

# **MEETING OF THE PARLIAMENT**

Wednesday 22 February 2006

Session 2

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## **SCOTTISH MINISTERS AND DEPUTY MINISTERS**

FIRST MINISTER—Right hon Jack McConnell MSP  
DEPUTY FIRST MINISTER—Nicol Stephen MSP

### **Justice**

MINISTER FOR JUSTICE—Cathy Jamieson MSP  
DEPUTY MINISTER FOR JUSTICE—Hugh Henry MSP

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MINISTER FOR EDUCATION AND YOUNG PEOPLE—Peter Peacock MSP  
DEPUTY MINISTER FOR EDUCATION AND YOUNG PEOPLE—Robert Brown MSP

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DEPUTY MINISTER FOR ENTERPRISE AND LIFELONG LEARNING—Allan Wilson MSP

### **Environment and Rural Development**

MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Ross Finnie MSP  
DEPUTY MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT—Rhona Brankin MSP

### **Finance and Public Service Reform**

MINISTER FOR FINANCE AND PUBLIC SERVICE REFORM—Mr Tom McCabe MSP  
DEPUTY MINISTER FOR FINANCE AND PUBLIC SERVICE REFORM—George Lyon MSP

### **Health and Community Care**

MINISTER FOR HEALTH AND COMMUNITY CARE—Mr Andy Kerr MSP  
DEPUTY MINISTER FOR HEALTH AND COMMUNITY CARE—Lewis Macdonald MSP

### **Parliamentary Business**

MINISTER FOR PARLIAMENTARY BUSINESS—Ms Margaret Curran MSP  
DEPUTY MINISTER FOR PARLIAMENTARY BUSINESS—George Lyon MSP

### **Communities**

MINISTER FOR COMMUNITIES—Malcolm Chisholm MSP  
DEPUTY MINISTER FOR COMMUNITIES—Johann Lamont MSP

### **Tourism, Culture and Sport**

MINISTER FOR TOURISM, CULTURE AND SPORT—Patricia Ferguson MSP

### **Transport and Telecommunications**

MINISTER FOR TRANSPORT AND TELECOMMUNICATIONS—Tavish Scott MSP

### **Law Officers**

LORD ADVOCATE—Colin Boyd QC  
SOLICITOR GENERAL FOR SCOTLAND—Mrs Elish Angiolini QC

## **PRESIDING OFFICERS**

PRESIDING OFFICER—Right hon George Reid MSP  
DEPUTY PRESIDING OFFICERS—Trish Godman MSP, Murray Tosh MSP

## **SCOTTISH PARLIAMENTARY CORPORATE BODY**

PRESIDING OFFICER—Right hon George Reid MSP  
MEMBERS—Mr Kenny MacAskill MSP, Mr Duncan McNeil MSP, Nora Radcliffe MSP, John Scott MSP

## **PARLIAMENTARY BUREAU**

PRESIDING OFFICER—Right hon George Reid MSP  
MEMBERS—Bill Aitken MSP, Chris Ballance MSP, Ms Margaret Curran MSP, Carolyn Leckie MSP, Margo MacDonald MSP, Tricia Marwick MSP, George Lyon MSP

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Standards and Public Appointments	Brian Adam	Bill Butler
Subordinate Legislation	Dr Sylvia Jackson	Gordon Jackson

22 January 2006

## Scottish Parliament

*Wednesday 22 February 2006*

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

### Time for Reflection

**The Presiding Officer (Mr George Reid):** Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Irene Khan, who is the secretary general of Amnesty International.

**Irene Khan (Secretary General of Amnesty International):** No generation has enjoyed as much wealth, comfort and opportunity as we enjoy today, yet we live in an unsafe, endangered, unfair and deeply divided world. It is made unsafe by the proliferation of arms, by wars and conflicts, by terrorist attacks and—sadly—by the actions of Governments that ignore the rule of law and undermine fundamental human rights.

We live in a world that is endangered by environmental degradation and global warming, and by our callous disregard for the sustainability of our lifestyles and livelihoods, and we live in a world that is inherently unfair. More than a billion people—a sixth of humanity—live on less than a dollar a day. Half a million women die every year in childbirth and more than half the population of Africa do not have access to life-saving drugs. We live in a world that is deeply divided by racism, xenophobia, growing Islamophobia and anti-Semitism, by discrimination and by fear of “the other”.

I speak of the world, but those divisions do not appear only in distant places: they also appear right here in Scotland. Our fractured communities need a glue to bind us together: I believe that that glue can be a strong and unwavering commitment to uphold human rights. Human rights are based on universal standards and international law. If we ignore them, we undermine the international commitment to, and co-operation in, finding global solutions to global problems.

Human rights embody the common values of human decency and dignity, equality and justice. Their erosion weakens the basis of our common security. Today, more than ever, we need to reinforce our shared belief in human rights and human dignity. Scotland has a history of standing up for fairness and justice and Scotland’s voice must be heard in the United Kingdom and Europe. As political leaders, you can make that happen. You can help us to overcome our fears and build bridges.

In the words of Andrei Sakharov, who became a member of Amnesty International when it was dangerous to do so in the Soviet Union,

“The defence of human rights is a clear path towards the unification of people in our turbulent world and a path towards the relief of suffering.”

Today, we need your leadership to go down that path.

## Business Motions

14:33

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-3986, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a revised business programme.

*Motion moved,*

That the Parliament agrees the following revision to the programme of business for Wednesday 22 February 2006—

Wednesday 22 February 2006

after,

2.30 pm                      Time for Reflection

*followed by*                Parliamentary Bureau Motions

insert,

*followed by*                Ministerial Statement: The Scottish Fingerprint Service.—[*Ms Margaret Curran.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S2M-3987, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a change to decision time today.

*Motion moved,*

That the Parliament agrees under Rule 11.2.4 of the Standing Orders that Decision Time on Wednesday 22 February 2006 shall begin at 5.15 pm.—[*Ms Margaret Curran.*]

*Motion agreed to.*

## Scottish Fingerprint Service

**The Presiding Officer (Mr George Reid):** The next item of business is statements by Colin Boyd and Cathy Jamieson on the Scottish fingerprint service.

14:35

**The Lord Advocate (Colin Boyd):** Presiding Officer, I wrote to you last Friday in the light of public comments that followed the settlement of the civil case that Shirley McKie had brought against the Scottish ministers. In the letter, I set out my role as the head of the independent system of prosecution in Scotland and explained why I took the decisions that I had taken.

I took the decision to prosecute Shirley McKie and I took the decision not to prosecute officers of the Scottish Criminal Record Office against whom allegations of criminal conduct had been made. The decision to settle the civil action that had been brought against the Scottish ministers was taken by the Minister for Justice, who will follow me with a statement about that and about how she is taking forward the process of change and continuous improvement in the SCRO.

The case against Ms McKie arose from her evidence at the trial of David Asbury in May 1997 that she had not been inside the victim's house during the investigation. The question whether that evidence could be proved to be false rested on fingerprint evidence. The matter was investigated by the police and by the then regional procurator fiscal for Glasgow, who submitted a report to Crown counsel in December 1997. I considered that report with the benefit of further input from the then deputy Crown Agent.

I decided to prosecute Ms McKie for perjury because there was sufficient reliable and available evidence to do so. At her trial, a conflict of evidence emerged over identification of the fingerprint mark. The evidence that was available to me at the time of my decision supported the view that it was Ms McKie's fingerprint. If that evidence had not been sufficient, the judge would not have allowed the jury to consider it. The evidence was tested in court and the jury acquitted her.

I also took the decision not to prosecute the SCRO officers. In June 2000, the Association of Chief Police Officers in Scotland asked senior officers of Tayside police—Messrs Mackay and Robertson—to investigate the discrepancy between the findings of the SCRO experts and those of experts who were instructed by ACPOS during an earlier review. I then instructed the regional procurator fiscal for north Strathclyde to inquire into allegations of criminality, specifically



perjury. The Tayside inquiry was then widened to investigate that allegation and was asked to report its findings to the regional procurator fiscal. That inquiry was extended again in September 2000 to cover similar allegations in the Asbury case.

In October 2000, the Tayside officers submitted their report to ACPOS for its interest and to the regional procurator fiscal for his. They then made further inquiries to assist the fiscal's on-going investigation. His further inquiry involved detailed examination of the expert evidence that was available, including interviews with expert witnesses, apart from those accused, in order to assess their evidence. The RPF submitted his report to the Crown Office in July 2001. I considered that report, his analysis of the case, the material from the Tayside investigation and further advice from the then deputy Crown Agent and I decided that there should be no prosecution.

I had to consider not simply a broad allegation of criminality, but whether there was evidence that would support the prosecution of any individual for a specific criminal offence. In any such prosecution, it would be necessary to establish—to the high standard of its being beyond reasonable doubt—that there had been a misidentification. It was clear even then that there were independent experts who were not connected to SCRO and who were not prepared to say that. Those conflicting positions on identification of the relevant fingerprint evidence have never been resolved as between those who would have given evidence at a trial.

The Crown would also have needed to show, to the same high standard, that even if there had been a misidentification, those opinions were being held dishonestly and with criminal intent. The officers concerned had clearly maintained their position, notwithstanding that there was a contrary view, but that of itself would not have been sufficient to infer criminality. Therefore, in September 2001 I concluded that the evidence was insufficient to justify criminal proceedings. It did not follow that those who gave evidence must be guilty of perjury because Ms McKie had been acquitted.

I mentioned the level of recent comments about the case and I will deal specifically with one allegation, which concerns the Lockerbie trial. The SCRO was not involved in providing any fingerprint evidence for that trial. Officers from Lothian and Borders police carried out examinations in 1991 and officers from the anti-terrorist branch of the Metropolitan police carried out the fingerprint work from then on. Officers from both forces were listed as witnesses at the trial, but the fingerprint evidence was not disputed. The suggestion that the decision making in the cases was in any way connected is deeply offensive to

me and—more important—to all those involved. It is entirely without foundation.

The independence of the Lord Advocate in making prosecution decisions is a long-standing convention, which is enshrined in the Scotland Act 1998, and the independence of those who prosecute in his name or hold his commission as procurators fiscal flows from his independence. The independence of those who make prosecution decisions is a cornerstone of any democracy.

There have been calls for a public inquiry into the cases, about which the Minister for Justice will say more. I would be deeply concerned—not for me, but for the integrity and independence of the system—if an inquiry attempted to revisit the decisions. Decisions on whether to take proceedings and on the nature of those proceedings are taken after independent and objective assessment of the available evidence and not as a result of opinions, theories or speculation. Such decisions must not be swayed by public opinion, media pressure, high-profile campaigns or other external factors.

More than any other case, the case in question illustrates the dangers that exist. I knew when I made my decision in September 2001 that it would not be popular with Ms McKie or her father. The predictable controversy could have been avoided had I decided to prosecute the SCRO officers, but to decide to do so would have been wrong. Such a decision would have been based on expediency and would not have been the result of an independent exercise of judgment.

My decisions in the case followed careful consideration by other prosecutors, including regional procurators fiscal and senior Crown Office staff. Such consideration is part of the system of checks and balances that are in place in our system. The decisions were taken properly in discharging my role as head of our independent prosecution system.

The issue is not about protecting my position as the current Lord Advocate. It is much more fundamental than that: it is about protecting the role of the independent prosecutor in the public interest. I take that role very seriously, and have done so in this difficult case, which has deeply affected the lives of all those involved.

14:42

**The Minister for Justice (Cathy Jamieson):** I begin by reminding everyone about what lies at the heart of the issue. The case is about people, the decisions that they took and the impact of those decisions. It is also about processes—the systems within which those people operated.

The Lord Advocate, as the head of our independent prosecution service, has just described the investigations that were made and the decisions that were taken about the people involved. I will not second-guess those decisions, as some people are in danger of doing. We were elected to Parliament to make good laws for Scotland, but we are not above the due process of those laws.

I will set out clearly the changes and improvements that have since been made to the systems and organisations. I will also say why a public inquiry into the case would be unnecessary and could be an obstacle to moving our fingerprint service forward as we transform our criminal justice services.

Shirley McKie was acquitted of perjury on 14 May 1999. On 20 March 2000, Her Majesty's inspectorate of constabulary for Scotland began an inspection of the SCRO fingerprint bureaux.

On 22 June 2000, the Deputy First Minister and Minister for Justice, Jim Wallace, made a statement to Parliament. He acknowledged that independent experts had found that the print that was found at the Marion Ross murder scene was not Shirley McKie's print. He also expressed regret for her suffering. I am sure that everyone in Parliament shares that regret.

On 14 September 2000, Her Majesty's inspectorate of constabulary for Scotland published a report following its inspection of the SCRO fingerprint bureaux, which contained 25 recommendations that covered organisation, training, quality assurance and independent scrutiny. On 6 July 2001, the Lord Advocate announced that more than 1,700 cases that had been examined by SCRO fingerprint staff over 13 months had been independently reviewed and had been confirmed to be accurate. There had been no misidentifications.

On 7 September 2001, the Lord Advocate confirmed that there would be no criminal proceedings against the SCRO officers. In November 2001, Shirley McKie served proceedings against the Scottish ministers

On 20 March 2002, a scrutiny committee with an independent chair was set up by the Association of Chief Police Officers in Scotland to conduct a disciplinary investigation. It reported that there was no misconduct or lack of capability in the work of the SCRO officers and that no disciplinary action should be taken. On 17 March 2005, following three further inspections of SCRO, Her Majesty's inspectorate of constabulary reported that all its recommendations from 2000 had been discharged.

On 29 June 2005, the Executive announced that it was willing to settle the Shirley McKie case on

the basis that the fingerprint misidentification was not malicious. Following that announcement, discussions between the parties continued right up until 7 February, when a settlement was reached.

An enormous amount has been done since September 2000 to change and improve our fingerprint services, which is why I am so concerned by the allegations that have been made about the adequacy of the Scottish fingerprint service as it is now. Those allegations are damaging public confidence, so let us look at the facts.

All the recommendations that were made by HMIC and ACPOS in the wake of the Shirley McKie case have been successfully implemented. As a result of those and other changes, we now have a national fingerprint service, national guidance on fingerprint standards and procedures, rigorous procedures to ensure that identification is independently verified, a structured training and development programme for each fingerprint expert, which includes annual external competency testing, and a service that operates to audited and internationally recognised quality standards.

The Scottish fingerprint service is not falling behind international standards. In fact, a number of features of the service put it ahead of the rest of the United Kingdom. It is the only UK service that subjects itself to annual testing by an external agency—a measure that the Association of Chief Police Officers in England has described as a model of good practice that it hopes to follow. We have not finished yet: as part of our plans for the new Scottish police services authority, we will create a new forensic science service for Scotland and the fingerprint service will be part of that new service.

