presiding Officer. I do not wish wilfully to challenge the authority—*[Interruption.]*

The Deputy Presiding Officer: Order.

Tommy Sheridan: I do not wish wilfully to challenge the authority of the chair, Presiding Officer, but I hope that you understand that this is the first time in two years that the smaller parties have not been given the right to ask two supplementaries. The First Minister specifically alleged that I had lied in Parliament. I want the opportunity to clarify whether he was referring to households when the question that he was asked referred to individual citizens, 47 per cent of whom live on incomes under £10,000 a year—

The Deputy Presiding Officer: Mr Sheridan, I think that we have now moved beyond your point of order.

Tommy Sheridan: The First Minister should be gracious enough to accept that he is wrong, and to apologise for misleading Parliament.

The Deputy Presiding Officer: Mr Sheridan, you have made your point. Please resume your seat.

Let me make it very clear that it is the responsibility of the occupant of this chair to decide who is called and how frequently they are called for a supplementary question.

Tommy Sheridan: It is fairness.

The Deputy Presiding Officer: Excuse me, Mr Sheridan. You have had your say; I will now have mine.

As is my normal practice on the rare occasions that I take First Minister's questions, I called Ms Sturgeon three times and Mr McLetchie twice, although the Presiding Officer frequently gives them more questions than that. In applying the

same rule, Mr Sheridan, I gave you the single supplementary that is your entitlement. In the case of Ms Sturgeon and Mr McLetchie, I had the foresight to advise their offices of what I was going to do, so I now apologise to you for failing similarly to advise you. I trust that that explanation is sufficient. On the basis that there has been a genuine misunderstanding, and accepting Mr Sheridan's comment that he is not attempting to challenge the chair's authority, I am prepared to consider the matter closed.

Tommy Sheridan rose—

The Deputy Presiding Officer: Mr Sheridan, I think that, if you are happy with that, it might be best if further words were left unsaid and we moved on to Ms Baillie.

Bail and Remand

4. Jackie Baillie (Dumbarton) (Lab): To ask the First Minister how the new proposals on bail and remand will ensure greater public safety. (S2F-1839)

The First Minister (Mr Jack McConnell): The new measures on bail and remand, which the Minister for Justice published on Monday, will tighten the provisions on granting bail, make the courts explain their decisions and ensure that breaches of bail conditions are dealt with more robustly.

Jackie Baillie: I welcome the new measures, but key to the successful implementation of any justice reform is its application by the judiciary. Will the First Minister indicate the effect of the measures on the current practice that is followed by judges and sheriffs in granting bail? Will he also indicate whether guidance on arriving at bail decisions will be issued to the judiciary?

The First Minister: Guidance will be issued. Moreover, there will be a clear explanation in statute of the factors that will count against granting of bail, which will include provisions in relation to the most serious offenders and those who have a past record of offending. The courts will also have a clear remit in the new system to deal more expeditiously and effectively with people who breach bail conditions. I hope that that package of measures—which includes tighter conditions on people who are able to receive bail, more proper application and enforcement of bail conditions and tougher sentences for those who breach those conditions—will ensure that we can restore confidence in the bail and remand system.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Does the First Minister agree that when reports on, for example, the effective likelihood of re-offending are presented to the courts, a system must be in place to ensure that they are accurate and that the courts take a more

consistent approach to them, not only to make our communities safer but to ensure that people who are accused remain accused until they are proven guilty?

The First Minister: The presumption of innocence is a very important legal principle, but we must ensure that our system takes due account of public safety. Because the European Court of Human Rights has made it clear that we can do that, we have introduced a package of measures that will ensure that although our courts will, of course, base their decisions on individual cases on accurate evidence and analysis, they will do so more consistently and—in the eyes of the public, I hope—more robustly.

Anti-terrorism Plans

5. Nora Radcliffe (Gordon) (LD): To ask the First Minister what discussions the Scottish Executive has had with the Home Office regarding how its anti-terrorism plans will operate in Scotland. (S2F-1843)

The First Minister (Mr Jack McConnell): Ministers and officials are in regular contact with the Home Office to ensure that Scotland's interests are fully covered by any terrorism legislation and policies.

Nora Radcliffe: I invite the First Minister to agree that an offence of glorifying terrorism, as proposed by the United Kingdom Government, is unnecessary and would be unworkable and impossible to police and prosecute effectively. Does he recognise that had such a law been in force in the 1980s, councillors across Scotland would have faced charges and possible prison sentences of up to five years for their decisions to acknowledge a man who was in prison for sabotage and for attempting violently to overthrow the Government of South Africa? Is he concerned that, under the proposed 20-year rule, a number of Labour politicians who decided to rename St George's Place Nelson Mandela Place 19 years ago might still be open to prosecution?

The First Minister: I certainly hope that that is not the case, given that I was one of those council leaders. One of my proudest days was the day that we named the Stirling Smith Art Gallery and Museum's main gallery after Nelson Mandela, for which I was joined by Sir Shridath Ramphal, the then secretary-general of the Commonwealth. He said that such individual decisions were ripples in a sea that would create a tidal wave that would sweep Nelson Mandela out of jail and South Africa to freedom and democracy. Although such actions may have appeared to be tokenistic to some people at the time, they were important gestures of solidarity that helped the international movement to end apartheid.

I hope that, following the consultation that the Home Office is leading and the decisions that it takes, any new laws will be framed carefully to ensure that people who make legitimate democratic points are not covered by them, but that those who incite hatred and terrorism are.

Drug Dealers (Convictions)

6. Stewart Stevenson (Banff and Buchan) (SNP): To ask the First Minister how many drug dealers were convicted in 2004. (S2F-1838)

The First Minister (Mr Jack McConnell): The latest available statistics are for 2003, when there were 1,639 convictions for illegal supply or trafficking of drugs in Scotland.

Stewart Stevenson: Is the First Minister aware that senior police officers now suggest that several families in Scotland have built up cumulative assets in excess of £100 million and that the overall turnover of the drugs industry in Scotland is in the range of £3 billion to £5 billion? That suggests that between 3 and 5 per cent of Scottish gross domestic product is in the illegal drugs industry. Will he seek to retain for Scottish benefit all the moneys that are retrieved from drug dealing—which are currently capped at £17 million a year—rather than allowing them to be a tax on Scotland that is taken south?

The First Minister: Dear oh dear. I thought that "It's Scotland's oil" was a poor old slogan that the nationalists had dragged back from 30 years ago, but to start saying "It's Scotland's drugs" is going a bit too far.

The reality is that those of us who have to deal with such matters rather than simply come up with silly simplistic slogans and ideas are now catching drug dealers at a rate. I will give Mr Stevenson an example of that. In 2002, the number of crimes related to drug dealing that the police in Scotland recorded was 10,139. In 2003, that number had gone down to 8,807. In 2002, the number of convictions was 1,353, but in 2003 it had gone up to 1,639. I hope that he will agree that we are being effective in reducing the number of recorded instances of such crimes and that we are being highly effective in convicting those who are responsible for them.

One of the reasons for that is that we work in partnership with the Scottish Drug Enforcement Agency, our police forces and the many United Kingdom agencies—including HM Customs and Excise and the immigration authorities—that work closely with our drug enforcement agency. Those agencies have to be paid for from somewhere, so it is appropriate that we should share the proceeds and then join together to catch drug dealers. It is appropriate that, rather than getting involved in silly nationalist arguments about where the money

is going or whose tax it is, we are effective at catching drug dealers in Scotland and getting drugs off Scotland's streets.

Margo MacDonald (Lothians) (Ind): I wonder whether I could focus the First Minister's mind on the definition of "drug dealer". The figures that he gave in good faith mean very little. Many of the people who are convicted of dealing drugs are users, who are simply selling on drugs to feed their habits. Yesterday I chaired a conference on aspects of drugs policy. Many such aspects need to be considered afresh and we need new measurements of success—if we can classify it as that—and an assessment of which methods and policies have been failing. I speak as someone who was chairman of the Scottish Drugs Forum nearly 20 years ago and I can assure the First Minister that nothing has improved.

The First Minister: Unlike other party leaders, I welcome Margo MacDonald's right to express her opinion on such matters. However, in this case I do not agree with her. Since the establishment of the Parliament there has been the creation of the Scottish Drug Enforcement Agency and the passage through the UK Parliament of the Proceeds of Crime Act 2002. We have taken measures to work in partnership with other agencies to increase the number of convictions for drug dealing, and we have introduced drug treatment and testing orders in our courts.