As I have said, we intend to introduce a new standard of fingerprint evidence in Scotland—the non-numeric standard that is used in many jurisdictions around the world—which will further enhance the presentation and understanding of fingerprint evidence in our courts. We intend that the new standard will be in place by autumn 2006, following a thorough implementation and awareness programme.

I have described the extensive programme of renewal and modernisation that the Scottish fingerprint service has gone through over the past five years. I am determined that Scotland's fingerprint service should be acknowledged as being world class. I believe that we have an historic opportunity to realise that ambition by demonstrating independent oversight, scientific excellence and transparent adherence to standards.

I have today instructed the interim chief executive of the Scottish police services authority, Deputy Chief Constable David Mulhern, to bring forward by the end of March an action plan to develop the Scottish fingerprint service as an integrated part of the new Scottish forensic science service from April 2007. In preparing his action plan, Deputy Chief Constable Mulhern will draw on the best available scientific advice and expertise in organisational development and human resource management. I will make his plan available to Parliament and I will keep Parliament informed of his work over the next year.

A number of members have expressed support for an independent public inquiry. We need to consider carefully whether anything of value could be achieved by such an inquiry, how long it would take and what impact it would have on the process of reform while we were awaiting its outcome. A statutory inquiry could not rule on any person's civil or criminal liability and it could not rule on whether Ms McKie's claim against the Scottish ministers would have been successful had she not agreed to settle out of court without admission of liability. It could not rule on convictions or acquittals that took place in the past nor could it determine whether particular persons who were under investigation were guilty of criminal conduct. A public inquiry could not change the outcome of the criminal investigation, it could not reverse the findings of the disciplinary investigation and I very much doubt whether it would be the right way to secure further improvement of our fingerprint service.

I believe that we have to accept that neither Ms McKie nor those who it was alleged had wronged her will ever be reconciled: neither I nor a public inquiry can change that, but as a minister it is my job to learn lessons from the past while looking to the future.

Much has been made of the rights and wrongs in this case. I firmly believe that settling with Ms McKie was the right thing to do. It was right for her as fair recompense for all that she has been through. It was right for our fingerprint service and its staff to allow them to move forward as part of a new national forensic service and central police authority and it was right for the Executive as an appropriate settlement that was a defensible use of the public purse.

It is also right that we should defend and support the independence of the Lord Advocate in making decisions about prosecutions and it is right that we should acknowledge the integrity of Scotland's fingerprint service today and support the efforts to develop and improve that service so that it is recognised as being world class.

**The Presiding Officer:** I invite members who wish to put questions to the Lord Advocate or the minister to press their request-to-speak buttons.

Before we proceed to questions, I advise members that I will rule any reference to the case of David Asbury to be inadmissible under rule 7.5.3 of standing orders in terms of sub judice.

I am also advised that Shirley McKie's case against Strathclyde police board and others is still technically sub judice, but I shall allow questions on that subject provided that they do not stray into matters that could prejudice the outcome of a settlement.

**Nicola Sturgeon (Glasgow) (SNP):** I put it to the minister that any reforms in the Scottish Criminal Record Office subsequent to the Shirley McKie case, however welcome, do not negate the need for public accountability for what went wrong in that case and any cover-up that then took place. I point out to the minister that those matters were not specifically examined in the HMIC report to which she referred.

I suggest that there are a number of questions in the Shirley McKie case that are left unanswered by today's statements. How could a fingerprint that was clearly not Shirley McKie's be wrongly identified as hers by not one but six individuals in the SCRO? If it was "an honest mistake" as the First Minister has alleged, when did it come to light and why was it not corrected immediately? Was the fingerprint—as has been alleged—manipulated, misrepresented and dishonestly presented in court and in subsequent presentations? Those are just some of the unanswered questions on which the Scottish public are entitled to answers.

The Lord Advocate refused to order prosecutions on the basis of evidence that was available to him in 2001—including the Mackay report, which alleged "criminality and cover-up"—so why has he not investigated or acted on the considerable subsequent evidence of criminality that has been presented to the Court of Session by Shirley McKie and which has also been seen by the Executive's lawyers?

Why, in the five and a half years after Jim Wallace apologised to Shirley McKie in Parliament, did he and then the current Minister for Justice refuse to compensate Shirley McKie? Why, during that period, did the Executive go to court time and again at taxpayers' expense to try to deny Shirley McKie the right to have her case heard in court and why only on the morning that the case was due to start—five minutes before it was due to start—did it decide to pay out £750,000 in settlement? Is not it the case that the Executive's objective all along was to prevent the

truth of the matter from coming out in an open court?

I suggest to the Lord Advocate and the minister that although it might have started as “an honest mistake”, the clear weight of evidence suggests that it very quickly became a systematic cover-up. By failing to order a full inquiry six years ago when evidence was first presented, the Scottish Executive became party to a massive cover-up of the truth, and will remain party to that cover-up until it accepts the overwhelming demand for a full public inquiry.

Of course, a full public inquiry cannot change what has happened, but it could find out exactly what did happen and could minimise the chance that it would happen again in the future. If the Executive really has nothing to hide in this case, perhaps the minister or the Lord Advocate will tell Parliament today what they fear from an open public inquiry.

**The Lord Advocate:** Ms Sturgeon directed a couple of questions at me. I make it absolutely clear that, as far as I am concerned, I have nothing to fear from examination of what has happened, because I took the right decisions at the time. It would be quite wrong to revisit such decisions on criminal cases, because doing so would undermine the clear independence of the Lord Advocate and the prosecution.

On Ms Sturgeon’s point about the Mackay report, I hope that I have made it absolutely clear that the decision that I took in 2001 was based not only on that report—which has apparently been leaked into the public domain—but on the investigation that was carried out by the then regional procurator fiscal of north Strathclyde, and on further advice that I received from the deputy Crown Agent. At that time, that information and the decision that there would be no proceedings was given to Ms McKie and was publicly intimated to the SCRO’s officers. It is a question of law that I can no longer take criminal proceedings against those officers even if I wished to do so. I see no merit whatever in reopening a criminal investigation.

**Cathy Jamieson:** Ms Sturgeon raised a number of points in her question, and I will try to deal with a few of them.

On the length of time that it took to resolve the case, I am aware that my predecessor as Minister for Justice, Jim Wallace, has also intimated concern about that. However, I decided to bring the matter to a conclusion because I believed that that was the right thing to do. As with the Lord Advocate and the decisions that he took, I knew that my decision would not be universally popular and that some people might have preferred the

matter to go to court. I believed—I still believe—that it was the right thing to do.

During that time, a number of issues had to be resolved through legal processes. However, once we had decided to try to move to settlement, I wanted it to happen. It was right and proper for various negotiations to take place at that point because, as I said, I believe that it was correct to offer a settlement that was fair to Ms McKie and that took account of what she had gone through during those years; that took account of the fact that she had not been able to go into employment; and which took account of her future prospects. However, the settlement had also to be justifiable as far as the public purse is concerned. I feel that we have achieved that.

Ms Sturgeon also said that we should learn from the past in order to make changes for the future. That is absolutely right in principle: we can, and must, learn from the past. Indeed, we have already learned from a significant number of inquiries into the Scottish fingerprint service and we have made changes—25 recommendations have been implemented.

I want to ensure that we focus on the future. We should have a world-class fingerprint service in Scotland. I have already said that we have moved forward, but we can do more. Some of the allegations and misinformation that have arisen in the past few weeks have not been helpful, so we need to restore public confidence; the measures that I have set out today look forward to improving the service further. Rather than our spending more time looking at the past, I believe that that course of action is the right way forward.

We know what went wrong in a number of situations in the fingerprint service. The HMIC report raised several issues, which have been acted on. The report made 25 recommendations on how to improve the efficiency and effectiveness of the service, including bringing together the various bureaux into one organisation and ensuring that the right leadership was in place, that work was verified independently, that extra training was carried out and that the service met international standards. We must seek to restore public confidence, but the way to do that is through the measures that I have laid out today.

**Miss Annabel Goldie (West of Scotland) (Con):** We have had, arising from the tragic death of Marion Ross, nine years of confusion, allegation and disagreement and of alleged conspiracy, cover-up and criminality, which has affected the criminal justice system in Scotland. It has left a huge black cloud hanging over the Scottish Criminal Record Office and our fingerprint service. I must say that the minister’s statement has dispelled none of that. How can the minister think that the public or any of the parties who are

involved in this saga can possibly have confidence in anything other than an independent external judicial inquiry, with full powers to compel evidence and to get to the facts of the matter? Does the minister accept that anything less will leave that huge black cloud hanging over our fingerprint service indefinitely and will lay her and the Executive open to charges of bungling ineptitude, gross political irresponsibility and staggering complacency?

The Lord Advocate has ruled out a public inquiry. Does he accept that our prosecution service—the independence of which he rightly lauded—is placed in an especially sensitive position when it has to consider alleged criminal conduct in any organ of the criminal justice system, in which transparency and public confidence are paramount? Does he therefore also accept that when an extraordinary situation such as the one that we are considering arises, the independence of our prosecution service is compromised if politicians sit in judgment, and that the only way out of such a mess is to have an independent judicial inquiry, free from political interference, to ascertain the facts of the matter?

**Cathy Jamieson:** I am, of course, conscious that it is not for me as a politician to interfere in what the Lord Advocate does in his role as the head of the prosecution service. I will therefore confine my remarks to Miss Goldie's points about the Scottish fingerprint service. I will try to explain once again that it is not the case that nothing has happened since the reports that were ordered by my predecessor were produced and investigations undertaken as part of HMIC's inspection. As I said, the HMIC report contained 25 recommendations, which resulted in a substantial change process being put in place in the Scottish fingerprint service. We had independent verification: for 13 months, the work of the service was scrutinised more rigorously than happens anywhere else, and during that time no misidentifications came to the fore.

We must ensure that we make more progress. I want our fingerprint service to move ahead as part of the new forensic science service that we will create. I am disappointed that Miss Goldie feels that there will not be an opportunity for further scrutiny because, as I said, the action plan that I expect Deputy Chief Constable Mulhern to produce in a short time will be provided to Parliament and regular reports on progress will be given. It would be appropriate for any parliamentary committee that wishes to do so to take evidence on the action plan and to scrutinise the process. I do not believe that nothing has happened and that nothing is about to happen, which may be the inference. We tried to ensure that the recommendations were acted on, after which the service was again inspected; HMIC

made it clear that all the recommendations had been implemented.

We are moving ahead. The Police, Public Order and Criminal Justice (Scotland) Bill will create a new governance body—the Scottish police services authority—that will ensure that independent people will oversee the process.

I am concerned about the impact that the ongoing matters may be having on staff in the Scottish fingerprint service. We owe it to the staff in the service to ensure that that action plan is introduced and that we deal with any issues that are identified as part of that.

**The Lord Advocate:** It is important to appreciate that there are quite a number of important checks and balances within our system. We have the police, who are independent of ministers; we have the Procurator Fiscal Service, which is an independent investigation body when it comes to allegations of criminal conduct by police officers and people who are associated with the police, such as the fingerprint officers in this case; and we have Crown counsel, who are independent. If criminal proceedings are taken, that evidence is tested in our independent courts of law; if not, I am accountable to Parliament and would be here answering questions. It is important to emphasise that no public inquiry could investigate whether people have been guilty of criminal offences. I would be concerned if we moved to a system in which, instead of putting evidence before a criminal court, we were putting evidence before a public inquiry. That would be entirely wrong.

I say to Miss Goldie and the rest of Parliament that it is in the most difficult and sensitive cases that the independence of the prosecutor has to be resolutely defended. It is in those cases that we should be careful about doing anything that undermines that independence. I believe that I am entitled to seek the support of Parliament in that.

**Pauline McNeill (Glasgow Kelvin) (Lab):** Does the Lord Advocate agree that, if the Parliament values the separation of powers, it would be most dangerous for it to go down the road of holding any public inquiry that would question his decisions? Does he agree that that would set a precedent for other Scots to ask politicians to intervene in their cases?

Will the Minister for Justice assure me that she will counter directly public allegations about Scotland's fingerprint service? Will she attempt to get to the bottom of the damaging remarks made by Allan Bayle and others who claim, among other things, that there is a cancer within the SCRO? Will she be proactive in defending our system, challenging all those who seek to damage it and making any changes that are necessary?

**The Lord Advocate:** I shall take the questions in the order in which they were put. I agree with Pauline McNeill that it would be dangerous to go down the road of questioning those decisions. I point out to Parliament that it is unusual for the person who is directly responsible for prosecutions in a democracy to be accountable to Parliament in the way in which I am. In England, for example, the Director of Public Prosecutions is not accountable to Parliament in the direct way that the Lord Advocate is. Recognising that there are issues to do with accountability, the United Kingdom Parliament, in the Scotland Act 1998, gave the Lord Advocate protections that allow me to refuse to answer a question that relates to a criminal case when I consider that to answer such a question is not in the public interest and, if I think fit, to withhold from Parliament documents relating to individual criminal cases. I can also direct those who hold commissions to do that. The UK Parliament thought that those protections were right and I believe that this Parliament would agree that they are right; they exist for the protection of the independence of the office of Lord Advocate.

**Cathy Jamieson:** I shall comment on Ms McNeill's questions on the current position and future of the Scottish fingerprint service. Allegations that have been made must be having an impact, both on public confidence and on the staff who work in the organisation. I am aware of suggestions that we should take action to stop some of those staff working in the organisation, but I do not accept that that is the way forward. People are doing a job on our behalf, and it is important that we have confidence in the work done by the Scottish fingerprint service. Equally, we must ensure that its work is constantly reviewed to make the public confident that it is up to accepted international standards.

Earlier, when I said that I expected Deputy Chief Constable David Mulhern to introduce an action plan, I also made the point that I would not be happy if it did not take account of international best practice. It is important that such best practice covers not only the scientific methods available from the wider forensic science field, but organisational culture and change management. Parliament will have an opportunity to examine that plan. I am sure Pauline McNeill and others will want to scrutinise it carefully.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Does the minister agree that it is vital that there is confidence in our justice system as a whole and the fingerprint service in particular, not least because of the more than 40 cases that are being analysed today by the service in its contribution to the detection and prevention of crime?

The minister will be aware that the Justice 2 Committee is scrutinising the Police, Public Order and Criminal Justice (Scotland) Bill, which will reform the fingerprint service and establish the Scottish police services authority. Does she agree that if members have serious, well-founded concerns about the standard of fingerprint testing, the efficiency and effectiveness of the reforms that she has outlined and the implementation of the recommendations of three HMIC reports, they should bring those concerns to the committee, given that the Parliament is able to act on them—if agreed to—through legislation?

Does the minister also agree that members must desist from innuendo and reckless statements that undermine the independence of not only the prosecuting authorities but HMIC and the integrity of its reports? If they are not prepared to bring them to the committee, they should desist from making such statements.

**Cathy Jamieson:** I agree that it is important that the public have confidence in the justice system as a whole. That is why the Executive is keen to reform many areas of the justice system. Jeremy Purvis made a valuable point about the scrutiny of the Police, Public Order and Criminal Justice (Scotland) Bill. I hope that members across the chamber will familiarise themselves with its details.

**Members:** Hear, hear.

**Cathy Jamieson:** I hear calls from the other side that people are already doing so. I also hope that they will inform themselves about the current position of the SCRO, the work that it has undertaken and the changes that have been made. Last week, I gave a detailed answer to a parliamentary question from Mr Alex Neil outlining some of those changes, and I have tried to focus on them again today.

**Alex Neil (Central Scotland) (SNP):** I ask the Lord Advocate the same question as Nicola Sturgeon asked—which was not answered—on the new evidence on criminality within the SCRO that was submitted to the Court of Session as part of the negotiations with the McKie family. What is he going to do about that new evidence of criminality in the SCRO?

Is it true that the Lord Advocate received a letter in August 2001 from an officer in the SCRO that claimed that after he commenced duty there, he was shocked and appalled by the level of malpractice? What did the Lord Advocate do in response to that letter? Did he carry out an inquiry to determine what alleged malpractice was taking place?

If the misidentification of Shirley McKie's fingerprint was supposed to be an honest mistake, what about the misidentification of another fingerprint? Is that also an honest mistake?

The Lord Advocate is right to say that he has to act as the independent head of an independent prosecution service. However, his failure to order a public inquiry is creating the impression that decisions are being taken for political reasons rather than for reasons of justice.

**The Lord Advocate:** I answered the question that Ms Sturgeon put to me. I said that, as a matter of law, having publicly announced that no proceedings would be taken against the Scottish Criminal Record Office officers, and having informed them of that, I would be barred from prosecuting. In any event, I see no merit whatever in reopening a criminal investigation five years on.

Mr Neil asked me about a letter that I was supposed to have received in August 2001. I have no recollection of that letter, but I will have the matter investigated.

I note that Mr Neil's question raised the issue of malpractice. That, of course, would be a matter for Her Majesty's inspectorate of constabulary.

The second fingerprint relates to a case that is currently before the court. I do not think that it would be appropriate to answer Mr Neil's question.

**Des McNulty (Clydebank and Milngavie) (Lab):** Parliament was abused in 2001, and there is a danger of its being abused again, judging by the comments that we have heard recently.

To put the record straight, will the Lord Advocate confirm that the four SCRO staff are not the only ones to have positively identified the fingerprint as Shirley McKie's? Peter Swann, the independent fingerprint expert who was chosen by Ms McKie's defence lawyers, also made a positive identification, as did Malcolm Graham, another eminent independent fingerprint expert. The fact that those two experts independently agreed with the identification fatally undermines any claim of malice on the part of SCRO staff—one of whom is a constituent of mine. Neither a public nor a parliamentary inquiry will give the four SCRO staff the opportunity to defend themselves in court against allegations that have been made against them in the action brought by Shirley McKie. The courts are the proper place for such allegations to be dealt with—not here.

Does the Lord Advocate accept that those people, whose rights have not been given due consideration throughout these proceedings, feel strongly that they are the ones who have been denied justice?

**The Lord Advocate:** I can confirm that other experts, independent of the SCRO, agreed with the SCRO identification.

One of the reasons for my concern about the present allegations is that I do not believe that allegations of criminal conduct should be made

anywhere other than in a court of law. People are presumed innocent throughout a criminal investigation. That presumption of innocence remains with the SCRO staff. That is a basic part of our democracy and our civil liberties, which I believe we all hold dear.

**Colin Fox (Lothians) (SSP):** I am sure that everyone in the chamber would agree that this whole affair calls into question the integrity of the criminal justice system in Scotland. It is important that that integrity be restored as quickly as possible. I hear everybody agreeing with me.

Does the minister accept that the public will see from this debate that she is offering yet another inquiry to be conducted out of the public eye, behind closed doors? This time there is an action plan by Deputy Chief Constable Mulhern, against the background of similar work by the Association of Chief Police Officers and HMIC. She mentioned in her statement that independent experts have considered 1,700 cases and found no other misidentifications—yet there are two misidentifications in this case. As the Lord Advocate has said in another statement, fingerprint evidence is not an exact science.

Will the minister accept that, rather than tell Parliament what a public inquiry cannot achieve, she should understand that a public inquiry would serve the public well and offer all sides the chance to clear their names? It would compel witnesses to appear and give evidence. That would be the way to restore confidence in the criminal justice system.

**Cathy Jamieson:** I thank Mr Fox for again outlining the number of times that this particular set of circumstances has been looked into. I again make clear what I hoped that the statements by the Lord Advocate and me had already made clear, which is that an inquiry of the sort that Mr Fox has described does not offer the opportunities that he suggested that it would. The Lord Advocate has outlined clearly why taking matters out of the proper setting of the courts of law in our democracy is a dangerous route to go down.

As I said in my statement, I think that the position in which all sides have found themselves is extremely difficult. There is no doubt that the situation has been difficult for Ms McKie and the people who are close to her. It has also been difficult for the fingerprint officers and many of the other employees of the SCRO. As I said in my statement, I took the view that, however many inquiries we might have, it would be unlikely that those two sides would ever be reconciled. I still hold that view. I took the decision that we should try to bring the matter to some kind of conclusion in order to give some kind of closure to those who need it and to allow us to move on. However, I did not want us simply to draw a line underneath

events without learning from them. It is vital that we continue to examine what is happening at the SCRO and that we take the steps that I have outlined today. I keep stressing that Parliament will have the appropriate opportunity to consider that work as we proceed because I will present regular reports on it.

**Margaret Mitchell (Central Scotland) (Con):** It is also important that we do not lose sight of the fact that this whole sorry saga started with the murder of an innocent woman, Marion Ross, whose killer has still not been brought to justice seven years after her tragic death. For her family, there has been no justice from Scotland's criminal justice system. What assurance can the minister give Parliament that everything possible is being done to ensure that that crime is solved and that the perpetrator is finally brought to justice? Surely she must realise that only a judicial public inquiry would establish the facts surrounding the botched murder investigation.

**Cathy Jamieson:** I do not want to stray into any inappropriate territory, but I think that we are in danger of confusing issues. It is not for me as the Minister for Justice, a politician, to instruct the police on how to do their job. That is an important point. Neither the police's handling of inquiries nor prosecution decisions should be interfered with in that way. Of course I am well aware that Marion Ross's murder was the point at which events started, but it would be quite wrong of me to suggest to the police or the prosecution service how they should proceed with that investigation.

**Mr Jim Wallace (Orkney) (LD):** Does the minister find it totally incredible that Nicola Sturgeon has made allegations of systematic cover-up? Does the minister think that it is the mark of a cover-up to agree to an inspection by Her Majesty's chief inspector of constabulary, with all the integrity and independence that are associated with that post and its individual office holders? If the chief inspector of constabulary were to have discovered criminality, his remit would have been to report it to the procurator fiscal and the chief constable. The Lord Advocate exercised his independent role as head of the prosecution system by conducting independent investigations into the allegations of criminality that were made. Is it the sign of a cover-up to come to Parliament within 24 hours of receiving the interim findings to make a statement to the effect that the SCRO fingerprint bureau was not fully effective and efficient, to agree to the publication of that report and to follow that up with the Association of Chief Police Officers in Scotland by ensuring that the report's recommendations will be implemented? That is far from being a cover-up.

Does the minister accept that the responsibility that ministers—both she and I—discharged was

that of securing the implementation of those recommendations and of taking further measures, such as those that she has outlined today? Will she confirm that if she has to account for her stewardship, she will, like me, stand ready to do so robustly and with nothing to hide? Does she accept that it is the role and duty of Parliament to hold ministers to account and that it would be a bad—and a sad—day for Parliament if we ever felt it necessary to outsource one of our primary responsibilities?

**Cathy Jamieson:** I am well aware of the role that Mr Wallace, in his capacity as the Minister for Justice at the time, played in securing those investigations and advancing the recommendations to make improvements. I have picked up on that work.

It is important to stress that we need to ensure that if public confidence in the system has been damaged, it is restored. That is why Mr Wallace is absolutely correct in saying that the Parliament has the appropriate opportunities available to it. Parliament has the opportunity to bring ministers to committee or to the chamber to be held to account for the work that they are taking forward.

I have laid out today a clear way forward and I intend to take it. In due course, I also intend to report back to Parliament, as promised.

**Mr John Swinney (North Tayside) (SNP):** Does the Lord Advocate accept that an essential element of public confidence in the justice system is that decisions to prosecute or not to prosecute are taken on a consistent basis and that they are seen to be taken on that basis? Does he accept that his decision to prosecute Shirley McKie and his decision not to prosecute the SCRO officials are considered by many not to have been taken on a consistent basis? Does he further accept that, in the interest of ensuring public confidence in the consistency of the decisions that are taken in the independent judicial system, he should order a public inquiry into this issue?

**The Lord Advocate:** I am sorry, but I could not disagree more. Every decision has to be taken on the facts of the individual case. It is not a question of saying that this, that or the other person is guilty—one cannot have a consistent approach in that way. That would be completely the wrong thing to do. One has to marshal the evidence against each individual accused, determine whether that evidence supports a criminal charge and lay it before the court. It is not a question of applying some supposedly consistent approach.

**Mr Kenneth Macintosh (Eastwood) (Lab):** I believe that on these occasions it is customary for members to preface their question to ministers by welcoming the comments that they have made, but I will go further than that. Given the wild,



inaccurate and almost hysterical coverage of this affair in recent weeks, today's statement of facts from the Minister for Justice and the Lord Advocate has been like a breath of fresh air.

I welcome the fact that the Lord Advocate has come to Parliament and explained the reasoning behind the various decisions that he has taken in this matter. I welcome in particular his explanation that he was not motivated by expediency, public opinion, media speculation or one-sided campaigning—I hope that the public is reassured by that.

I ask the minister and the Lord Advocate to restate and confirm some of the facts that I heard in their statements, the significance of which may have been overlooked by some of those who are listening to the proceedings. Will they confirm that it was the McKies who instructed Mr Peter Swann, the independent fingerprint expert, to look again at the identification that the SCRO fingerprint officers had made in the McKie case? His finding confirmed the accuracy of the fingerprint officers' identification. It was only after that that the McKies went elsewhere for their independent fingerprint advice.

I also ask—

**The Presiding Officer:** Briefly, please.

**Mr Macintosh:** Will the minister and the Lord Advocate confirm that the fingerprint officers who were involved at the heart of this affair had every piece of their work in the year before and after the McKie case examined and rechecked by independent experts and that their work was found to be accurate? Do the minister and the Lord Advocate agree that it is not in the public interest for fingerprint officers to be tried by the media when they have shown honesty and integrity throughout?

**Cathy Jamieson:** Ken Macintosh laid out a number of points, and I will start with the last one. I hope that the Lord Advocate and I set out very clearly today that the place for any trial is in the proper court and not in any other place. As I laid out in my statement, it is the case that the fingerprint officers—not only those at the centre of this case but those involved in a range of cases—were scrutinised very thoroughly. Indeed, they were scrutinised more closely than would happen elsewhere. At a certain point, the Lord Advocate took the view that that additional scrutiny was no longer required because the fingerprint officers' work had been shown to be up to standard.

I want to re-emphasise an important point that I made in my statement: we must always look to improve. Today's announcement is not new; the matter has been in the public domain for some time. We have indicated that we intend to move to the non-numeric standard. We have an

implementation programme in place; we are in the process of ensuring that it is rolled out; and we have now given a timeline for that work to be undertaken. I hope that MSPs will take the opportunity to familiarise themselves with the process and scrutinise it where appropriate.

**Dennis Canavan (Falkirk West) (Ind):** Does not this whole fiasco demonstrate the untenable situation whereby the head of the prosecution service is also a member of the Executive?

In view of the Minister for Justice's statement on BBC radio the other day that the Executive could not order a public inquiry because decisions on whether to prosecute are a matter for the Lord Advocate rather than her, will she or the Lord Advocate confirm that a decision on whether to hold a public inquiry is quite different from a decision on whether to prosecute? There is at least one precedent for the Scottish Executive ordering an independent public inquiry—namely the Fraser inquiry into the Holyrood project—so why can we not have a public inquiry into the McKie case?

**Cathy Jamieson:** I will clarify what I am reported to have said in a media interview. I was making it clear that it would be wrong for me as a minister to interfere in any prosecution decisions—a point that has been stressed again today. Of course Executive ministers have powers to order inquiries if they believe that that is the correct thing to do, but it is of fundamental importance that the head of our prosecution service be able to take decisions about prosecutions by weighing up all the facts and information that he has before him without political interference. I find it rather astonishing that members suggest today that there should be political interference, because they would be the first to complain if I tried to interfere in the Lord Advocate's decisions.

**Phil Gallie (South of Scotland) (Con):** I agree with the minister's comment about confidence in the justice system and refer her to remarks that I made after Jim Wallace's statement on the case in 2000, when I emphasised that point. I point out that all that I warned the Executive about then has come to pass in the six years that have passed, as the justice system is under question.

I will question the minister on her statement that more than 1,700 cases that were examined by SCRO fingerprint staff over 13 months have been independently reviewed and the identifications confirmed to be accurate. Does it not seem strange that four SCRO staff members got it wrong in this one case? They were right in 1,700 cases, but wrong in just one. I ask the Executive and the Lord Advocate to publish, in the spirit of freedom of information, the McLeod and Mackay reports. They have not been made available to the general public, but perhaps they should be.

The Lord Advocate stated that the judge would have determined whether there was sufficient evidence to take a case against Miss McKie. I put it to him that, if a case against the SCRO officers had been put, the judge would have made a similar judgment. I cannot understand why the Lord Advocate did not give the judge that opportunity.

**Cathy Jamieson:** Mr Gallie referred to comments that he made in 2000. I confess that I do not have his words to hand and therefore cannot focus on those specific comments, but I hope that my remarks have given him some assurance that the various measures that were talked about in 2000 have been put in place and that there has been significant change since then. He has taken a responsible approach to making representations on Miss McKie's behalf at various stages, so I hope that he will accept my remark that we must try to allow her some closure on the matter and that he will take it in the spirit in which it is intended to be taken.

Mr Gallie referred to particular reports. I will allow the Lord Advocate to deal with the Mackay report, but it is not our view that there would be anything to be gained from the publication of the McLeod report. The Executive commissioned that report as part of its defence in the civil action, had it gone to court. Matters have now been settled out of court and I hope that I have assured the Parliament that that was the fair, right and proper thing to do in the circumstances.