We should ensure that we do not just tackle the people who are dealing, but that measures are put in place for addicts. Increased resources have been announced again this summer for drug rehabilitation across Scotland, which will help people to get off drugs, thereby reducing demand as well as supply. In all those different areas in Scotland today, far more is taking place far more effectively than was the case pre-devolution. Parliament has a good record so far, although it recognises that we still have a long way to go.

Question Time

SCOTTISH EXECUTIVE

Justice and Law Officers

12:37

Emergency Services (Recruitment)

1. Marlyn Glen (North East Scotland) (Lab):

To ask the Scottish Executive what steps can be taken to encourage more female and ethnic minority recruitment to the fire and police emergency services. (S2O-7662)

The Deputy Minister for Justice (Hugh Henry): The fire and rescue services have introduced multi-tier entry and accelerated promotion to attract a more diverse range of applicants. Although there is a long way to go, the number of female firefighters has tripled in the past 10 years. In the police service, the percentage of women increased from 11 per cent in 1995 to more than 21 per cent in 2005 and the percentage of officers from ethnic minorities increased from 0.3 per cent in 1996 to 1.2 per cent in 2004. We are providing direct financial assistance to SEMPERScotland, an ethnic minority support organisation that is working to improve recruitment, retention and community perceptions.

Marlyn Glen: Will the minister join me in welcoming the recommendations of an independent review into planning and race relations in Scotland? I urge that its recommendations be examined with a view to their being implemented throughout the uniformed services and ask whether that has been considered. Further, does he agree that the spotlight should then move on to retention, which he mentioned, and promotion opportunities for female and ethnic minority staff?

Hugh Henry: Any evidence that helps to advance the argument will be carefully examined. Marlyn Glen is right to mention retention: it is no success simply to recruit people in and then to lose them quickly. We want to ensure that when people join the uniformed services they are made welcome and that proper career development is provided and discussed. I want to see far more women and people from ethnic minority backgrounds advancing through the ranks of the police service and the fire service.

Linda Fabiani (Central Scotland) (SNP): I welcome the information that Marlyn Glen and the minister have just given. The police force is implementing a gender equality action plan. I wonder whether it is being monitored by the Executive, whether there are any outcomes yet

that can be discussed and whether consideration will be given to introducing something similar for ethnic minority recruitment, retention and promotion.

Hugh Henry: I am not aware of any conclusion from those studies, but I know that the police service takes its responsibilities very seriously. I would encourage—as the Minister for Justice has encouraged—greater integration of women and people from ethnic minority backgrounds. Any evidence from the studies will be closely examined. However, I want to emphasise that operational issues are for the police and for chief constables.

Law Reform (Miscellaneous Provisions) (Scotland) Act 1990

2. Margo MacDonald (Lothians) (Ind): To ask the Scottish Executive when it plans to commence sections 25 to 29 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 to allow rights of audience and rights to conduct litigation to be sought by suitably qualified persons. (S2O-7647)

The Minister for Justice (Cathy Jamieson): We will consider the case for commencement of these sections when we receive the report of the working group for research into the legal services markets in Scotland, which is due shortly.

Margo MacDonald: I thank the minister for her answer, although I think that I have heard talk of that working group before. Will she assure me that the reason for sections 25 to 29 not being commenced is not that the Law Society of Scotland frowns on the idea of losing such a monopoly? She will be aware that, under article 86 of the Treaty establishing the European Community, such monopolies are frowned on. The United Kingdom Government signed the treaty on our behalf and we must comply with the requirement to prohibit monopolies and remove unnecessary restrictions. Regardless of the outcome of the working group, I remind the minister that her prerogative does not extend to wilful non-commencement. I therefore ask either that she commences sections 25 to 29 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 or that she returns it to Westminster for repeal.

Cathy Jamieson: I can give Margo MacDonald at least some reassurance. It is fairly common for legislative provisions not to be implemented immediately after they are passed, but I acknowledge her concern in this case. During the passage of the bill that became the 1990 act, ministers gave a commitment that the provision in question would not be implemented until other provisions of the act—in particular, the introduction of solicitor advocates—had fully bedded down.

Beyond that, I really cannot comment on why previous Westminster Administrations did not implement the provision.

In 2003, we decided to review the matter. I thought it right that the research working group be asked to consider the issue in the context of its wider-ranging work and of a large number of issues that affect competition in the legal services market. This is not about wilful non-compliance but about trying to do the correct thing.

Mr John Swinney (North Tayside) (SNP): Does the minister believe that the decision not to commence these sections of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 has contributed to the fact that some individuals have been unable to secure legal representation to pursue their concerns about the conduct of solicitors? The whole environment has looked like a bit of a closed shop. Has she reflected on that point in her consideration of the issues relating to the regulation of the legal profession? Is she yet convinced that a great deal more independence is required in the system?

Cathy Jamieson: Mr Swinney has taken a close interest in this matter and he will know that we received a large number of responses to our consultation and that we actively encouraged participation. I know that some respondents have tried to complain at various stages and have found the process difficult, and that they have then found it difficult to secure legal representation. We will consider that when we respond to the consultation.

The Deputy Presiding Officer (Murray Tosh): Question 3 has been withdrawn.

Torture

4. Chris Ballance (South of Scotland) (Green): To ask the Scottish Executive whether it is satisfied that no offences of attempting or conspiring to commit torture are being committed in Scotland or Scottish airspace when US aeroplanes are transporting prisoners between Guantanamo bay and countries where the torture of prisoners is commonplace. (S2O-7722)

The Minister for Justice (Cathy Jamieson): Under the Chicago Convention on International Civil Aviation, foreign civil aircraft can make stops for technical reasons, such as refuelling, without requiring the permission of the state that they stop in. The Executive is therefore not informed if aircraft make stops of that nature, whatever their passengers or cargo might be, and has no legal authority to prevent such landings.

If anyone has evidence of torture, of conspiracy to torture or of the aiding and abetting of torture in Scotland, they should take the matter to the police.

Chris Ballance: Is the minister aware that international human rights law places the onus firmly on the country with territorial jurisdiction? Is she aware that figures released by the US Federal Aviation Administration show that planes that are used by the Central Intelligence Agency to move prisoners across the world have used Prestwick airport for refuelling 75 times since 9/11 and other Scottish airports 100 times? Now that the evidence that she has asked for is in the public domain, will she instruct the police to investigate, or shall I?

Cathy Jamieson: I thought that I had given a fairly clear answer to that in my first reply. The Executive believes that the legal and judicial measures that are in place in Scotland meet international human rights standards. Under the Criminal Justice Act 1988, torture is a crime that carries a penalty of up to life imprisonment. I think that I have made that point in the chamber before. The act applies not just to people who commit torture in Scotland, but to people of other nationalities who commit torture in other countries. I say again that if anyone has evidence of any of those activities, they should take the matter to the police.

John Scott (Ayr) (Con): Although I have discussed security issues with the senior management of Prestwick airport and have been reassured by them that all proper and reasonable measures are in place for the transportation of these most dangerous people, can I also have the minister's assurance that she, too, is happy with the security arrangements for the transportation of such prisoners through my constituency?

Cathy Jamieson: I refer Mr Scott to my first answer on this question. The Executive is not routinely informed—in fact, it is not informed—of such stopovers; nor would it be informed of the cargo. Mr Scott will also be aware that in my capacity as an Ayrshire constituency MSP I have met the senior people at Prestwick airport and have received assurances in that context.

Public Safety

5. Christine May (Central Fife) (Lab): To ask the Scottish Executive how public safety is being improved in Scotland's towns. (S2O-7673)

The Deputy Minister for Justice (Hugh Henry): A range of measures are being undertaken to improve public safety in Scotland's towns. The Executive has provided £1 million over three years for the establishment of safe city centre initiatives. That approach has recently been extended to cover a further nine towns, including Kirkcaldy. Scotland's towns have also benefited from substantial investment in public space closed-circuit television systems, which are also funded by the Executive. A further £1 million is

committed to expanding CCTV in shopping and other areas and to supporting businesses and others to reduce crime.

Christine May: I am grateful to the minister for that information. He might be aware that a safer town partnership has recently been launched in Glenrothes, innovatively using existing funding and partnerships with retail bodies. What discussions, if any, does he plan to hold with bodies such as the Scottish Retail Consortium to consider putting some small amounts of seedcorn funding behind more safer towns initiatives?

Hugh Henry: We have not specifically committed extra funding. We are in regular discussion with the Scottish Retail Consortium. We have held a number of discussions with business representatives about how to tackle retail crime and we will continue to do so. Although money is important, and although, as I have demonstrated to Christine May, we have made a significant investment, I hope that we can also continue to improve our operational practices and use the money effectively, looking at lessons that have been learned elsewhere and applying them. I accept the need for investment where it is appropriate; I also want good practice to be rolled out across Scotland.

Shoot-to-kill Policy

6. Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive whether a shoot-to-kill policy exists in Scotland and, if so, when the decision to introduce it was taken and by whom. (S2O-7715)

The Minister for Justice (Cathy Jamieson): The deployment of firearms by police officers is an operational matter for chief constables, but I can confirm that there is no shoot-to-kill policy in Scotland. Police officers who deploy firearms must operate within the law, and any use must be proportionate. Force may be used to defend oneself and others, but lethal force may be used only when there are reasonable grounds for believing that there is an imminent threat to life and that there is no other way of averting the danger.

Margaret Smith: I am sure that the minister's response will reassure the public and members. What role or input, if any, will she have in any future discussion or decisions about a shoot-to-kill policy in Scotland, such as whether to introduce or review it in any circumstances?

Cathy Jamieson: I hope that I have made clear the current position, which is that this is a matter primarily for chief constables. It is important that police officers operate within the law. If it were thought that there had been a breach of the law, the Crown would take a close look. If there has

been a death or if there are allegations of criminal conduct, any investigation into the discharge of a firearm by a police officer is carried out under the direction of the Crown. I think that that gives the public the reassurance I hope they will not require.

Electronic Tagging

7. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive whether it is aware of any failings by its preferred bidder in the monitoring of electronically tagged prisoners and whether it can give assurances that strict supervision of monitoring will be in place. (S2O-7717)

The Minister for Justice (Cathy Jamieson): We are at present tendering for the new contract to deliver electronic monitoring services in Scotland and the process will ensure that the contractor meets the strictest of conditions. The current contract is closely monitored by the Executive and that will continue under the new contract.

John Farquhar Munro: I thank the minister for that encouraging response. In light of the announcements made earlier this week that measures would be strengthened to deal with breaches of bail conditions, will similar measures apply to breaches of electronic tagging orders?

Cathy Jamieson: We have heard today from the First Minister what measures we are taking to deal with breaches of bail. It is important to recognise that electronic monitoring occurs in different circumstances. There is a provision for it for certain people who are on bail. If they breach the conditions of bail, they will be subject to serious consequences. Many people who are on restriction of liberty orders are also electronically monitored. If they breach the conditions of the orders they will be brought back before the courts and they could find themselves having to serve a custodial sentence instead.

Violent Crime

8. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive what measures are being taken to address violent crime. (S2O-7676)

The Minister for Justice (Cathy Jamieson): Violence is never acceptable and the levels of violent crime in Scotland are a blight on our civilised country. We are developing a range of measures to prevent and reduce violence. For example, we are introducing tough new laws to tackle knife crime, supporting the work of Strathclyde police's violence reduction unit and supporting community safety partnerships and antisocial behaviour teams in addressing violence locally.

Michael McMahon: The minister will be aware of recent reports that highlight the fact that drunkenness plays a part in half of all murders in Scotland. She will no doubt share the view that there is a proven link between excessive consumption of alcohol and violence. Does she share the belief of representatives of the Association of Chief Police Officers in Scotland that relaxation of licensing laws will lead to a greater increase in violence, or does she agree with me that, by challenging the culture of binge drinking, the new licensing regulations will encourage more responsible drinking habits and that that will help to address the problems associated with drunkenness?

Cathy Jamieson: I have made it clear that we have a problem in many parts of Scotland with what has been described as the booze and blade culture. We need to crack down on that. We need to change attitudes towards drinking. I do not want to see situations where young men in particular find themselves tanked up on alcohol at the weekend and become involved in violent behaviour, causing fear and alarm to other members of the public. The new licensing regime gives us an opportunity to tackle some of those problems and we must ensure that we have a mixture of an educative approach, particularly with our young people, and tough enforcement measures.

Tommy Sheridan (Glasgow) (SSP): I am moved to ask the minister to stop using the term booze and blade culture. Can we agree in future to refer to it as a cancer? The knife carrying that happens in our communities is a social cancer and we as politicians, the media and others at large have to address it as such, rather than give it the nice sound of something cultural. It is a cancer.

Cathy Jamieson: Tommy Sheridan makes a valid point about the amount of damage that is done as a result of the behaviour we are discussing. We could probably have a debate about the particular form of words that we should use, but the important point is that effective action must be taken to tackle the problem. The Executive is focusing on taking such action.

Bail (Offending)

9. Bill Butler (Glasgow Anniesland) (Lab): To ask the Scottish Executive what measures it is employing to deal with people who offend whilst on bail. (S2O-7657)

The Minister for Justice (Cathy Jamieson): The Scottish Executive published its action plan on bail and remand on 26 September, which sets out 25 points for action to deal with the problem of people offending while they are on bail.

Bill Butler: I welcome the publication of the action plan and especially the quadrupling of sentences for those who break bail conditions. Is the minister satisfied that the package of measures that she has outlined this week is compatible with the European convention on human rights? What is her response to the argument that the leader of the Scottish Conservative party put at First Minister's question time: that the ECHR absolutely fetters judges and prevents them from refusing to grant bail?

Cathy Jamieson: I do not agree that the ECHR absolutely fetters judges and prevents them from granting bail or remand in circumstances in which it would be appropriate to grant bail or remand. It is important to recognise that judges must make decisions on the basis of all the information that is available to them. As the First Minister said earlier, there are circumstances in which judges can choose not to grant bail, but to remand in custody. By including factors in legislation, we will send a clear message to the public that judges will take account of those factors and seek to consider them in their judgments.

Antisocial Behaviour (Off-road Vehicles)

10. Dr Jean Turner (Strathkelvin and Bearsden) (Ind): To ask the Scottish Executive what support is being provided to police in dealing with antisocial behaviour in respect of quad bikes and other off-road vehicles. (S2O-7720)

The Deputy Minister for Justice (Hugh Henry): Under the Antisocial Behaviour etc (Scotland) Act 2004, the police have been given additional powers to seize, retain and dispose of on and off-road vehicles that are being used in an antisocial manner. We have consulted the Association of Chief Police Officers in Scotland and other interested parties on guidance for those new powers and that guidance will be issued shortly.

Dr Turner: Such behaviour is becoming an increasingly serious problem. Since last September, the police sub-division for East Dunbartonshire has had to deal with 355 incidents involving trail bikes, quad bikes and motorbikes, which buzzed all over the area. Bikes were used on public land, walkways, parks and towpaths and churned up football pitches. Such behaviour reduces people's quality of life.

In their talks, have the minister and the police considered that it would be helpful to implement a voluntary registration scheme for these machines? Such a scheme would have dual benefits: it would enable the return of lost and stolen machines to their rightful owners and the easier identification and detection of offenders. Many machines are not covered by the Driver and Vehicle Licensing Agency.

Hugh Henry: The registration of vehicles of whatever kind is probably a matter that is reserved to Westminster, but the wanton vandalism and destruction to public spaces that Jean Turner has described should and can be dealt with under powers that existed even before the passing of the Antisocial Behaviour etc (Scotland) Act 2004. She and local representatives need to discuss the matter with the council and the local police.

As I explained, new powers are available under the Antisocial Behaviour etc (Scotland) Act 2004. We have said in the Parliament that those powers are already being used to good effect in parts of Scotland and I hope that other forces will use them to good effect where doing so is appropriate.

Enterprise, Lifelong Learning and Transport

Inverness Airport

1. Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): To ask the Scottish Executive when the buyout of the private finance initiative at Inverness airport terminal will be completed and what is causing the delay. (S2O-7689)

The Minister for Transport and Telecommunications (Tavish Scott): Following the announcement to buy out the PFI contract that my predecessor made on 17 June, Highlands and Islands Airports Ltd is seeking to secure that outcome. HIAL is undertaking a process of due diligence on the main PFI and associated contracts—including taxation aspects—that relate to the airport terminal prior to finalising an agreement. It will aim to secure best value for the taxpayer in those sensitive negotiations, at whose conclusion an announcement will be made.