**The Lord Advocate:** I will deal with the two points that were directed at me. The decision to take criminal proceedings, as a quasi-judicial act done either by me or by one of my advocate deputes acting in my name, is not one that is ever taken lightly, particularly when the offences that are the subject of proceedings are serious. It is quite improper for me, or for anybody else for that matter, to subject citizens to a criminal trial if, in the judgment that I form, there is insufficient evidence to take the case to court. I hope that members will understand that that is the basis on which our criminal justice system is formed.

As far as the Mackay and Robertson report is concerned, I emphasise to Parliament that it is only one part of a wider report that came through the regional procurator fiscal for north Strathclyde. Such reports, including reports by police officers to procurators fiscal, are regarded as highly confidential. I will give members the reasons for that. First, police officers must be free to detail all the information and evidence that they have, together with any other information that might be relevant to a prosecution decision. They must be free to do so without the threat of public disclosure, which might open them up to criticism or to civil proceedings for defamation. Secondly, I

return to the proposition that I have put continually before the Parliament: that the only proper place for allegations of criminal conduct is a court of law. I will not support the idea of putting into the public domain information that might give rise to trial by media. For those reasons, I will not publish either report.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** My questions are to the Lord Advocate, and they were intimated to him in writing earlier today. Will he confirm that, prior to the trial of Shirley McKie for perjury, an independent verification, or blind test, was carried out at the behest of either the SCRO or the prosecution services to check the accuracy of the identification by the SCRO of the fingerprint or fingerprints as belonging to Shirley McKie? Was that blind testing carried out prior to Shirley McKie's trial for perjury? Will he confirm that the Crown Office knew of the blind testing and that it was informed of its outcome before the trial? Will he confirm that that evidence was withheld from the Shirley McKie defence team, and was not disclosed prior to her trial?

**The Lord Advocate:** I thank Fergus Ewing for having given me prior intimation of his question. Regrettably, it was received in my office at 2 o'clock this afternoon, and I will not be able to answer it in full.

I understand that Fergus Ewing is referring to an exercise that was carried out when the elimination print was being examined. It was put before five other SCRO officers. The results were that two officers who examined the print did not find as many as 16 identical characteristics—which is the established standard for identification—but that, on the characteristics that they found, they were each satisfied that the print was that of Shirley McKie; a third officer preferred to examine the prints under a magnifying glass before giving a view, but did not do so; a fourth preferred to examine the print in daylight, but did not do so; and a fifth officer marked up 16 points of comparison on the lower part of the print, with none in disagreement, and was satisfied that it had been made by Ms McKie.

That exercise, as I understand it—and assuming that we are referring to the same thing—was carried out in February 1997, which was clearly before the trial for perjury.

Fergus Ewing asks:

"Will the Lord Advocate confirm that the Crown Office knew of the blind testing and that it was informed of its outcome before the trial?"

Let me be clear. I do not wish to mislead Parliament on this matter, so I wish to be absolutely accurate before I fully answer that question, and I promise that I will write to the

member as soon as that is the case. My recollection, however, is that the matter came to light during the investigation of the SCRO officers, and that it was therefore not known to the Crown at the time. I will confirm the position in writing.

**The Presiding Officer:** That concludes questions to the Minister for Justice and the Lord Advocate.

**Margo MacDonald (Lothians) (Ind):** On a point of order, Presiding Officer. With the greatest respect, I believe that a number of matters were raised during this question session that were not necessarily addressed in the statements from the minister or the Lord Advocate. Fergus Ewing raised a number of those in the final question, in response to which the Lord Advocate said that he would reply in writing. Is it entirely appropriate that we should not all know what the Lord Advocate tells Fergus Ewing in writing?

I wonder also about the process that we have just followed, whereby two ministers with completely different responsibilities answered questions at the same time, when it was not clear which minister should be expected to answer.

**The Presiding Officer:** As far as the Lord Advocate and Mr Ewing are concerned, they are both devoted to openness and I assume that the response will be made public in due course.

That concludes this item of business. I will allow a slight pause for members to leave the chamber.

## Scottish Schools (Parental Involvement) Bill: Stage 1

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

The next item of business is a debate on motion S2M-3895, in the name of Peter Peacock, on the general principles of the Scottish Schools (Parental Involvement) Bill.

15:42

### **The Deputy Minister for Education and Young People (Robert Brown):**

There is, perhaps, a sense of anticlimax, given the previous debate, about returning to the more mundane matters of school education. However, in our education debates, nurturing, the acquisition of life skills and the development of young people's potential are hugely important matters. We tend to focus on the public bit—the school, the nursery teacher and the teacher—but the most potent influence on children's education and life prospects is their parents. Today's debate marks a significant stage in implementing the Executive's commitment to give parents a stronger voice in their children's education and learning and to involve more of them more effectively in supporting the life and work of their schools.

The bill is based on certain key principles: that parents should be involved fully in supporting their children's learning; that parents should be welcomed and be encouraged to engage with the life of schools; and that the voice of parents should be heard in matters of local policy and representation. The focus of the bill is therefore broader than that of current school board legislation, given that it aims to recognise in a statutory format the vital role that parents play in the education of their children.

It is worth considering basic research findings that underpin the critical importance of parents. For example, research shows that 85 per cent of the language that we use as adults is in place by the time we are five years old, and 50 per cent of it is in place by the time we are three years old. Throughout their school years, children spend only 15 per cent of their time in school. It is significant and interesting that doing homework regularly through the school years has roughly the same benefit as an extra year's schooling. Those are interesting background research points.

The evidence points to the importance of involving parents in different ways from as early a stage as possible. I doubt whether any member would disagree with that central, fundamental point. If we involve parents successfully, schools are stronger and children benefit.

The bill supports parental involvement at three levels. First, it aims to enable parents to do what they can, according to their circumstances, to support their children. The bill places a duty on Scottish ministers nationally and education authorities locally to promote and support that. It requires education authorities to draw up strategies for parental involvement in its wider sense, taking account in particular of the needs of looked-after children, which, as we know, is one of the biggest challenges that we face, not least because, for whatever reason, parental involvement might be defective or absent.

**Fiona Hyslop (Lothians) (SNP):** Children 1<sup>st</sup> has said that the views of children have not been reflected in the bill. Looked-after children do not like the word “parent” being used in the title of a body or in any wording to do with a body. Perhaps using “school council” instead of “parent council” might be a way of reflecting the views and interests of looked-after children who do not have parents.

**Robert Brown:** That is a valid point. It highlights the importance of flexibility in taking the bill forward. The Education Committee identified that. Clearly, parent councils will be parent driven—there is no argument about that—but the ability is there for a council to co-opt people from outside the parent forum and to frame the constitution of the body in such a way as to allow input by teachers and others.

More particularly, I draw Fiona Hyslop’s attention to the need for a strategy to take on board the issue that she raises. Bearing in mind the fact that a lot of the policy intention will be implemented by guidance and by what happens later at a local level, there is scope for the point that she raises to be taken on board. I assure her that we will endeavour to reflect that point in the guidance.

**Mr David Davidson (North East Scotland) (Con):** The minister talked about local strategies. Does that mean that the Executive is placing local authorities in the position of having different schemes to suit their areas, as opposed to having a national scheme that could be supervised or laid down by ministers?

**Robert Brown:** The central point is the need to consider what happens at the local school level. Parent forums will have the ability to make arrangements at a local level, so the process will be parent driven. Guidance will come from the centre on best practice, the kind of things that people can take on board and the experience of what has happened elsewhere, either under the school board system or in various pilot schemes. That will inform the decisions that are made.

There is a role for local authorities, which must deal with wider issues beyond schools. Further, there are issues around the various levels of schools and sorts of schools and—to take Fiona Hyslop’s point—the ways in which we can take on board the interests of looked-after children. Local authorities can have input in relation to all those matters in their particular circumstances, which will stand alongside the guidance that comes from the centre.

The second level at which the bill supports parental involvement is in the wider life of schools. Some parents might wish to help out in the classroom or by offering their skills in the realm of sport or business. Others might wish to help with after-school clubs or outdoor activities. Children learn in all kinds of ways—education is not a job for schools in isolation. Schools, parents and the community, working together, can take a broader approach to education. Strategies for parental involvement can take account of local authorities’ wider provision for supporting families and community learning. That relates to David Davidson’s question.

The Executive is working closely with local authorities to identify good practice and ways of promoting parent partnership across Scotland. We have been encouraged by the innovative ways in which education authorities are already seeking to involve parents. We will shortly be publishing examples of good practice that authorities, schools and parents can draw on to develop parental involvement with schools and their children’s learning. If I have time later, I will give one or two examples of that.

The third level is in the area of parental representation. That is the element on which there has been the greatest focus. We want parents to be able to select a representation system that is appropriate for their school and in which they have confidence. Eighty-three per cent of parents who were surveyed by MORI on behalf of the Scottish Executive felt that parents at a school should determine the format of the body that represents them. The bill will allow parents to do just that.

This is a dynamic bill that empowers parents and gives them local choice and flexibility. It allows them to build on the best of what they have by way of representation, and to develop and adapt it to suit their local circumstances. All parents who have a child at a school will be members of the parent forum, which will give every parent a say in how their school promotes parental involvement and in how their views should be represented. The parent forum can set up a parent council to represent its views to the school and, where necessary, to the local authority and other bodies.

The bill repeals the School Boards (Scotland) Act 1988 and moves away from the one-size-fits-

all approach to parental representation that it generated. I am glad that there is increasing recognition that that is appropriate. Our bill empowers parents, removes some barriers to widened participation and provides new opportunities for innovation and sharing of good practice.

Inevitably, those who serve on school boards and, in particular, the Scottish School Board Association, have been concerned that the bill might threaten the continuance of the good work that they do and reduce parents' powers. The reality is that the bill builds on existing good practice and strengthens parents' powers. I am glad that that is so clearly recognised and stated by the SSBA in its latest newsletter. I look forward to working with the SSBA and the Scottish Parent Teacher Council on those matters.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** The minister made a point about parents' powers. This morning, I received an e-mail from a parent who pointed out that, in the secondary school in Inverness that her child attends, it is possible to take only two advanced higher courses this year—Gaelic and maths. Her child wishes to pursue a medical or veterinary career. What power will that parent have under the bill? How will it ensure that there is a wider choice of advanced highers in Inverness and the Highlands?

**Robert Brown:** I do not want to comment on that particular case, which is obviously a matter for the local authority and the people in the area, to whom the local authority is democratically accountable and to whom it will be even more accountable after the 2007 elections. However, the framework in the bill gives parents considerable potential to build the relationships that they want to have with their schools. If parents in the area to which Fergus Ewing refers are so minded, it is possible that discussions could take place on the point that he raises. We have to accept the reality that resource issues lie behind these things, but I am sure that, under the bill, parental involvement in the process will ensure a better outcome.

As the Education Committee's report acknowledges, the bill has benefited enormously from input and comment from many quarters. I thank both the committee and those who took part in the consultation for their input. We will listen carefully to the debate and we will consider amendments to improve the bill without losing the strength of its flexibility. The committee identified a number of things that it wants to see in guidance. Peter Peacock will, as promised, provide the committee with draft guidance before it is issued, so that the committee can comment on it. I will

return to the issue of head teachers, which will, I am sure, be discussed during the debate.

Effective parental involvement is a key part of our vision to help every child to improve their life chances and achieve their potential in modern Scotland. The bill represents an exciting opportunity to put in place a flexible framework to help children who are at school and those who are yet to come. I look forward to the debate that will follow, and I commend the bill to Parliament.

I move,

That the Parliament agrees to the general principles of the Scottish Schools (Parental Involvement) Bill.

**The Deputy Presiding Officer:** Before I call the next speaker, let me share some information. I have recalculated the timings: I will have about 25 minutes for the open debate. I have the choice of calling six members for four minutes each or four members for six minutes each. In the interests of balancing the debate as best I can, I will call six members for four minutes each. Members with prepared speeches might care to adjust them now.

15:54

**Fiona Hyslop (Lothians) (SNP):** I begin by thanking all the parents who serve on school boards—many of whom have done so for many years—to support their children and their school. The minister singularly failed to do that in his speech.

Parental involvement in education is important, but parents' role lies particularly in their own child's education. It is about motivation, help with homework and encouragement. All parents can give their children that help.

The Scottish National Party's position in the debate is reflected in paragraph 2 of the Education Committee's report. Although we are

"supportive of the aim of raising levels of parental involvement in schools",

we doubt

"that the Bill, if passed, would be effective in achieving this aim."

We consider that matters other than those in the bill are higher priorities in education. We need to tackle the fact that one child in five is underperforming and underachieving and has unrealised potential. The education system is not dealing properly with such children. We must also deal with the travesty of educational outcomes for looked-after children.

Nobody disputes the fact that school board legislation needs to change. The Conservatives introduced school boards against the backdrop and incentive of opt-out opportunities for schools that wanted them, but time has moved on. The

days of Conservative government are in the dim and distant past, which is a welcome fact to many.

The issue must be the modern representation of school boards. School boards could be modernised. They recognise the need for modernisation, adaptation and change. However, are we seriously saying that they are so fundamentally flawed that they must be abolished? No. The minister had thought that councils would favour the abolition of school boards, but many did not, to the extent that the Executive backtracked before it introduced the bill. The initial proposal was for very weak parent forums, whereas the Executive now says that it wants to have elected parent councils, which will be similar to the old school boards, and that it will not really change all the positions and differences in policies. Given that, why are we removing school boards and creating parent councils, which will be the start of rejecting the promotion of partnership with local authorities, outside interests and pupils? The minister seemed to be interested in my suggestion of the term "school council", but most schools have school councils for their pupils. Why do we not just call the proposed bodies school boards?

**Robert Brown:** I am not interested in the name of the bodies—that is incidental and is up to the parent councils. I am surprised by Fiona Hyslop's position. I do not understand it. I hope that she will explain to members why, if she takes that view, she did not vote in committee against the bill and recommend rejecting it to the Parliament. As she well knows, the reality is that the bill will create a more flexible arrangement, which will enable parents to make decisions.

**Fiona Hyslop:** I abstained on the bill, because we are on a wing and a prayer as to whether it will improve the situation. Minor provisions in the bill might be of some advantage. The main reason for our position is that we should be debating important child protection legislation—the Bichard legislation—and the children's hearings system, which demands legislation. I am not saying that some improvement in and modernisation of school boards is not required.

**Mr Brian Monteith (Mid Scotland and Fife)** (Ind) rose—

**Fiona Hyslop:** I need to make progress because of the time limit.

The bill is not the key priority for education in Scotland. From talking to parents who are involved in school boards, I am concerned that a disincentive has been created. The good work that they have done has not been recognised. They will continue to serve on parent councils and parent forums, because they will do what is required and what is in their children's interests. However, they are concerned about the time and

effort that will be required to change the system and to move the deckchairs around when the new process will not be much different.