Fergus Ewing: I hope that the conclusion will be this year. As the minister knows, I have, with members of other parties, been campaigning for the buyout of the PFI. As he also knows, HIAL currently has to pay, out of its resources, a sum approaching £2 million per annum to the PFI owners. Does he agree that, after the buyout of the PFI, the Finance and Central Services Department should not recoup the money but make it available for development potential, including of such things as radar, controlled air space and the extension and improvement of runway and hangar facilities? Such improvements would provide a massive opportunity for the Highland economy and give MSPs such as me the chance to visit the London Olympics.

Tavish Scott: I am sure that Mr Ewing will accept that the funding that the devolved Government has placed with HIAL allows for the significant level of investment that he, I and the many members who represent constituencies

across the Highlands and Islands expect. In 2004-05, HIAL received a £19.3 deficit grant, in addition to £2.2 million of capital grant. In the financial year 2006-07, the figures will be £18.6 million in deficit grant and £4.1 million in capital grant. Those significant amounts of public money are being spent appropriately on initiatives that are extremely important in strengthening the air networks.

Mary Scanlon (Highlands and Islands) (Con): How can the consumer—in this case, the air passenger—be assured that, when the public sector agrees a PFI contract, that contract will not discourage or be detrimental to the expansion of the business or make the service more costly for the customer?

Tavish Scott: In these circumstances, we are seeking to ensure that taxpayers' interests are protected and that Inverness airport can grow and expand. As I am sure Mary Scanlon appreciates, not least because of my answer to the previous question, the constraints on Inverness airport were clear under the contract. We are seeking to resolve that issue and I am sure that she will support us in that.

Road Bridge Tolls

2. Bruce Crawford (Mid Scotland and Fife) (SNP): To ask the Scottish Executive when it will announce the outcome of its review of the levels of tolls on road bridges. (S2O-7687)

The Minister for Transport and Telecommunications (Tavish Scott): The objective of the current review of tolled bridges is not to consider the level of tolls at the bridges but to look at broader issues relating to the management, operation and maintenance of the tolled bridges. An announcement will be made in due course following completion of the review and its consideration by ministers.

Bruce Crawford: Is the minister aware that more than 65,000 vehicles cross the Forth road bridge each day and that that number is projected to grow by a further 3,000 by the end of 2006? Does he recognise the limitations on the ability of the rail network and other forms of public transport to absorb and help to deal with the expected increases, never mind the current levels? If so, will he give a commitment to ensure that, from today, the highest amount that the toll will be is £1? Will he further commit to considering the removal of bridge tolls in their entirety? To do otherwise would be to treat bridge users as nothing more than cash cows who are used only to help to finance other transport projects.

Tavish Scott: I hope that Mr Crawford recognises the role of the Forth Estuary Transport Authority in this regard. Its policy on tolling is laid

out clearly in the public domain. Members of the constituent local authorities serve on the FETA board and play a role in decision making. In taking forward the issues that he raises, we must remember the importance of assessing not just the tolls but the implications of tolling on congestion and traffic levels in the surrounding areas. We also need to balance the requirements that result from different levels of demand at different times of the day. Those are matters that FETA is taking forward. However, if Mr Crawford is making yet another Scottish National Party spending commitment, we note that with interest.

Mark Ballard (Lothians) (Green): I am heartened by the minister's words and, in particular, by his concern about congestion and traffic levels. Is he aware of the damage that is being done to the bridge because it is carrying twice the tonnage of traffic that it was designed for? Is he further aware that, at peak periods, single-occupancy vehicles account for up to 60 per cent of the traffic on the bridge, yet today's drivers are paying a toll that is less than a third of the 1964 rate in real terms? Given that the attention of the toll bridges review is likely to be on schemes that levy higher tolls and charges for single-occupancy vehicles, does he agree that any increase in tolls should be focused on single-occupancy vehicles to reduce congestion?

Tavish Scott: The matters that Mr Ballard raises are being taken forward by FETA. If he is particularly concerned about them, I am sure that he will discuss them with the FETA board at the appropriate time. It is important to recognise that there are proposals in relation to single-occupancy vehicles and what can be done to assist. However, I repeat that there is a balance to be struck between what we can achieve in relation to other modes of transport and the choices and opportunities that we provide to people who wish to move from Fife to Edinburgh in the morning for work or related purposes.

Mr David Davidson (North East Scotland) (Con): In light of the minister's answers, I point out that the tolls currently put £4 million or £5 million a year into the maintenance of the Forth road bridge. However, the bridge is coming to the end of its working life and will need new cables over the next few years. Does he think that, if we have a new Forth road bridge, it should be a toll bridge? If so, at what levels should the tolls be set?

Tavish Scott: We do not have any plans for a new Forth road bridge, as my predecessors have made clear. However, as David Davidson rightly said, there are serious issues with the bridge's physical structure, which the FETA board and the bridgemaster take extremely seriously. Indeed, they are providing briefings as appropriate to concerned members. The issues require investment and they are being actively considered.

Erskine Bridge (Tolls)

3. Trish Godman (West Renfrewshire) (Lab):

To ask the Scottish Executive whether plans are in place that will lead to the removal of the tolls on the Erskine bridge before the end of 2005. (S2O-7663)

The Minister for Transport and Telecommunications (Tavish Scott): The Executive's review of tolled bridges is on-going. All options for future arrangements at the bridges are being considered. An announcement will be made in due course following completion of the review and its consideration by ministers.

Trish Godman: I was going to thank the minister for the answer, but I have heard it before. He is aware of the patience that has been shown by constituents north and south of the river over what they and I see as dithering on the question of the Erskine bridge tolls. Along with Jackie Baillie and Des McNulty, I have campaigned for and asked questions on the de-tolling of the Erskine bridge for more than five years, yet we still get the same answer. Does he agree that, as the economic and social case for de-tolling the Erskine bridge has been made and the key objective in meeting the challenge of congestion has been met, there is absolutely no reason why a decision cannot be made now?

Tavish Scott: I appreciate the frustration that is felt by Trish Godman, but, unfortunately, Government has a process that has to be followed in relation to public money. That process is under way and the bridges review will come to fruition in the autumn. I hope that announcements can be made thereafter.

Des McNulty (Clydebank and Milngavie) (Lab): Does the minister accept that, although there is concern about delays to projects elsewhere in Scotland, the Erskine bridge tolls could be removed now, bringing immediate benefits?

Tavish Scott: I have enjoyed my meetings with Trish Godman and Des McNulty and, indeed, with Jackie Baillie, who I am sure is about to ask a supplementary.

The Deputy Presiding Officer: I am almost bound to allow her to, given what you have just said.

Tavish Scott: I appreciate their advice on the matter and I understand the issues that they raise entirely fairly in relation to their constituencies. However, I cannot go any further than I have already done.

Jackie Baillie (Dumbarton) (Lab): The minister should take the advice of Trish Godman, Des McNulty and me, because he knows that congestion on the Kingston bridge and in the

Clyde tunnel costs the west of Scotland economy something like £19 million a year in lost time. Does he agree with the majority of respondents to his review—not just MSPs—that the removal of tolls on the Erskine bridge is fully justified for economic and environmental reasons? That fact is acknowledged by his own consultants. With that growing consensus, the question is when, not if.

Tavish Scott: Jackie Baillie makes an important point on congestion, which has been discussed. I take her point about the analysis of the environmental case and the arguments about reducing congestion. Unfortunately, I cannot add to what I have said in relation to the timescale.

Northern Isles Ferries (Livestock)

4. Mr Jim Wallace (Orkney) (LD): To ask the Scottish Executive what representations it has received from the northern isles livestock shipping working group regarding the carriage of livestock under the proposed new northern isles ferry franchise. (S2O-7718)

The Minister for Transport and Telecommunications (Tavish Scott): The Scottish Executive has received representations from the northern isles livestock shipping working group regarding the shipment of livestock under the proposed northern isles ferry tender. We continue to liaise closely with crofters and farmers on those issues.

Mr Wallace: I am sure that the minister will agree that it is important that we get a quality livestock carriage system for the northern isles. Does he accept that concerns exist, not least among the farming community and the Orkney group of the National Farmers Union Scotland, which I met last week, that bidders might be deterred from making qualitative bids if that would increase prices and therefore not allow them to put in the lowest bid? How will he ensure that the quality of the carriage system will be high among all bidders so that bidders are not deterred from making qualitative bids?

Tavish Scott: Those are important issues. We are ensuring that livestock carriage will be covered in the tender, which was not the case in the past. We consider that to be an important step. The specific answer to Jim Wallace's question is that, although we will require the operator to have control over the system for carrying livestock to ensure compliance with the appropriate regulations and animal welfare considerations, that does not have to mean ownership. Ownership by locally based organisations is possible or ownership could be shared between such organisations and the operator. I hope that the consideration and analysis of those options will help to tackle the specific issue that Mr Wallace raises.

Immigrants (Economic Activity)

5. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive how it monitors the level of economic activity of immigrants who remain in Scotland for more than one year. (S2O-7693)

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Nicol Stephen): A comprehensive programme of evaluation is being developed for the specific schemes that the Scottish Executive has introduced under the fresh talent initiative. A key aspect of the research will be an assessment of the economic impact of individuals who are encouraged to move to Scotland to live, learn and study.

Christine Grahame: I am sure that the minister agrees that, without high levels of immigration, the fresh talent initiative will fail. Does he recognise that images of economic migrants being horribly deported—such as the Vucaj family were at dawn today, having been in Scotland with their three children for five years—send a powerful negative message to the rest of the world? Does he agree that we are deporting exactly the kind of families that Scotland requires?

Nicol Stephen: Concern on those issues was expressed in the Parliament last week, when members of all political parties emphasised that we want a new approach to the issue. That is why, as Christine Grahame well knows, we will approach the United Kingdom Government on the matter.

The fresh talent initiative is new—it was launched on 22 June—and is not in any sense capped, as we want to attract as many people as possible to Scotland. We will work closely with the UK Government on the scheme. Data, including information on the number of successful applications, will be published twice a year. Because individuals who take up the scheme will be identified, we will be able to track them and follow their progress to get the data that Christine Grahame and other members would value.

Leven to Thornton Rail Link

6. Tricia Marwick (Mid Scotland and Fife) (SNP): To ask the Scottish Executive what discussions it has had with Fife Council regarding the reopening of the Leven to Thornton rail link. (S2O-7698)

The Minister for Transport and Telecommunications (Tavish Scott): The Scottish Executive has not been involved in discussions with Fife Council about reopening the Leven to Thornton rail link.

Tricia Marwick: After the debacle at Haymarket this morning, I am not sure that advocating rail

travel is a particularly good idea today. However, is the minister aware that Levenmouth is the largest urban conurbation in Scotland that is without access to a rail link? The line exists, so for a modest amount Levenmouth could be reconnected with the rest of Fife. Will he instruct his officials to work with Fife Council to find out how, for a very modest sum, the line could be brought back into use as quickly as possible?

Tavish Scott: I hope that Tricia Marwick accepts that many people say that very modest sums could be invested. Many members argued yesterday that ministers should be robust when it comes to assessing very modest sums. The Executive is prepared to consider any proposals for enhancements or service improvements. However, I point out that such transport proposals would have to be appraised using the Scottish transport appraisal guidance, which has core objectives relating to value for money. Such an appraisal would have to be undertaken in relation to the project.

Christine May (Central Fife) (Lab): The minister may not be aware that Fife Council is already engaged in a feasibility study on the potential costs of the line. However, I remain concerned about the legal and land issues, which are the province of Network Rail. Will he agree to meet me to discuss those concerns and, perhaps at a later date, explore them with Fife Council?

Tavish Scott: I would certainly be happy to look into those matters and discuss them with Christine May. The STAG appraisal that would be undertaken in relation to the proposals would also throw up some of those issues. Nevertheless, I will ensure that they are considered properly at the appropriate time.

Airdrie to Bathgate Rail Link

7. Mrs Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive what progress it has made on the reopening of the Airdrie to Bathgate rail link. (S2O-7681)

The Minister for Transport and Telecommunications (Tavish Scott): Work is continuing on the development of the project and Network Rail, the project promoter, is aiming to lodge a private bill with the Parliament early in the new year.

Mrs Mulligan: The minister will be aware that the reopening of the Bathgate rail link will have many advantages, including the fact that it will allow people from Bathgate and Livingston to travel west without having to take their cars on the congested M8. He will, therefore, understand my concerns at the delays that are being experienced. Can he assure me that meetings will be held with my constituents during October, at the latest, as

has been promised, to discuss the proposals for the private bill? Will he ensure that the bill is lodged with the Parliament by January 2006, as timetabled?

Tavish Scott: Mary Mulligan makes entirely serious and sensible points about the timetabling of the project. I understand what she is saying and I agree with her. I will do my best to ensure that the meetings that she seeks take place in October and November and that the deadline for the bill's submission to the Parliament—which is the promoter's responsibility—is met. That would be advantageous for hitting the targets that we have set for the project.

Decision Time

13:17

The Deputy Presiding Officer (Murray Tosh):

There is one question to be put as a result of today's business. The question is, that motion S2M-3317, in the name of Annabel Goldie, on behalf of the Justice 2 Committee, on its report on the inquiry into youth justice, be agreed to.

Motion agreed to.

That the Parliament notes the recommendations contained in the Justice 2 Committee's 9th Report 2005 (Session 2): *Report on Inquiry into Youth Justice* (SP Paper 370).

Firefighters (Remote and Rural Areas)

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S2M-3162, in the name of David Davidson, on the role of firefighters in remote and rural areas. The debate will be concluded without any question being put.

Motion debated,

That the Parliament applauds the excellent work and invaluable role carried out by those firefighters in remote and rural parts of north east Scotland on the retained duty system but acknowledges the chronic shortage of such firefighters in some Scottish towns; notes that figures published by Her Majesty's Chief Inspector of Fire Services in Scotland in 2003-04 show levels of retained staff in Scotland running at some 30% below the authorised establishment; considers that these staffing shortages place considerable strain on existing retained staff to support their local communities, and believes that the Scottish Executive should consider innovative ways in which businesses could support recruitment into the retained sector and undertake to examine new mechanisms to encourage businesses and the self-employed to understand the benefits of releasing staff to perform the role of retained firefighters in their communities.

13:19

Mr David Davidson (North East Scotland) (Con): I am delighted to have an opportunity to call on the Parliament to recognise the invaluable role of, and the excellent work that is carried out by, retained duty firefighters in remote and rural parts of Scotland. I express my gratitude to the many members who have supported the motion despite the fact that, due to local inconveniences and elections, they could not attend the debate today.

Very few members of the public understand just who it is that runs their local fire station or answers an emergency call to attend a fire, deal with a road accident or even rescue a cat. The retained firefighters look the same as their full-time colleagues. They wear the same uniforms and are trained to use the same equipment, even though they may work in the local bank, in the local school, or even on a local farm.

What is clear is that without them the Scottish fire service as we know it would not exist, and great parts of rural Scotland would be deprived of emergency fire and rescue cover. Those firefighters commit themselves to be on call day and night for more than 100 hours a week, and they do it for a retention fee of about £2,500 a year, plus pay for the hours that they actually attend and work.

In Scotland, there are 182 retained fire stations alongside the 75 whole-time and 132 volunteer

stations. Many members will have heard on the radio this morning about the threatened closure of the Melrose retained station, which the Lothian and Borders fire service feels is no longer necessary to provide cover in that area.

However, the report of Her Majesty's chief inspector of fire services for Scotland in 2003-04 showed that levels of retained staff in Scotland are some 30 per cent below the authorised establishment, putting considerable strain on existing retained staff to continue to support their communities. In other words, there is a shortage in the retained workforce, which, if not addressed, could lead to further closures of fire stations in rural Scotland. The time that it takes to get an appliance to an incident is crucial. By reducing the cover, that time will get longer.

The retained service as we know it was created after the second world war. The men and women on the retained duty system carry out exactly the same duties as whole-time firefighters. The system is flexible and offers tremendous value for money. For chief officers they are an important and integral part of many brigades. On that point, I welcome to the public gallery the chief fire officer of Grampian and his colleagues.

Apart from dealing with fires and road accidents, retained firefighters are involved in animal rescue, chemical incidents and special service call-outs. The Bain report, "The Future of the Fire Service: Reducing Risk, Saving Lives", called for new roles, such as community fire safety education, to be created for the retained fire service. There are about 2,800 of these special people in Scotland, but numbers are falling and recruitment and retention are creating major concern.

The general lack of awareness of the retained duty system among the public and employers and the increasing reluctance of employers to release employees to attend incidents because of economic pressures on their business all affect recruitment and retention. That, coupled with changing patterns of employment involving increased travel to workplaces far from the local fire station, exacerbates the problem. For economic reasons, fewer self-employed people seem to be available, and there is a need to make the duty system more family friendly.