I will move on to why other issues in education are more important. Yesterday's report from Her Majesty's Inspectorate of Education reflected on leadership, which is important. Leadership is key for well-performing and top-performing schools. Funnily enough, the one bit that has remained contentious in the bill after everything else has been changed and watered down is the appointment procedure for head teachers and senior staff. If leadership is so important—as flagged up in yesterday's report on why many of our schools are not performing as well as they could—why is it absent from the bill? The Executive started to consult after it introduced the bill. I would be up for the Executive saying, "This is what we're going to do; these are the proposals," and making that part and parcel of the bill. However, in paragraph 129 of its report, the Education Committee is right to say that we should not proceed to stage 2 until we know the firm proposals.

The relationship between head teachers and parent councils is key. What has been wrong with the appointment procedure until now if 15 per cent of head teachers are not performing? What can be done to rectify matters? We must engage with such questions and ensure that parents are actively involved. They should not have a token position.

Parents know that people must be professionalised. We cannot expect people to be nominated or approved for serious and responsible voluntary positions without training. Everybody recognises that training is needed. An effective school will work effectively when parents and the head teacher provide strong leadership.

Other issues include education, governance and representation. I asked the minister at the Education Committee why there must be a strategy for parental involvement in statute. The answer was that if such a strategy is not in statute, some local authorities will not implement it. If parental involvement is important, but local authorities do not have a strategy for it, we should ask why those local authorities are responsible for delivering education. The Parliament should return to that issue.

Is the proposed legislation worth the candle? Probably not. Will it be approved? Probably. Will it make a difference? We do not know.

I move amendment S2M-3895.1, to insert at end:

"but, in so doing, notes that parental involvement in the management of schools as institutions is not the same as parents' involvement in their own children's education

which should be the focus of policy, and regrets that the Scottish Executive has failed to provide detail about its proposals for the role of parents in the appointment of headteachers and senior staff before introducing the Bill or the debate and vote on Stage 1 of the Bill, noting that this is now the most contentious part of the Bill since the Executive latterly introduced proposals for elected parent councils similar to elected school boards into the Bill."

16:01

**Lord James Douglas-Hamilton (Lothians) (Con):** Fiona Hyslop has made an excellent speech that included extremely valuable points. I came to the chamber armed with two speeches, one of which is six minutes long and one of which is four minutes long. In view of your request to make speeches short, Presiding Officer, I will use the shorter speech. In any case, a man of few words is unlikely to have to take any of them back.

In 2004, the Executive published a guide to the School Boards (Scotland) Act 1988, which stated that boards are

"in a unique position as a mechanism for the two-way flow of information between parents, schools and education authorities."

If school boards were able to attract such favourable comment from the Executive only two years ago, why is there now such a push for their abolition?

School boards were established under the previous Conservative Government and have served parents well for approaching 18 years. Currently, 97 per cent of secondary schools and 88 per cent of primary schools have school boards. In East Renfrewshire, which is the local authority area with the highest attainment in Scotland, 100 per cent of schools have boards.

We believe that the key to success in schools is to have more decisions devolved to head teachers and the full involvement of parents. It is clear that parental support is an important factor in children's social and academic success. The Scottish School Board Association has acknowledged that some of the boards' functions would benefit from modernisation. Our view is that that does not require the abolition of school boards, which have important statutory powers that safeguard the educational interests of parents and children.

If the bill receives a parliamentary majority at stage 1, we will seek to improve it at a later stage. I give the minister notice that, in those circumstances, I propose to raise three important issues, the first of which relates to the composition of appointment panels for senior staff. We will seek to amend the bill so that procedures for parental representation in the appointment of head teachers and deputy heads are included in the legislation, with parent councils and local

authorities being equally represented on those panels.

Secondly, we would like parent councils to be under a duty to co-opt a certain proportion of their members from the local community, including teachers, although parents should be in the majority.

Thirdly, I will seek to include in the bill a commitment that all members of a parent council will be obliged to undergo a disclosure check satisfactorily.

I remind ministers that the First Minister said at First Minister's question time on 7 September 2005 to my friend David McLetchie,

"Of course the new bodies might lose one or two powers"

and went on to claim:

"They will have different powers, but they will be better powers."—[*Official Report*, 7 September 2005; c 18944-45.]

Although the Executive's aim of encouraging more parents to become involved in their children's education and in the life of their school is wholly acceptable, the inference to be drawn from the provisions in the bill and those that will be made much later through associated regulations is that school boards' statutory powers to appoint head teachers will be diminished.

**Robert Brown:** Will Lord James Douglas-Hamilton give way?

**Lord James Douglas-Hamilton:** I will give way quickly and will try desperately hard not to overrun the four minutes.

**Robert Brown:** The bill states that that will continue to be the case. The details are being consulted on and we will come back on that before stage 2, as Lord James Douglas-Hamilton is well aware.

**Lord James Douglas-Hamilton:** This is a classic example of the Administration putting the cart before the horse. The consultation has not been completed. I have here the consultation document, which states that the responses will be made

"available to the public ... by 30 March 2006".

We are a long way away from 30 March and the minister is asking us to sign a blank cheque for him by approving the bill. Frankly, we are not prepared to do that because the indication that the First Minister gave at question time on 7 September, in response to a question from David McLetchie, was that those statutory powers would, in all likelihood, be diminished. As far as we are concerned, a diminution of the statutory role of parents is a retrograde step. That is why we cannot and will not support the bill.

16:06

**Dr Elaine Murray (Dumfries) (Lab):** The bill intends to do exactly what it says in the title: to promote the involvement of parents in the education of their children. It replaces a system that was introduced by the Tory Government in the School Boards (Scotland) Act 1988. Despite the way in which Lord James Douglas-Hamilton describes it, that piece of legislation was designed to assist and encourage schools to opt out of local council control. As far as I know, that policy is still championed by the Tory party, although one can never be sure with David Cameron. In that regard, the 1988 act was an unsuccessful piece of Tory legislation, as it did not have the desired effect.

**Mr Monteith:** Is the member not aware that two acts were passed, one on setting up boards and one on the ability of schools to opt out? The history of school boards in Scotland goes far further back than that. School boards existed before the second world war and used a single transferable vote system. Those schools did not seek to opt out.

**Dr Murray:** I am talking about the intention behind the Conservative legislation that was introduced in 1988 and 1989, which, in Scotland, was unsuccessful at encouraging schools to opt out of local authority control. It was successful in another regard. Although many local authorities and head teachers were, initially, suspicious of the intentions of the legislation, over time, many school boards have been successful, working well with head teachers and making a valuable contribution to local authority education policies. Perhaps Brian Monteith should have listened to the rest of my speech before starting to shout.

The bill builds on the success of school boards but introduces a more flexible framework that will allow parents, if they wish, to continue with their current school board structure as their parent council or to change that structure if they feel that that is appropriate for their school. For example, in small rural schools—I have some in my constituency—the parent council and the parent forum may be the same thing.

I agree that parental involvement is not just about structures; I do not think that anybody in the Executive parties is arguing that. The fact that we have introduced the bill does not mean that we are not concerned about the children who do not achieve, the 20 per cent of children who could do better than they do or the specific problems of looked-after children. The number of ministerial statements that there have been on those issues surely illustrates the importance that ministers attach to them.

Parental involvement is very much about the culture of schools and local authorities, about

making parents feel welcome and about encouraging them to be involved in their children's education. That is easier for some parents than it is for others. Many parents may have been alienated by their own experiences of school. They may feel intimidated or have preconceived views that are based on unhappy school days. They need to be involved too. Indeed, it is particularly important to involve those parents because their children need to fulfil their potential too. A more flexible approach to parental involvement will allow school communities to develop a structure that is appropriate to that school community, so that people feel ownership of it. The system is not centralised and, as the minister said, it is not ideologically driven and it is not a case of one size fits all.

At the moment, at any one time, only around 1 per cent of parents are involved in their school board and they tend to be middle-class parents. Scottish Consumer Council research of 2002 found that parents with degrees—

**David McLetchie (Edinburgh Pentlands) (Con):** Will the member give way?

**Dr Murray:** No, I am sorry, but the member's ex-colleague had rather a long intervention.

Parents with degrees were five times more likely to be school board members than those with no formal qualifications. It is just as important that parents who do not have degrees feel involved in their children's school.

The Education Committee noted a number of issues from its evidence sessions. As Fiona Hyslop mentioned, one of those was that school boards involve not just parents and head teachers; they also have representation from other members of staff and pupils, and local councillors are entitled to attend. We felt that it was important that wider representation should continue and that parent councils should draw members from staff, pupils—in particular—and the local community. I know that ministers are reluctant to include that provision in the bill because they feel that it could be restrictive, but we should consider ways to encourage wider representation and ministers have said that they are prepared to do so.

The bill introduces a power for parent councils to make representations to HMIE as long as they have already made such representations to the head teacher and the local authority and have received replies. In evidence, concerns were raised about that, because the provision was not in the original proposals. Some witnesses felt that there had been inadequate consultation, the Educational Institute of Scotland was concerned that HMIE might be used as an arbitration service, the Scottish Parent Teacher Council did not feel that there was any great demand from parents for



the power and the Convention of Scottish Local Authorities feared that the power might be used either frivolously or vexatiously.

The minister clarified in evidence that the proposed provision would be an extreme measure. I say again to ministers that there could be a case for parents having the power to go to HMIE about their local authority rather than the school. I am thinking particularly of all the work that we have done on additional support needs, because the provision of such needs is the responsibility of the education authority rather than the school. If parents are concerned about that, they should have the opportunity to go to HMIE.

I welcome ministers' assurances that they are willing to consider amendments that arise from the committee's report, but I finish by asking a question that other members have raised: will the results of the consultation on senior staff appointments and the Executive response to that be available to the committee in advance of stage 2 consideration?

**The Deputy Presiding Officer:** I call Iain Smith, as the convener of the lead committee. In that capacity, he gets six minutes.

16:12

**Iain Smith (North East Fife) (LD):** This is the first of three trial stage 1 debates in which the Presiding Officer has agreed that the convener or a representative of the lead committee will make an opening speech to outline the committee's recommendations in its stage 1 report. Therefore, I welcome the opportunity to speak on behalf of the Education Committee.

I thank the committee for the constructive way in which it conducted the stage 1 inquiry. I also thank the many witnesses who submitted valuable evidence, both written and oral, and the clerks for their assistance in preparing what I believe is an excellent stage 1 report.

Although the committee was divided on whether to support the general principles of the bill, there was unanimity on most of our recommendations. In particular, there was unanimity on the importance of parental involvement in children's education. It is widely recognised that children are likely to perform better at school when they have the active support of parents in their schooling, both individually and in supporting the work of the school.

It is also widely recognised that parents tend to be more directly involved in primary than secondary schools. Whether that is a factor in the problems of discipline and low attainment that we see in the early years of secondary school is a matter of conjecture.

The committee recognises that there is a difference between parental participation and representation. Much of the bill deals with the mechanics of representation. In itself, representation does nothing to ensure that parents will participate in the education of their children. In one of its key recommendations, the committee asks that the duty that the bill places on Scottish ministers and local education authorities be extended beyond ensuring representation to ensure increased parental participation in education.

The bill proposes a more flexible approach to parental representation than the present one-size-fits-all approach. School boards are the same whether they represent a small, single-teacher, rural primary school or a large secondary school with 2,000 pupils. The bill's two-tier approach, in which a parent forum consisting of all parents appoints a parent council, is intended to increase the number of parents who can be actively involved in developing a school's policies and development plans. Such an approach might address Fergus Ewing's point, because parents could be involved in developing policies on, for example, advanced higher in secondary schools.

Although evidence that we received expressed concern that such flexibility could lead to a lack of cohesion in the system and a diminution of the role of parents, the committee accepted that the proposals offered an acceptable degree of flexibility to enable parents in a diverse range of school circumstances throughout the country to devise arrangements for their parent council that best suited local needs.

It is also worth pointing out that, in its most recent newsletter, the SSBA, which understandably expressed concern about the proposed abolition of school boards, now accepts that the

"functions ... of an effective School Board are about to be enhanced by the new Bill".

The committee has major concerns about two areas. First, although it acknowledges that arrangements for councillors, teaching and other staff, pupils and representatives of the local community can best be set out in the parent council's constitution, the bill's present wording does not give sufficient weight to the importance of such representation. Education must be a partnership and the committee's view is that co-option of representatives should be the norm. We urge the minister to consider carefully this part of the committee's report ahead of stage 2.

Secondly, the crucial issue of the appointment of head teachers raised many concerns, particularly from the SSBA, which feared that the bill would diminish parents' role in such matters. The

committee acknowledges that, given changes in educational practice and employment legislation since the School Boards (Scotland) Act 1988 was passed, it is necessary to modernise appointment procedures. However, it would be fair to say that the committee was uneasy about suggestions from the Association of Directors of Education in Scotland and COSLA that head teachers be appointed to an education authority rather than to a specific school.

Indeed, concern has already been expressed about some education authorities' practice of seconding heads from one school to another, because it creates problems in ensuring continuity in a school and proper parental involvement in appointing head teachers. Indeed, I have recently written to Fife Council about the concerns of parents and the school board of Dairsie primary school in my constituency about how such secondments have affected the appointment of a head teacher to the school.

Although the committee was heartened by the minister's statement on the importance of parents' meaningful involvement in the appointments process, we regret that the consultation on this matter does not close until after the stage 1 debate. The committee asks the Executive to publish the results of the consultation and its proposed response before stage 2 to allow members to take them fully into account at that stage.

Before I close, I want to draw the Parliament's attention to several other issues. First, we must have proper guidance to ensure both that referral to HMIE is seen as a measure of last resort and that parent councils do not discuss matters relating to individual pupils or staff. Moreover, the Scottish Executive needs to facilitate and support the establishment of a national parents' body. Finally, we need to resolve questions about the insurance and charitable status of the new parent councils. That issue is causing concern, particularly with regard to the ability of those organisations to fundraise on behalf of their schools. I hope that the minister can address some of those issues before stage 2.

I commend the Executive for publishing the bill in draft form for consultation and for amending the draft in the light of the comments received in the consultation before introducing the bill. There is no doubt in my mind that, as a result of the consultation, this is a better bill that will lead to better legislation. That is why the Education Committee recommends to Parliament that the general principles of the Scottish Schools (Parental Involvement) Bill be approved.