In 2002, a report by Her Majesty's fire service inspectorate for Scotland called for a more proactive approach to local employers, including the public sector, and suggested that rebates on business rates or payment for time lost could be considered. I put it to the chamber that Government has a major role in attracting and retaining new retained duty firefighters. Rewards for those carrying out such duties should be regularly updated. I look forward to hearing the minister's response to the idea of a national

scheme of financial rewards for business. The service is far too important for an ad hoc, localised response.

If we are to ensure public safety in our remote and rural communities—and that is the responsibility of the Scottish Executive and of everyone in this Parliament—prompt action must be taken. Brigades should be given resources to hold employer open days and have public exercises so that we all understand better the important role of the retained fire service.

I turn to an issue that is reserved to Westminster, but which is none the less cited as a barrier to retained recruitment: unemployed firefighters who are working in the retained duty system and who are claiming jobseekers allowance have their earnings deducted from their allowance. That is a travesty. Government is failing to recognise properly the valuable community role that firefighters play.

There is little doubt that there needs to be a national recruitment campaign and that the role of retained firefighters needs to be given rightful recognition by all our communities. There is actually an advantage to the larger employer in having retained service people in their workforce because of their skills in emergency procedures, including first aid.

My guest at the opening of the Scottish Parliament was a retained firefighter, John Anderson from Fraserburgh. He works in the building industry and is a volunteer member of International Rescue. My wife and I took him and his wife out for dinner. During the meal, the wife of another MSP became unwell. Forward stepped the retained officer to provide an immediate assessment of the situation, much to the amazement of the restaurant's staff and customers. I am pleased to say that the lady recovered.

Retained firefighters spend part of their time in training and in the maintenance of equipment. I recommend to all members a visit to their local retained fire station, as that will help them to understand the magnificent role that such firefighters play within our communities. All retained firefighters live and work within minutes of their station and live in a constant state of readiness. Due to staff shortages, they willingly take on more than their fair share of duties.

Scotland's roads are dangerous. With increasing traffic, more and more accidents are taking place. In the north-east at least, accidents on trunk roads place greater than ever demands on the service. However, the older vehicles that can be seen outside fire stations are, it should be stressed, for training purposes rather than for the local jobs to smash up. The removal of glass from vehicles that

have been involved in an accident is an essential part of the fire and rescue service's capability. Firefighters do not cut up cars just for fun.

I stress that my motion is not merely another call for yet more public spending. The motion calls for investment to ensure the sustainability of a life-saving service and the continuation of the emergency cover that those who live in remote and rural areas have a right to expect, as well as a major national effort in the recruitment and retention of retained firefighters. Without such efforts, Scotland's fire services will contract, with disastrous consequences.

In conclusion, I ask that all members recognise these special people in our communities. I encourage members to go out and spread the word. I also ask the minister to look into the situation and to inform the Parliament of what actions the Scottish Executive will take. I will certainly approach the Scottish Chambers of Commerce, the Confederation of British Industry Scotland and the Federation of Small Businesses in Scotland to highlight the potential role of employers of retained firefighters.

13:26

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I congratulate David Davidson on securing the debate. I know that the relatively sparse attendance in the chamber signifies not any lack of interest but merely that by-elections are taking place today.

We in Scotland are fortunate in having an immensely professional body of firefighters, so I was pleased to vote for the bill that gave them further legal protection. Firefighters have been subjected to quite outrageous assaults by a handful of individuals while on duty. Few things can be more repellent than to hear about episodes of projectiles being thrown at firefighters or fire engines being set on fire. I very much hope that anyone who is now convicted of such an offence is sentenced to the most severe period of imprisonment.

I personally have cause to thank the firefighters because my father died in a fire. That experience let me see at first hand just how professional the service is.

We heard on the radio this morning that nine out of 10 fires in Scotland are caused by cigarettes. The same news item mentioned the possibility of having self-extinguishing cigarettes, which is surely a proposal that should be considered. Will the minister, who I imagine is more familiar with the matter than me, confirm whether the Executive is looking into that? If lives could be saved on a massive scale simply by requiring that cigarettes be self-extinguishing, I would have thought that

the cigarette industry itself would want to take that on board. However, if the industry will not do so—I see a wry look pass across the minister's face—perhaps it could be encouraged or forced to do so.

As David Davidson said, we must also consider other measures such as community education. In the remote and rural areas that are the topic of this debate, some habitations will always be a long distance away from the nearest fire service. Therefore, consideration must be given, as I know it has been, to the fitting of sprinklers in such areas.

On 8 October 2003, I also led a debate on the role of firefighters in remote and rural areas. That debate focused not on the excellent work that is done by retained firefighters but on auxiliary firefighters. In whatever time I have remaining—the clock is not working—I want to turn to that issue.

The Deputy Presiding Officer: You have one minute.

Fergus Ewing: I welcome the fact that, since that debate, after much effort over a long time by many people, a measure of compromise has been reached. The Health and Safety Executive has recognised that breathing apparatus need not be introduced immediately and that, while training is taking place and new equipment is being supplied, those auxiliaries who are pursuing wild fires can continue to do their work. I put on record my appreciation for the work that Brian Murray, the firemaster, and Councillor Drew Slack and his colleagues on the Highlands and Islands fire board have done on the auxiliaries' behalf, in carrying out what we accept is a difficult task. Nonetheless, I think that there is still some work to do.

This is not a purely local matter or a question of micromanagement, because larger issues are involved. Just last week, in his speech on road accidents on the A9, John Swinney pointed out that that road has the highest number of fatalities in Scotland—82 people died on it between 2000 and 2004. Newtonmore has the most southerly auxiliary fire service. With a small population, it is difficult to ensure that more than four auxiliaries are available at any one time. To ensure their continued interest, there is a strong case for them to revert to the activity that they were previously permitted—helping to tackle road traffic incidents. I will quote from one auxiliary to illustrate the type of service that auxiliaries can provide. The auxiliary states:

"I attended a fatal road accident and helped shield a child from the sight of her parents who were fatally injured trapped in their car."

That may not be an obvious task, but, sadly, one could foresee it being necessary.

Newtonmore is the nearest station to the A86, the most dangerous stretch of road in Scotland. They say that there is a golden hour within which one must provide emergency first aid and get seriously injured people to hospital—in this case, to Raigmore. It is a close call to get from Newtonmore to Raigmore within one hour. I know that the minister cannot interfere in this case, but I hope that he will consider the general issue with fire boards. I have mentioned Newtonmore, but I could mention other areas.

The requirement that auxiliaries sign a contract may be acting as a deterrent to volunteers who feel that that is an infringement of the volunteer ethos. The contract also requires auxiliaries to work in areas outwith their own. Employers, who also have to sign a contract, may be deterred from allowing an employee not just to put out fires in their area, but to go much further afield. I am getting the eye from the Presiding Officer, so I will conclude.

13:33

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I congratulate David Davidson on raising this important issue for debate. I give my whole-hearted support to the firefighters, especially our retained firefighters in remote and rural parts of the north-east of Scotland.

When visiting stations in my constituency, particularly at Stonehaven, I have been impressed by the training and enthusiasm of our firefighters. As Fergus Ewing pointed out, the term firefighter is a bit of a misnomer, because firefighters have many jobs and functions apart from—dare I say it?—just fighting fires. He mentioned the fact that they attend road accidents. Firefighters at Stonehaven, which is adjacent to the A90, the second most dangerous road in Scotland, with the second highest number of fatalities, are very focused on that role. They need to be supported by our raising the profile of the service that they provide, which this debate will help to do.

I know that many businesses support the retained fire service, in particular. That was impressed on me during my visit to Stonehaven. There is considerable co-operation between local small businesses and the retained fire service.

If David Davidson will forgive me, I will look at his motion with a slightly critical eye. He calls on the Scottish Executive to

"consider innovative ways in which businesses could support"

the retained fire service sector, as well as "new mechanisms" for doing that. I do not see in his motion what innovative ways or new mechanisms he suggests. I hoped that he might say so in his contribution, to which I listened carefully.

Mr Davidson: I simply referred in the motion to a report by HM chief inspector of fire services in Scotland and hoped that the minister would go off and look at what that report said. There is quite a lot of detail in the report and I know that the minister will have considered fully various other available reports because they are on the Scottish Executive website. I felt that in the short time available today, it was enough to leave it at that.

Mike Rumbles: I accept that entirely, so I now look to the minister rather than David Davidson to suggest those innovative ways and new mechanisms.

David Davidson ended his contribution by saying that he was not calling for more money to be spent on public services; rather he was calling for more investment. I smiled when I heard him say that because I cannot see the difference between new investment in the service by the Scottish Executive and a greater amount of public spending. They are one and the same to me. I am not supposed to call for new spending from the Scottish Executive, so despite the partnership agreement and because this is a members' business debate with no vote, I say that that is a very good idea.

13:36

Christine Grahame (South of Scotland) (SNP): I congratulate David Davidson on securing this important debate. He referred in his speech to the announcement on the radio this morning of the threatened closure of Melrose fire station. It is rather ironic that he is calling for additional retained firefighters when it is retained firefighters who are threatened with the loss of their jobs; more important is the threatened loss of fire protection in that part of the Borders.

Although the Melrose crew are retained part-timers, they are not amateurs; they are fully professional, as has been said by others. In particular, they are on the front line for call-outs to the Borders general hospital, which is just over the road, the Huntlyburn psychiatric unit in the same area and Borders NHS Board headquarters at Newstead—all are within their catchment area.

The population is growing in that area, and there is the potential for 5,000 new homes in Galashiels and Melrose. The population may expand further when the railway comes in 2008, although, following yesterday's debate on the Waverley railway line, I am still waiting for the funding. With 10,000 new homes coming into the area during the next decade as well as the hope of new businesses, this is the wrong time to consider cutting fire protection in Melrose.

It is true that there is a fire station at Galashiels, but the majority of that crew's work is in the Galashiels area. As others have said, fighting fires

is a minority part of a fire brigade's work. In the Scottish Borders, as elsewhere, their work has an awful lot to do with serious road traffic accidents as well as field fires, suicide attempts, wandering escaped cows—rather than lost cats—and mountain and river rescues.

The modern tender at Galashiels fire station is incredible—it is a bit like the TARDIS when one gets inside. It has climbing equipment and even inflatable rafts. However, that does not mean that Melrose fire station is not required. The fact that there would be a saving of only £120,000 to £150,000 per annum if Melrose fire station were closed makes the situation even worse.

Fergus Ewing and others have said that the proposed closure of the fire station will mean that it will take four and a half to six minutes longer for an appliance to get to an emergency in the Melrose catchment area—and that takes into account only the first appliance to get from Galashiels to Melrose. Those four and a half to six minutes are crucial when there is a house fire or a road traffic accident—they are the golden minutes after something horrendous has happened.

We can imagine the extra time that can be lost if we do not have people with local knowledge of back roads, locations of fire hydrants and remote local areas with funny wee names. The people who operate the computers elsewhere cannot even pronounce the place names and have no idea where they are. That is already happening: calls to the police are now centralised, and telephone operators cannot understand the accent—for example, "Hike" is Hawick. I am not making frivolous points. Local knowledge means that the Melrose crew have the edge on their own patch compared with the Galashiels crew, good though they are.

We support the innovative ways in which David Davidson's motion suggests that business could encourage people to participate in the retained sector. There is no doubt that if we have a vibrant economy and people who are happy and well paid, they are more likely to do those other jobs as well.

Reducing fire cover will also impact on businesses that might want to expand or to locate in an area. After all, who will try to build an extension to their hotel if the insurance company wants to know about the fire cover in the region? It is clear that taking away such fire cover for industrial and commercial premises has knock-on effects for the economy.

I have no idea what the time is, Presiding Officer, but I notice that you are not giving me fierce looks or wagging your finger at me. However, I will conclude now by saying that, a few years ago, I stood on the picket lines with the

Borders fire crews at Hawick and Galashiels when they were having trouble with their salaries. The crews came through that period of destabilisation well; however, the closure of Melrose fire station is very bad news and creates more destabilisation at a time when the crews could do with our support. Closing Melrose fire station should not be an option. It is ill-timed and all wrong. In an economy that is stepping forward, such a move would be a step back.

13:40

Shiona Baird (North East Scotland) (Green): I congratulate David Davidson on securing this debate. We all owe a huge debt of gratitude to our firefighters—indeed, as I will explain later, I owe a greater debt than most.

Firefighters not only tackle fires but provide a variety of other vital emergency services of inestimable value to us all. Other emergency services such as mountain rescue teams and the Royal National Lifeboat Institution also deserve recognition and face many similar problems.

The Retained Firefighters Union comments that

“because we can't predict when you'll be called out, you have to be flexible in your work. The chances are that you'll be working for a sympathetic employer who's prepared to let you off from time to time, or you'll be working for yourself.”

Larger businesses and public sector bodies often have greater capacity to be able to release staff at short notice, or a public service ethos that permits time off to perform emergency services to be written into the terms and conditions of employment. However, making such arrangements is very much harder for smaller businesses and the self-employed. We might need to consider giving those employers financial incentives.

Mike Rumbles: Does the member agree that, in rural areas such as Aboyne, firefighters' prime motivation is public service and duty, not financial incentives?

Shiona Baird: The two aspects are linked. It is important to measure the value of the job that retained firefighters do because that would help to incentivise their capacity for volunteering.

Between 4 and 5 per cent of full-time firefighters in Tayside are women, which is far short of the Home Office target of 9 per cent by 2004. Instead of criticising the service, we should concentrate on that aspect as one means of tackling the shortfall in recruitment and retention. Although the percentage of women in the retained and volunteer categories is roughly double the percentage of full-time women firefighters, it is still low. In its 2002 review of the fire brigade, the Equal Opportunities Commission reported:

“We would like to see any shift system compatible with family-friendly flexible working practices ... The role of the Fire Service is changing, with a greater emphasis on community participation ... That should entail a change in the role of the individual firefighter, with a broadening of the skills base, e.g. a greater emphasis on interpersonal and communication skills.”

Having experienced a major fire at our farm, I have a much greater awareness of firefighters' professionalism and dedication. For example, it requires real knowledge and skill to handle the highly flammable and volatile farm material. I was also interested to see how long the fire crew stayed at the farm to ensure that the fire had been put out; in fact, it flared up a couple of times. The crew even set up a portable canteen and rest room because it took so long to deal with that one incident. It was clear that, if other incidents had happened at the same time, they would have put real pressure on the service.

A fire in a steading is bad enough, but to have to stand and watch one's home burn down, which is what happened to our neighbours, is a real tragedy. Prevention must be the key and I urge the Executive to put far more resources into the service's fire prevention role, particularly in rural areas, where accessibility and even access to water are difficult.

In 2002, smoking caused 3,800 fires in the UK and accounted for one third of all accidental dwelling fire deaths. The April 2005 issue of “Firefighter”, the Fire Brigades Union's newsletter, notes that

“the introduction of ‘firesafe’ cigarettes which put themselves out would cut the numbers killed in accidental house fires by a third.”

I signed a motion that was lodged this morning that encourages the Executive to ensure that all cigarettes sold in Scotland are fire safe. As well as helping the fire services directly, all of us must do all that we can to help to prevent fires from breaking out in the first place.

I take the opportunity to say a public thank you to all the fire brigades throughout Scotland. I hope that the debate will raise awareness of the issues; I will do my bit by going home and trying to persuade my three sons who work on the farm to consider volunteering for the retained fire service.

13:46

Richard Lochhead (North East Scotland) (SNP): I will add a few comments to the many good points have been made by other speakers. I begin by congratulating my North East Scotland colleague David Davidson on securing the debate and by echoing the comments in which he paid tribute to the emergency services and the retained fire service in our rural communities.

Given that I first raised the issue of the challenges that the retained firefighting service faces soon after being elected in 1999, it is a matter of concern that, in 2005, we are back to repeat some of our anxieties. It is clear that there has not been a great deal of improvement in many areas of Scotland, including Grampian, which I represent. Forty per cent of fire incidents in Grampian are attended by the retained firefighting service and there are 33 retained stations throughout the region. When I phoned the fire brigade this morning, I discovered that there are 55 vacancies in the retained service, which represents about 12 per cent of the full complement. I am sure that the situation is the same in other parts of Scotland.

Retained firefighters face a particular problem in delivering cover during the day. That is when the main pressures arise because many members of the service are at work. If they are not working locally, they are unable to respond to calls. Aberdeenshire faces a problem that is replicated elsewhere in Scotland—it has an increasing number of dormitory towns. Although people live in those towns, they might well work in Aberdeen, Inverness or another part of the country. That situation means that it is enormously difficult to get an adequate number of retained firefighters to respond to calls.