16:18

**Mr John Swinney (North Tayside) (SNP):** The question at the heart of this debate—whether it is a good idea to involve parents in the running of schools and in the education of children—is an absolute no-brainer. Of course it is a good idea; the challenge is how we maximise that involvement. One particular element of this bill appeals to me. The changes that Iain Smith referred to, which were made as a result of the welcome process of consultation, mean that there will be flexibility to allow the nature of the parent council to vary from school to school, depending on the circumstances of those schools. Obviously, the capacity to make arrangements for a parent council will be different whether the school is an urban school with 500 pupils or a rural school with a roll of perhaps 20 children.

It is absolutely essential that, throughout the system, we do everything possible to maximise parents' involvement in the running of schools and in supporting education provision. I encourage the Executive not to attempt to create more cumbersome legislation that goes into excessive detail about the components of representation without thinking about policies through which we can encourage and maximise parents' participation in schools and in their management.

**Robert Brown:** I reassure Mr Swinney that creating cumbersome legislation is exactly what we seek not to do. We are trying to move away from a system that prescribes all such matters to a parent-led system—that is the objective of the exercise and I am glad that Mr Swinney supports it.

**Mr Swinney:** I hope that that is how the bill ends up. I will reserve my position until I see what it looks like before I vote for it finally. It is important that we maximise participation, because that is the most important characteristic of what the bill can create.

The exchange between Elaine Murray and Brian Monteith about school boards and their purpose felt like a blast from the 1990s. We need to move on from that debate, because whatever the history of school boards, they have acquired a beneficial role in the management of schools in Scotland and in encouraging participation by parents in the running of schools. The Government should avoid doing anything that puts off parents and should take steps to encourage and maximise parental involvement. In the light-touch regulation to which the minister alluded in his intervention, the Government should specify clearly what responsibilities will be applied to the parent councils. If the Government does not take seriously and accept the Education Committee's arguments about ensuring that parent councils have a statutory right to have a major say in the

appointment of head teachers, the bill will diminish the level of participation by parents, which would be regrettable.

I hope that the Government errs on the side of maximising the opportunity for participation, while minimising regulation and bureaucracy. The bill should give a steer from Parliament to parents throughout the country—whether in small, rural primary schools or larger schools in cities—that parental involvement in the management and development of schools is of inestimable value in boosting the educational opportunities of all our children.

16:22

**Robin Harper (Lothians) (Green):** I come at the issue from a slightly different angle. The United Nations Convention on the Rights of the Child gives children and young people the right to be involved in decisions that affect their lives, a principle that is supported in the Standards in Scotland's Schools etc Act 2000, which states that education authorities must give due regard to the views of children and young people. However, that does not seem to be reflected in the bill, which is far too flexible and general.

Paragraph 13 of the Education Committee's report states:

"The Committee acknowledges that under the Bill, arrangements for councillors, pupils and other representatives of the local community to become members of parent councils can be set out in the constitution of the parent council."

How generous. The report continues:

"However, the Committee calls on the Minister to consider whether or not such arrangements should be set out on the face of the Bill."

I argue strongly that they should be set out in the bill.

We already learn so much from consultation of children throughout Scotland. Highland Council has produced a consultation entitled "What difference would there be if children's experience framed policy?" It was a consultation for children with special needs, which produced good ideas from the young people who were involved. Highland Council is also consulting children on the design of a new school building at Acharacle. It would be bizarre if we allowed school councils and parent forums to be relaxed about whether they involve children and to decide how much representation they should have. Despite what John Swinney said, I argue strongly that there should be more detail on that matter and that it should be incorporated in the bill.

**Robert Brown:** Does Robin Harper accept that the basic principle underlying the bill is the

principle that underlies the Children (Scotland) Act 1995, which is the need to involve children? That principle should be mainstream in everything that we do.

**Robin Harper:** I am simply voicing my concern that the involvement of children is not as high up the scale as I would like it to be. I echo what Fiona Hyslop said about children who are cared for. The very title—a parent forum—is not one that they favour. Why not just call it a school forum?

I forgot to mention that I am still a member of the Educational Institute of Scotland, although I venture to disagree with my union.

In paragraph 14 of its report, the Education Committee recommends that

"attendance at a parent council meeting should be both a 'right and duty' of headteachers".

I agree. I support paragraph 16, which says that

"it would be inappropriate for parent councils to discuss matters relating to individual pupils or staff".

However, I do not agree that guidance should be issued on that. It is an important issue, which should be incorporated in the bill.

I agree with Fiona Hyslop that the bill is not the most important piece of educational legislation that has come before the Parliament. Much of it needs to be tightened up and, if it is to proceed to stages 2 and 3, we need to do a lot of work on it. We need to have detail on the involvement of children in the parent forums and the school councils—or, to use the term that I would prefer, the school forums and the school councils.

16:27

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** I rise with a degree of nervousness about parental involvement in schools. My experience of parental involvement was a visit to the school by my father to have a discreet chat with the head teacher about my conduct.

We are almost 20 years on from the 1988 legislation. Brian Monteith gamely indicated the broad intentions of not just the School Boards (Scotland) Act 1988 but other legislation in the 1980s for which the Conservative Government was responsible. Mr Monteith waxed lyrical about the old school boards. It is true that in the pre-war period in Scotland, particularly in Glasgow, the school boards were the crucible of political and educational debate, largely because people wanted to ensure that Tories were removed from the school boards so that working-class children could gain access to mass education and the Irish in Glasgow could legitimately expect to be educated. In that period, those were the critical

issues that people had to address through school boards.

School boards have an interesting history. I hear Brian Monteith saying that there were no Tory Governments in the 1920s and 1930s. That is an interesting contribution.

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

**Mr McAveety:** Not at the moment.

In the debate at a local level, the intervention by what were then called progressive unionists would indicate a significant Tory influence in education policy throughout Scotland.

The Education Committee's considerations have been identified by the convener and committee members already, so I do not want to dwell on them too much other than to say that we must ensure that the legislation has the flexibility to reflect emerging circumstances in parents' participation. Expectations differ as each generation moves on and the legislation must be flexible enough to reflect that.

There are positive experiences of school boards throughout Scotland, one of which is their role in ensuring that parents have greater involvement. However, their exclusive nature often puts parents off becoming involved. I hope that, as the bill progresses, we will have legislation that ensures that people have a greater and more effective role in their schools and in their children's experience of school.

I take on board what Robin Harper said about ensuring that involvement—or what I call the ecology of education—is properly addressed. Children's participation should not be excluded; neither should the involvement of parents, staff and head teachers in leadership, nor the significant role that local authorities can play. For example, due to changes in the direction and leadership of East Renfrewshire Council and many of its schools, those serving the more disadvantaged communities in the area have seen remarkable improvements in the quality of education provided. However, as a Glaswegian, I cannot deal too much with East Renfrewshire's successes.

We must address the ecology of education to define the role of parents, pupils, teachers, head teachers, the wider school staff and local authorities. If the bill ensures that those partners can facilitate each other's work and work much more effectively, progress will have been made on the ambition of 1988. That will serve forthcoming generations well.

I welcome the bill and hope that it will progress speedily through all stages.

16:31

**Mr David Davidson (North East Scotland)**

**(Con):** When I was a councillor, there were eight school boards in my ward, one of which was a high school board. I must point out to Robin Harper that there was willing pupil involvement on that board. The primary school boards all followed the same model of legislation that we introduced, but they were all different. The idea of a Stalinist approach under Conservative leadership is nonsense. Each school did things in its own way but to the same set of understood rules and opportunities.

I can only sing the praises of the teamwork on those school boards. I saw that in action many times when I attended meetings. Despite what Elaine Murray suggests, those boards contained a wide range of parents from different backgrounds—they were not middle class; they were anything that they wanted to be.

**Dr Murray:** Will the member take an intervention?

**Mr Davidson:** No, I will not.

The one thing that they had in common was that they were parents who were interested in the welfare of all the children in the school. To talk down school boards is an insult to the wonderful work of head teachers and boards across Scotland in the past few years.

That said, I am not convinced about the Executive's independent research. I was staggered to hear the minister introduce a bill while admitting that consultations on it have not yet finished. That is an insult to the chamber. The purpose of presenting legislation at this stage is for the Executive to put its final recommendations to Parliament for scrutiny.

**Fiona Hyslop:** We would have been at stage 3 but for the fact that the Education Committee had to stop the bill's progress to take on an emergency bill on joint inspections, so the situation is actually even worse.

**Mr Davidson:** I thank the member for that support.

Councils are opposed to what is being proposed. The former deputy secretary of the Educational Institute of Scotland claimed that what is being proposed is no different from a parent-teacher association. The Headteachers Association of Scotland, which represents the people with the ultimate professional responsibility in a school, does not support the Executive's proposals. As James Douglas-Hamilton pointed out, the First Minister claimed at First Minister's questions that there would be fewer but better powers. Which powers have been removed and in

what way are the new powers better? We have not heard about that from the minister.

It sounds more like political spite. We are changing things for the sake of it and are throwing the baby out with the bath water. It is utter nonsense to suggest that the bill will make much difference or do anything except alienate parents and write off their work over the years.

Questions exist about resources for the proposed parent councils and about their composition. There is a larger question about the powers of parent councils. The bill will remove some legal rights from parents. In the past few years, whenever a school closure was threatened, the best vehicle that parents used—particularly in Moray, Aberdeenshire and the Borders—was the school board. School boards have led to the saving or rethinking about closure of many schools in Scotland. That is proof enough that they work.

As PTAs have existed alongside school boards, I am unsure of the proposals' intentions for them. What we will see is more powers going to local authorities. Teachers can be shared or reallocated to another school against the interests of an already established school team. That is not in the children's educational interests.

As I have said before, this bill is ill prepared. Much that could have been done has been ignored. Why not simply modernise the existing school board system and bring it up to date? Why not work with boards and parents so that they can build on work that has already been done? The minister said, and we would all agree, that parental involvement is paramount. I wish his actions matched his words.

16:35

**Ms Rosemary Byrne (South of Scotland) (SSP):** One area of consensus exists in the chamber: we would all like key stakeholders to be more involved in children's education and in schools. School boards and parent-teacher associations have been doing a good job, and examples of good practice can be found right across the country. However, some marginalised groups are not involved.

I welcome a greater involvement for stakeholders, but I have various concerns. For a start, I am concerned about the use of the term "Parental Involvement" in the name of the bill. A whole group of children will be left out unless we dramatically change the bill.

My vision is of integrated community schools—schools in which the community participates. By community, I mean the parents, the grandparents, the extended families and community activists. All those people should be involved in the school and

the education of our children and young people. However, at the moment we have this bill, so we have to consider how we can improve it at stage 2. When we do that, I hope that we can consider the groups who are missing—the groups who may not be included no matter what we do.

Some groups will remain marginalised; 20 per cent of young people are failing daily in our schools. They may come from families that, for whatever reason, do not have the ability, the time or the motivation to become involved. It is all very well for us to say that we want to increase participation in our schools, but if we are not improving the lot of that 20 per cent of children, we are putting the chicken before the egg.

We should be debating how to include all those young people in our schools; we should be considering lowering class sizes; and we should be considering extending community schools properly—an idea that seems to have been left hanging in the balance. I do not think that community schools are working terribly well but the idea is a good one. We have a long way to go, and we should ensure that everyone is included. That will mean more youth workers and social workers, and more integration of nurses, health visitors and so on within our schools.

The bill misses the opportunity to give parents a say in the kind of things that they want to see in schools. From my case load, I can tell members that parents are much more interested in how to attain access to an assessment or an identification of difficulty than they are in running some kind of fundraiser in the school, and they are much more interested in finding out how to help their child with maths homework than they are in trying to get into the school as a parent helper. Yes, we want parents in schools as parent helpers, but we need to concentrate on the areas that are of greater concern to parents.

Robin Harper spoke about involving children and young people. That is a crucial point and children in Scotland make it very well. They also ask us to consider the use of the words "parental" and "involvement", which I mentioned earlier. I hope that the minister will consider the point and give us some answers today.

I would like the minister to consider extending parental involvement into early years education. That is when parents are willing to become involved and often when they have the time. We should integrate them in the early years. Good practice exists—the Education Committee visited some areas where such integration can be seen. If we could extend that and build on it, we would be doing a much better job.

I will finish with another point about trying to involve everybody. The Commission for Racial

Equality makes a number of good points, expressing the concern that, without targeted effort, only those parents who are already vocal in their children's education will be represented. The CRE's concerns relate mainly to ethnic minority parents, whom the CRE considers will continue to feel that they have no voice, but I would add that there are other hard-to-reach groups in our deprived areas. I hope that the bill can include such people.

16:39

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I support the idea behind the bill at this stage. With the indulgence of members, I will explain why I would like to see what the bill can do, which must be examined at stage 2 and stage 3. I have given the minister due notice of what I am about to say and Mary Scanlon will understand where I am coming from.

We are talking about parental involvement, so I will give an example of that in my constituency. As we speak, groups of parents are trying to safeguard a number of nursery units in the county of Caithness. At Keiss, Thrumster and Dunnet, there are working nursery units attached to primary schools. As Robin Harper mentioned, the Highland Council is considering downgrading—and perhaps even closing—those units, which would mean that the small children who would naturally attend them would be provided with nursery education in another nursery school further away. That strikes me as being insane. What is the point of taking a child from a village such as Thrumster to a nursery school in Wick for only one or two years when they will have to go back to Thrumster to go to primary school? That will dislocate the child from their siblings and lead to transport difficulties for the parents. In my view, such practice is deeply unsettling for small children of nursery age.

Parents in my constituency are deeply worried and are trying to safeguard the units in question. I am talking not about the principles behind the bill but about what is happening on the ground. It may be too late to save the nursery schools that I have mentioned, but the litmus test is whether the bill will give parents and communities the power to prevent such decisions from being made.

It is opportune that I am making a speech this afternoon because I heard not long ago from Linda Malik, a constituent of mine who has children at Thrumster nursery, that it appears that the Highland Council is going to say on Monday that, as part of its examination of the problem, it will extend its consideration to as many as 10 nursery units in the county of Caithness. That will mean that the bad news will be spread even further afield.

Surely that flies in the face of something that not just the coalition parties but the entire Parliament has been proud of since its inception, which is the increase in nursery provision and the fact that every child, regardless of where they live, should have the opportunity to receive such education. It is surely wrong for a child and their family to be disadvantaged because of geography. That flies in the face of some of the Parliament's greatest efforts.

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

**Mr Stone:** No—I am in my final minute.

The bill should proceed but, for me, the acid test is whether parents will really be involved in decisions about their children's education. Will they be hurt by the powers in the land or will their needs be assessed and taken heed of? If the legislation does not achieve that, it will not be worth it.

It is too bad that something that we are trying to achieve in the Parliament for our young people may be being stymied. I have it on record from the chair of education on the Highland Council that its considerations are not being "driven by budgets". If that is the case, what are they being driven by? I do not have the answers yet. I hope that members will forgive me for raising the matter, but in my constituency it means a huge amount.