As other members have said, one solution would be to get business on side. We should educate businesses about the advantages of having staff who are retained firefighters. It is an advantage to have staff who have additional skills, such as health and safety or first aid skills, that they have learned from the fire service and which they can use in their workplace.

The service in Grampian told me that each retained station deals with between one and four call-outs per week. Given that an average retained firefighter who works from 9 to 5 Monday to Friday can expect to be called out only twice a month, the commitment is not as great as some employers who are reluctant to let their employees take part in the service think that it is. We need to get that message across. A few call-outs a month does not represent a huge commitment. We must educate employers and get them on board.

As regards other solutions, the fire service tells me that the United Kingdom Government in London is publishing material to promote the service. The service does not yet know whether such material will be distributed in Scotland. I think that there is a good case for having a specifically Scottish public relations campaign, which would involve leaflets and other material being distributed throughout our rural communities and among employers.

As Shiona Baird and others have mentioned, there is a case for getting more females into the

fire service. About 5 per cent of Grampian's retained firefighters are female. There are huge challenges in trying to attract more females into the service. The lack of child care provision is a big barrier to women volunteering, as is the lack of female facilities in stations. Adaptations would be necessary to address that.

I congratulate David Davidson on bringing an important issue back to the attention of ministers and Parliament. I urge the minister to ensure that we will not have to come back in another five years to discuss the same concerns and challenges by doing a lot more to protect the retained firefighting service in our rural areas.

13:49

The Deputy Minister for Justice (Hugh Henry): Replying to a members' business debate so early in the afternoon is a slightly unusual experience, the circumstances of the by-election having affected the parliamentary timetable.

This has been a useful debate and I thank David Davidson for giving everyone who has stayed behind in the chamber the opportunity to put on record their appreciation of the work done by retained, volunteer and auxiliary firefighters. I add the thanks of the Scottish Executive, because we recognise the significant role that they play in protecting our communities.

A number of disparate points have been made on the back of a fairly specific motion. Not all of them have been entirely relevant to the central thrust of the argument David Davidson advanced, but I will attempt to address some of them. Fergus Ewing and Shiona Baird asked about self-extinguishing cigarettes. I am advised that product design standards are a reserved matter for Westminster, so it is for our colleagues there to determine that issue. If that is not the case, I am sure that information will be given when the motion to which Shiona Baird referred comes to be considered.

The contribution made by retained, volunteer and auxiliary firefighters has been recognised over the past couple of years. Their specific contribution was recognised in the June 2003 pay agreement, which provides for the pay of staff on the retained duty system to be equalised with that of whole-time staff. That was a significant move that at a stroke changed not just the rewards for those staff but the recognition of those staff. The pay agreement also allows for whole-time staff to act as retained firefighters in addition to their whole-time duties. I hope that those two measures in the agreement will attract recruits to the retained-duty system.

Fergus Ewing: I am grateful to the minister for giving way because it gives me an opportunity to

make a point that I was asked to put on record by an auxiliary, who pointed out that although auxiliary firefighters have signed a contract and are in some ways similar to retained firefighters, auxiliaries do not get paid retained money. That is a distinction between them. Is that the position, minister?

Hugh Henry: I am not sure of the detail, but a national agreement was reached and any payments and issues about status came about as a result of a very attractive agreement to support firefighters throughout the United Kingdom.

David Davidson mentioned the 30 per cent shortfall quoted in the chief inspector's report. I do not want to split hairs, but I should point out that that shortfall is largely due to the Highland and Islands fire board's programme to upgrade many of its volunteer firefighters to retained status. It is a sort of welcome problem: had it not been for that, the statistics would not look as bad as they do. I am not denying that in many parts of the country—the Borders have been mentioned—more effort should be made to recruit, but that programme has resulted in what would appear to be a temporary shortfall in retained staff for Highland and Islands and Scotland as a whole.

Christine Grahame: The minister may not know this—I certainly do not, which is why I am asking. Would he have a role if, against the wishes of the community, the Melrose fire station were to close? Is there a ministerial role there?

Hugh Henry: The decision in Melrose is about fire cover. That is a matter for locally elected politicians to determine. The future of Melrose fire station is primarily a matter for Lothian and Borders fire board, which is currently consulting communities throughout the Lothians and the Borders. What is happening at Melrose is a matter for local management and local elected representatives.

Mike Rumbles: Has the minister any of the “innovative ways” or “new mechanisms” that David Davidson suggests in his motion he should have?

Hugh Henry: I will come to that in a second, but first I will return to the issue that I was developing.

I hope that David Davidson will take some comfort from the reported remarks of the chief fire officer of Grampian fire and rescue service. I understand that he has said that the shortfalls in his area are not serious.

I say to Mike Rumbles that we acknowledged in our 2002 document “The Scottish Fire Service of The Future” that the issue of fire cover in sparsely populated areas had not been fully addressed. More recently, in our “Fire and Rescue Framework for Scotland”, we noted that Scotland has a higher proportion of part-time firefighters than other parts

of the United Kingdom. The issues arising from that fact are being addressed in a number of ways.

I mentioned the June 2003 pay agreement. In recent years Her Majesty's chief inspector of fire services for Scotland commissioned a programme of research to investigate ways in which part-time firefighters could become more integrated within the Scottish fire and rescue service. The second of two reports was published in 2003 and it made a number of detailed recommendations.

Among the recommendations were some that were aimed at the recruitment of part-time firefighters. That issue is picked up in the “Fire and Rescue Framework for Scotland”, where we gave an assurance that we would work with fire and rescue authorities to implement the report's recommendations.

In a minute, I will mention what could be done. However, in the framework we state that we expect part-time staff to be given the same opportunities as their whole-time counterparts to participate in the integrated personal development system and to undertake development programmes commensurate with the requirements of individual fire and rescue authorities. We will work with fire and rescue authorities, but a key issue will be to prepare information, advice and literature that is relevant to the local area. We should not construct a centralised recruitment campaign; the campaign should be different in the Borders, in the Highlands and Islands and in the north-east.

Mr Davidson: Will the minister take an intervention?

Hugh Henry: I will develop one point and then bring David Davidson in.

Shiona Baird said that prevention is the key and that more resources are required for that. Our whole focus in developing fire services has been to consider prevention and safety rather than just considering how to react to disasters and tragedies as they occur—although we will undoubtedly always have to do that. The introduction of integrated risk management plans means that fire and rescue authorities will have to match available resources to the risks identified in those plans.

But I say to Shiona Baird that politicians in this Parliament cannot have it both ways. If we attempted to dictate to local fire authorities—or to local authorities or to other local services—what they should do, Shiona Baird and others would be the first to criticise us for undue interference. So she cannot come to us and say that we should be doing more in the development of local responses. We have put more money into the fire services than ever before, but how those resources are used is for local management and local boards.

Mr Davidson: I suggested that resources be given to local authorities and fire boards to run their campaigns. The chief inspector's report suggested that some sort of incentives to businesses should be developed to allow the release of staff, or to allow the recovery of the loss of important staff time. Does the minister have anything to say on that subject? Rates relief and other methods have been suggested, but the report goes into much more detail.

Hugh Henry: I note David Davidson's encouragement of our developing further spending plans to encourage businesses to release staff. We will certainly consider that, but it is not our immediate intention to develop the type of proposal he suggests. We examine our budgets very carefully. The money that has gone out to fire and other services is at record levels.

We need to consider how we engage with local businesses. Even if chambers of commerce and other organisations can be engaged to give encouragement, that does not address local circumstances or, irrespective of what Scottish Chambers of Commerce says, what local businesses would have to do to implement proposals in a way that was commensurate with their needs. There are tensions and issues there that have to be addressed sensitively.

There is a perception that the general public has a low awareness of what is involved in being a part-time firefighter. We recognise the need to provide information to the general public in order to raise awareness and to promote the benefits of part-time firefighting. As a number of members have demonstrated in their speeches this afternoon, the security and safety of many communities in Scotland rely on part-time firefighters' dedication and expertise. I have mentioned the role that will be played by the integrated risk management plans in that.

I hope that the different roles that are now available in the fire and rescue service will prove more attractive than the previous ones. I am hugely encouraged by the advances that have been made by our fire and rescue services in recent years and I look forward to those advances continuing in the future.

Meeting closed at 14:01.

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