The bill will be of enormous interest to me. When members of the Education Committee such as my colleague Iain Smith consider it, refine it and make it more specific, I make a plea to them to remember what it is about delivering. I believe that it is about delivering a genuine voice for parents on their children's needs.

**The Deputy Presiding Officer (Trish Godman):** I can give Christine Grahame three minutes.

16:43

**Christine Grahame (South of Scotland) (SNP):** I have been truncated again.

The bill is well meaning, although I think that it is misnamed. I agree with the points that Robin Harper and Rosemary Byrne made. Given that we know that many children's family structures do not involve parents, "Parental Involvement" smacks of another century. Unfortunately, we cannot change a bill's title.

The minister says that the aim of the bill is to provide a stronger voice for parents, but I wonder whether it will. Perhaps the bill is just an exercise in rebranding. I never thought that I would defend a Conservative policy, but mercifully—thanks to Scottish parents—school boards were allowed to evolve. I was a member of the first school board at

Portobello high school, which adapted to what the school required. School boards throughout Scotland have adapted to suit the culture of their schools and to reflect the different cultures in primary and secondary education.

I do not know where we are going with the bill. I do not think that by legislating we will ensure that more of those parents who do not take part in the education process, even when it affects their own children, will become involved in it. I speak as someone who taught for 12 years. I assure the minister that I could guarantee that the very parents whom I wanted to see on parents night were the ones who did not turn up. I knew which parents would come; they always did and we could have a love-in about their child. For a variety of reasons, the parents of children from disadvantaged backgrounds did not come. Building other structures will not change that, whether parents are from an ethnic minority, have a deprived background or are a single parent who cannot get out at night to go to the supermarket never mind attend any kind of meeting because they have young children to look after. The bill will not change those things.

An issue that was reflected in evidence to the committee is the different cultures that prevail in primary and secondary schools. The parents of primary school children are invariably involved in all aspects of school life. They become involved in the PTA, help to raise funds and act on the school board. However, the culture in secondary schools is very different. That issue has to be addressed.

My final point is on the selection process for senior staff. I have an idea to float—I realise that I should have done so more timeously and I point out that I am speaking personally. I am concerned about the fact that the casting vote for the appointment of a head teacher or a deputy head may not lie with a professional. There should be parental and local authority involvement in the process but, if I were being judged for the position of head teacher or deputy head of a school, I would want to be judged not by my peers but by those who have superior expertise and experience and who know the requirements of the post. I would not want to be put in the position of choosing my general practitioner, for example. A candidate may have a good bedside manner but be useless medically. The selection process is an issue; I hope that it will be addressed before the bill progresses any further. I understand why my colleagues have said that they will abstain in the vote on the motion and why Lord James Douglas-Hamilton has said that he will vote against it.

16:47

**Mr Kenneth Macintosh (Eastwood) (Lab):** I welcome the bill. It provides an impetus to further

the good practice that is happening already in many of our schools. The Executive's commitment to driving up standards in our schools has been demonstrated not only through legislation but through its investment and faith in the teaching profession and the school-building programme. Achievement and attainment levels—and, indeed, international comparisons—reveal how well our young people are served in most of our schools.

However, as the minister flagged up, there are many schools that, in the words of the traditional school report, "could do better". As the minister identified in his opening remarks, improving parental involvement is the key to making further gains. Schools need to reach out beyond the school gates to ensure that a child's home life and learning at home supplement and complement what happens in the classroom.

I was interested to hear Fiona Hyslop's remarks on the role that school boards play and the proposed new structure of parental representation. It is important for us to put in place structures that include and do not exclude parents. However, as Elaine Murray pointed out, the bill is about far more than structures. It places a duty on authorities to draw up a strategy to promote parental involvement.

I agree that many school boards have worked well. I take the opportunity to thank Lord James Douglas-Hamilton for two aspects of his speech. First, his remarks were brief and, secondly, he praised East Renfrewshire's schools for having the highest attainment and achievement levels in Scotland. However, as Frank McAveety said, that has as much to do with well-run school boards as it does with the political leadership of the Labour and Liberal-led council.

**Ms Byrne:** Does the member agree that East Renfrewshire is not a good example to use? East Renfrewshire lacks the deprivation of areas such as North Ayrshire, for example. The comparison is not a fair one.

**Mr Macintosh:** It is very easy to stereotype East Renfrewshire as being just a leafy suburb. That is to be blind to the fact that although East Renfrewshire has areas of quite severe deprivation, the schools in those areas are high achieving. That is the real success of East Renfrewshire.

Not only have school boards not extended to all schools in Scotland, but it is accepted that the rigidities of the school board system have alienated many families. It is worth commenting that the Executive addressed the strong concerns that the Scottish School Board Association and some existing boards expressed by making substantial amendments from the draft bill. That approach is to be commended and I am sure that

that attitude will continue to influence decisions on some of the issues that are still to be addressed as we move to stage 2.

I will not comment on all the issues that we still need to address, as Iain Smith and others have highlighted some of them. We have welcomed the power for parents to invite the involvement of HMIE, but there are still issues to be clarified on that, as we would not wish to confuse the roles of HMIE and the existing complaints mechanisms. As the minister has accepted, there is also a need for further guidance on the issues that parent councils can discuss to ensure that they do not stray into matters that are too personal. During the stage 1 inquiry, the minister confirmed his support for a national parents body, and the committee looks forward to seeing what shape that body will assume. Several members have talked about the need to have further information back from the consultation before we agree to the system for appointing head teachers.

In some ways, the biggest challenge will be challenging and changing attitudes, including—as Robin Harper highlighted—the attitude of young people. One of the witnesses to the committee pointed out that parents are rarely out of the nursery schools, are often in the primary schools but very rarely go into the secondary schools. Often, that is to do with the attitude of young people rather than the teaching profession. Often, the only time that parents turn up at the school is to hear about discipline problems, as in Frank McAveety's case—in my case, it was when the embarrassing dad turned up at the school disco.

The bill is not about structures; it is about strategies to tackle the disadvantaged children to whom we need to reach out. I am not surprised that the Scottish National Party has taken a decisive and principled decision on the bill—it has decided to abstain—but I am surprised by the Tories' decision to vote against it. What happened to the Conservatives' support for parental choice? The bill, more than any other measure in recent years, empowers parents to take an active role in their children's education. It not only encourages parents; it gives them legislative authority.

I commend the bill to the Parliament.

16:52

**David McLetchie (Edinburgh Pentlands) (Con):** I will start with a quotation:

"When it is not necessary to change, it is necessary not to change."

Those are the words of Lucius Cary, Viscount Falkland, which were first voiced in 1641 and echoed more than 300 years later by President John F Kennedy. They are wise words that should be borne in mind at all times by those who

contemplate the passage of legislation in our overgoverned and overregulated world. The same sentiment is often less elegantly expressed as, "If it ain't broke, don't fix it." The bill is a prime example of the failure to observe both dicta.

We have a meddlesome Scottish Executive in a Parliament that is temperamentally inclined to be meddlesome—with the honourable exception of its Conservative members. That constant meddling is, in part, a reflection of the size, scale and reach of government in Scotland today. "Leave well alone," are three words that a Scottish Executive minister rarely voices.

**Mr Swinney:** Is it not also a symptom of the fact that the Parliament does not have the strong powers that SNP members believe are appropriate to allow us to take some of the larger decisions that might change people's lives?

**David McLetchie:** As a first step, we should make a much better job of using the powers that the Parliament has. We could change the Scottish Executive to very good effect in that respect.

There is meddling, and there is meddling with malice. The bill is about meddling with malice because it is designed to tear down a structure for the representation and involvement of parents in the governance of our schools that was one of the most successful reforms introduced by the Conservative Government in 1988, as a number of speakers from all parties have been gracious enough to acknowledge in the debate.

The Scottish Executive likes to make great play of its many consultation exercises, but it is not so enthusiastic about listening to what is said when it does not suit its political agenda. Of the initial 1,025 responses to the Executive's consultation on the bill, the overwhelming majority were in favour of the retention of school boards, saying that there was no need to change the present system substantially.

Councils throughout Scotland expressed such sentiments. Glasgow City Council said that the bill would not strengthen current parental interest or representation in schools. Scottish Borders Council said that the proposals were likely to result in chaos and to prove a logistical nightmare. The City of Edinburgh Council said that the Executive's proposals were vague and unnecessary. East Renfrewshire Council emphasised the important role of school boards in dealing with sensitive and difficult issues. I can certainly speak from my experience in my own constituency of the responsible and mature leadership that has been given by school boards on difficult issues in relation to staff, performance standards and proposals for school mergers.

As Fiona Hyslop said, there are many challenges facing Scottish education today. She



was right to question the priorities of the Executive. The report that was published this week by Graham Donaldson, the senior chief inspector of education, found that pupils at one in four primary schools struggled to read and write and that expected levels of attainment in maths were poor at one in five primaries. He also made the obvious, but often overlooked, point that it is unacceptable for any youngster to go through 11 years of compulsory education and come out at the end of the process without an adequate level of literacy or numeracy.

Last week, Lord Sutherland of Houndwood said that comprehensive education funding in Scotland should be taken out of local authority hands and distributed through a new independent body to ensure that more money gets to the classroom, rather than being wasted and lost in the bureaucracies of 32 different local authorities. That proposal bears an uncanny resemblance to what we have been advocating in the Parliament for years: more directly funded, independently governed, non-fee-paying schools. We welcome Lord Sutherland's contribution to the debate. As with personal care for the elderly, we hope that his eminent advocacy will help to build support for our proposals among other political parties.

The continuing decline in the school population provides us with an unprecedented opportunity to promote an agenda based on choice and diversity in Scotland's schools. However, the Scottish Executive has obdurately set its face against anything but the most token reform of a system that has failed far too many of our children and young people. Instead, councils such as Edinburgh are forcing through school mergers against the wishes of parents, even when there is over 80 per cent occupancy and, for the second year in a row, are imposing limitations on primary 1 intakes, which is unashamedly designed to eliminate choice and to exclude children who live outwith a catchment area, even where there is ample room in the school to accommodate them.

I am in no doubt that the Scottish Executive's proposals in relation to school boards are designed to weaken parental resistance to school closures, mergers and limitations on intake, to deprive parents of choice and to curtail their involvement in the running of our schools—crucially, in important areas such as the appointment of head teachers.

The bill will do nothing to improve standards in Scotland's schools. It demonstrates—if further demonstration were required—the perverse priorities and appalling complacency of the Executive when it comes to the education of our children and young people. I invite members to reject the bill.

16:58

**Mr Adam Ingram (South of Scotland) (SNP):**

As the SNP amendment suggests, we, like other members, are unconvinced of the benefits to be gained from the bill. Our primary concern, as Fiona Hyslop and other members have said, is that the proposed changes to parental involvement in the management of schools will do little to encourage more significant levels of participation by parents in the Scottish education system.

In his speech, the minister outlined three aspects of the bill: encouraging greater parental participation in children's learning, involving the wider community, and parental representation. However, the bill contains precious little on the first two of those aspects. It seems to be all about the replacement of school boards and no more than that. By participation, we mean building a partnership between parents and teachers and ensuring that the support for learning that is provided for our children is the best that it can be to let them reach their full potential.

As the Headteachers Association of Scotland pointed out in its evidence to the Education Committee, the changes that are proposed in the bill will in themselves do little or nothing to bring about the desired participation of the section of the parent body who have been disengaged or disaffected or have felt disfranchised under the current scheme.

Children in Scotland suggests in its excellent briefing for the debate that the form of parental involvement that we seek requires a culture change and that parents are more likely to remain involved in a child's school life if they are encouraged to do so at an early stage in their child's education.

On an Education Committee visit to Sweden last October, my colleague Frank McAveety and I were extremely impressed by how close the relationship was between parents and early years staff, both in monitoring the child's progress and meeting their development needs. Often it is easier for parents to become involved in their child's education during the early years, so it is mystifying that early years provision—along with a number of other matters—does not get so much as a mention in the bill. If Jamie Stone were still here, I would say to him that education authorities, too, get very little mention.

I have spoken about the bill to several head teachers, none of whom suggested that it would make any difference to the management of their school. In so far as the head teacher and staff of a school already have a responsibility to ascertain parental views and perceptions on a range of matters as part of their professional obligation to engage in self-evaluation and the preparation of

improvement plans, it might be argued that the bill includes unnecessary duplication of effort and bureaucracy. I do not necessarily agree with that viewpoint, but I agree with Lord James Douglas-Hamilton and others that important decisions such as the appointment of head teachers and deputy head teachers should have strong input from parents. It is unsatisfactory that the Executive's intentions on that matter are not available for us today.

Iain Smith made good points in the debate regarding the committee's concerns about the bill. Those concerns are detailed in the committee's stage 1 report, but the minister singularly failed to address that report in his opening speech; I would be grateful if he would do so in summing up. Issues such as charitable status for parent councils, the transfer of head teachers between schools and the co-option of community representatives and other teaching staff on to parent forums and councils merit his response.

The minister announced to Parliament—rather airily, I thought—that this is the type of bill that sets out the policy bones; he told us to expect the meat in the guidance. That is not good enough and I join Lord James Douglas-Hamilton in his cautioning against the signing of blank cheques to the Executive. I encourage Lord James and others to support the SNP amendment.

17:04

**Robert Brown:** This has been a worthwhile debate, although it has been more marred than I anticipated at the beginning by rather obvious political point scoring. I refer particularly to the front benchers. There was the unwelcome return of the abusive alliterations from David McLetchie, among others, and the number of red herrings regarding fears about school closures as a consequence of the bill defied description.

The reality is that this is a framework bill, which is designed deliberately to be flexible and to leave it to local parent groups to lead the way. There has been a perverse failure on the part of some Opposition members to read the bill and understand the terms of the debate.

I suppose that, inevitably, the world divides into the optimists and the pessimists—and we cannot forget about the gingers—in relation to the extent to which parents can be more involved in the education of children and in the general life of the school. I am in the optimistic but realistic camp.

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

**Robert Brown:** No, sorry. I was very easy about taking interventions in my opening speech, but I want to make some progress in closing.

In my opening speech, I highlighted the critical role that parents play in their child's learning. That is absolutely central. There is a close link between a child's underattainment and disaffection and the alienation and lack of involvement of the parents. Central to the bill is the desire to move forward on that agenda. I believe strongly that the bill is potentially a dynamic and empowering bill that provides a framework and a number of drivers for much greater parental engagement, which I had thought was the intention of the whole Parliament.

I want to deal with some of the issues that were raised by members, but also to focus on the opportunities that are open to schools and local authorities to engage effectively and innovatively with parents as a whole and with hard-to-reach parents in particular—Rosemary Byrne's point is important in that regard.

During the debate, there was a suggestion that there is a divergence between supporting individual parents' engagement and supporting stronger representational structures. However, there is not. A strong parent council is well placed, in partnership with the school, to lead and support or nurture good home-school links. Conversely, involved, engaged and knowledgeable parents are better empowered to value and engage in the representational role. It is, indeed, a virtuous circle. Schools and authorities need to be able to engage with parents individually and strategically. That is what the bill is about. For example, there might be a need for a concerted effort by the school, the parents, the local community and wider council services if the school is to engage with all families. We believe that the new duty on education authorities to develop a strategy for parental involvement in its widest sense will indeed act as a driver for involving parents in supporting the attainment and life chances of their children and, in doing so, supporting a culture of aspiration and achievement in the school more generally. That is the broader vision, in part.

Since December, 29 parent partnership projects, supported by £103,000 of Scottish Executive money, have been running. Those projects include: strategies for engaging parents in homework; a project involving parents-and-children outdoor activities in the garden and play area of the school; a council-wide strategy for improved parent consultation; parent-friendly materials; and a parent conference. The University of Aberdeen is producing for us a CD-ROM with 54 case studies on it, which will be published in April along with a revamp of parentzone. Examples of good practice on that will include: a bacon roll enrolment breakfast in an Edinburgh school at the point of transition from nursery to primary 1; living room consultations at a Glasgow school with school board members, which involve inviting half a dozen parents into a home to

discuss aspects of the school; a parent-led library in Paisley; and a reading bus project in Aberdeen.

**Fiona Hyslop:** How on earth did all those things happen without the legislation that we are discussing? Why does the minister need statutory powers to ensure parental involvement if all those great things—which I applaud—can happen without the bill?

**Robert Brown:** As Fiona Hyslop is well aware, those things happen in bits and in patches across the country, where there is appropriate stimulation. The bill will put in place a general framework that will empower local authorities and parents to lead on those matters and ensure that such examples are replicated with suitable adjustments to local circumstances across Scotland.

The issue of the hard-to-reach groups is important. We know that, while all parents need information and support, some of them need more than others if they are to play the appropriate role in supporting their child's learning. There is a lot of good practice. We want to build on the strong links between schools, parents and the school boards, but schools have to consider how they work with parents who, for a variety of reasons, are not usually involved with the school. That is why there is specific emphasis in the bill on the needs of looked-after children, which is an important matter. In that regard, I make the point that, last year, the Executive provided local authorities with £35 million for extra support staff in the school. Among other things, that money has been used to fund more home-school link workers and to work on better behaviour and better learning through the inclusion programmes. Those are important, crucial and vital aspects of what we are trying to do. They give meat to the bill.

Many members have made the point that the school board structure was established against a different background, within a tightly prescribed regime that was laid down from above. There has been no appetite for that in Scotland and it is appropriate that we move forward to a more flexible, modern and dynamic structure that is built from the bottom up and reflects what local parents and local schools across Scotland find fits their particular and varied circumstances.

Against that background, the Conservatives' opposition is predictable, although I sense that they are largely going through the motions. I do not know whether that is because another Tory script has been torn up by David Cameron in his desire to appear as a liberal, but various Tories sounded as if that is indeed the case.

**Lord James Douglas-Hamilton** rose—

**Robert Brown:** The SNP's position is more puzzling. It castigated the Forsyth legislation, but—[*Interruption.*]

**The Deputy Presiding Officer:** Order.

**Robert Brown:** I have some difficulty in identifying the rationale behind Fiona Hyslop's amendment, which seems to rank pretty highly on the long list of pettifogging and irrelevant amendments that have been lodged in the Parliament. It makes two points, the first of which is the difference between a parent's involvement with their own child and parents' representational structures. I have already dealt with that. In any event, it is patently obvious from the terms of the bill.

The second point concerns the appointment of head teachers and senior staff, about which there are indeed concerns. Let me be absolutely clear. As part of the broad consultation on the bill, we consulted on the overarching principles of replacing and modernising the appointments process for senior staff and retaining parental involvement in that process. If members do not believe me, I advise them to read section 14 of the bill. Respondents to the consultation voted by four to one in favour of our proposals and the bill was introduced on that basis in September 2005. We then undertook further consultation on the detail of the new process, including an extended role for parents. From the beginning, our intention was that the Executive would be in a position to consider and report on the results of the further consultation on appointments before the bill reached stage 2. We recognise the Education Committee's request that the Executive's response be published before the start of stage 2 and we are discussing the timings with the parliamentary authorities in order to achieve that.

The Conservatives made a number of points about powers. The Scottish Executive has produced a document that details—in a simple way that even those on the Conservative benches can read and understand—where changes have been made to the powers. There are some minor discontinuations of powers—[*Interruption.*]

**The Presiding Officer (Mr George Reid):** Order. There is too much noise.

**Robert Brown:** However, the powers of school councils will be increased and extended. It is not a question of our taking powers away from school boards—quite the contrary.

Contributions to the debate from members on the back benches were largely constructive and in the time that remains I will comment on some of the points that they made. We will revert to the Education Committee on the important points that Iain Smith made, on behalf of the committee, on guidance. The committee's well-crafted report also contains the points that he made in his speech.

Robin Harper mentioned the importance of community involvement, teacher involvement and

pupil involvement, all of which are central to what we want to do. The question is not whether we do them but whether they are parent led, whether they are in the bill or in guidance and what their format is. There is no doubt about the principle that such involvement should take place and I would make a similar point with regard to the HMIE matter.

There was slight disagreement about prescription. In a good speech, John Swinney said that we must caution against overregulation. That is very much the view of the Executive, but unfortunately it was not upheld by colleagues in other Opposition parties. Elaine Murray rightly talked about the need for parents to be in ownership—I think that that is the word she used—of the arrangements. Frank McAveety talked about the need for the legislation to be flexible. Parents will not be alienated. The bill is about involving parents, widening the net and getting more people involved. The structures in the bill provide for that, as Ken Macintosh rightly said.

The debate has been largely constructive. I welcome the fact that members of the committee made clear their support for the principles of the bill. Of course, more detailed scrutiny of the bill will take place at stage 2 and we are willing to consider constructive amendments to its detail.

We believe that the bill's inclusive approach will make a difference for those parents who found earlier systems obtuse or difficult to engage with. We believe that, by taking parents and their needs and interests seriously and by encouraging authorities, parents and schools to work together, we will benefit all Scotland's children. The ultimate prize—not today, tomorrow or even next year, but in the long term—will be improved educational outcomes for all our children. I hope that members support that and I ask the Parliament to support the Executive's motion.

## **Scottish Schools (Parental Involvement) Bill: Financial Resolution**

17:14

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of a financial resolution. I ask Robert Brown to move motion S2M-3486, on the financial resolution in respect of the Scottish Schools (Parental Involvement) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Schools (Parental Involvement) Bill, agrees to any expenditure or increase in expenditure of a kind referred to in Rule 9.12.3(b)(iii) of the Parliament's Standing Orders arising in consequence of the Act.—[*Robert Brown.*]

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

## Business Motion

17:15

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of a business motion. Members should be aware that business motion S2M-3985 has been withdrawn and has in effect been replaced by business motion S2M-3994, which has been circulated to all members and is available at the back of the chamber. I am minded to accept a motion without notice to take that motion at shorter notice.

*Motion moved,*

That motion S2M-3994 be taken at this meeting of Parliament.—[*Ms Margaret Curran.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is therefore consideration of business motion S2M-3994, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 1 March 2006

2.30 pm Time for Reflection  
*followed by* Parliamentary Bureau Motions  
*followed by* Executive Debate: Regeneration in Scotland – people and place  
*followed by* Business Motion  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Thursday 2 March 2006

9.15 am Parliamentary Bureau Motions  
*followed by* Scottish National Party Business  
 11.40 am General Question Time  
 12 noon First Minister's Question Time  
 2.15 pm Themed Question Time—  
 Environment and Rural  
 Development;  
 Health and Community Care  
 2.55 pm Executive Debate: Architecture  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business

Wednesday 8 March 2006

2.30 pm Time for Reflection  
*followed by* Parliamentary Bureau Motions  
*followed by* Executive Business

*followed by*

Business Motion

*followed by*

Parliamentary Bureau Motions

5.00 pm

Decision Time

*followed by*

Members' Business

Thursday 9 March 2006

9.15 am

Parliamentary Bureau Motions

*followed by*

Scottish Conservative and Unionist  
Party Business

11.40 am

General Question Time

12 noon

First Minister's Question Time

2.15 pm

Themed Question Time—  
Justice and Law Officers;  
Enterprise, Transport and Lifelong  
Learning

2.55 pm

Executive Business

*followed by*

Parliamentary Bureau Motions

5.00 pm

Decision Time

*followed by*  
*Curran.*

Members' Business—[*Ms Margaret*

*Motion agreed to.*

## Parliamentary Bureau Motions

17:16

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of five Parliamentary Bureau motions. I ask Margaret Curran to move motion S2M-3976, on approval of a Scottish statutory instrument; motions S2M-3977 and S2M-3978, on membership of committees; and motions S2M-3979 and S2M-3988, on substitution on committees.

*Motions moved,*

That the Parliament agrees that the draft Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 be approved.

That the Parliament agrees that David McLetchie be appointed to replace Mr David Davidson on the Local Government and Transport Committee.

That the Parliament agrees that Mr David Davidson be appointed to replace Miss Annabel Goldie on the Justice 2 Committee.

That the Parliament agrees that David McLetchie be appointed to replace Mr Brian Monteith as the Scottish Conservative and Unionist Party substitute on the Enterprise and Culture Committee.

That the Parliament agrees that Stewart Stevenson be appointed as the Scottish National Party substitute on the Interests of Members of the Scottish Parliament Bill Committee.—[*Ms Margaret Curran.*]

**The Presiding Officer:** The questions on the motions will be put at decision time.

## Decision Time

17:16

**The Presiding Officer (Mr George Reid):** There are six questions to be put as a result of today's business. The first question is, that amendment S2M-3895.1, in the name of Fiona Hyslop, which seeks to amend motion S2M-3895, in the name of Peter Peacock, on the Scottish Schools (Parental Involvement) Bill, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Aitken, Bill (Glasgow) (Con)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

**AGAINST**

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Ind)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

**The Presiding Officer:** The result of the division is: For 50, Against 62, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The second question is, that motion S2M-3895, in the name of Peter Peacock, on the general principles of the Scottish Schools (Parental Involvement) Bill, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)

Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

#### AGAINST

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

#### ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Frances (West of Scotland) (SSP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Fox, Colin (Lothians) (SSP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 Lochhead, Richard (North East Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

**The Presiding Officer:** The result of the division is: For 62, Against 17, Abstentions 32.

*Motion agreed to.*

That the Parliament agrees to the general principles of the Scottish Schools (Parental Involvement) Bill.

**The Presiding Officer:** The third question is, that motion S2M-3486, in the name of Tom McCabe, on the financial resolution in respect of the Scottish Schools (Parental Involvement) Bill, be agreed to. Are we agreed?

**Members: No.**

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

#### FOR

Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)



Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinburne, John (Central Scotland) (SSCUP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)

#### ABSTENTIONS

Aitken, Bill (Glasgow) (Con)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Curran, Frances (West of Scotland) (SSP)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Gallie, Phil (South of Scotland) (Con)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kane, Rosie (Glasgow) (SSP)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

**The Presiding Officer:** The result of the division is: For 81, Against 0, Abstentions 29.

#### *Motion agreed to.*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish Schools (Parental Involvement) Bill, agrees to any expenditure or increase in expenditure of a kind referred to in Rule 9.12.3(b)(iii) of the Parliament's Standing Orders arising in consequence of the Act.

**The Presiding Officer:** The fourth question is, that motion S2M-3976, in the name of Margaret Curran, on approval of an SSI, be agreed to. Are we agreed?

#### *Motion agreed to.*

That the Parliament agrees that the draft Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 be approved.

**The Presiding Officer:** Unless any member objects, I propose to put a single question on motions S2M-3977 and S2M-3978, on membership of committees.

There being no objections, the question is, that motions S2M-3977 and S2M-3978, in the name of Margaret Curran, on membership of committees, be agreed to.

#### *Motions agreed to.*

That the Parliament agrees that David McLetchie be appointed to replace Mr David Davidson on the Local Government and Transport Committee.

That the Parliament agrees that Mr David Davidson be appointed to replace Miss Annabel Goldie on the Justice 2 Committee.

**The Presiding Officer:** Unless any member objects, I propose to put a single question on motions S2M-3979 and S2M-3988, on substitution on committees.

There being no objections, the question is, that motions S2M-3979 and S2M-3988, in the name of Margaret Curran, on substitution on committees, be agreed to.

#### *Motions agreed to.*

That the Parliament agrees that David McLetchie be appointed to replace Mr Brian Monteith as the Scottish Conservative and Unionist Party substitute on the Enterprise and Culture Committee.

That the Parliament agrees that Stewart Stevenson be appointed as the Scottish National Party substitute on the Interests of Members of the Scottish Parliament Bill Committee.

## Beauly to Denny Power Line (Childhood Leukaemia)

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

The final item of business today is a members' business debate on motion S2M-3642, in the name of Bruce Crawford, on concerns about the increase of childhood leukaemia in the light of the Beauly to Denny power line proposal. The debate will be concluded without any question being put.

Now that the door at the back of the chamber has been closed, I call on Bruce Crawford to open the debate.

### *Motion debated,*

That the Parliament notes the findings of the Draper Report into the link between high voltage power lines and levels of childhood leukaemia which, among other findings, concluded that children who live within 200 metres of high voltage power lines were nearly twice as likely to have childhood leukaemia as those who lived within 600 metres of a line; further notes that the National Radiological Protection Board recommended that the UK Government should consider the need for further precautionary measures and, as a consequence, the Stakeholder Advisory Group on ELF EMFs was formed to explore the implications of a precautionary approach and make practical recommendations; is concerned that, with regard to the application by Scottish and Southern Energy to construct a high voltage power line between Beauly and Denny, a survey carried out by Stirling Before Pylons of the Stirling Council area shows that 50 houses are within 100 metres of the pylon corridor, that 48 flats housing approximately 330 students at Stirling University are within 200 metres and that 878 houses are within 600 metres of the pylon corridor, and believes, therefore, in view of the reports showing a link between high voltage power lines and childhood leukaemia and the results of the Stirling Before Pylons survey, that the Scottish Executive should seriously examine these matters as part of its consideration of the application or indeed any future public enquiries which might be held.

17:23

**Bruce Crawford (Mid Scotland and Fife) (SNP):** I thank you, Presiding Officer, for allowing time for the chamber to get quieter and I sincerely thank all my colleagues who signed the motion and members who intend to speak in the debate or simply to listen.

Many complex and wicked issues have arisen as a result of Scottish and Southern Energy's application to erect a high-voltage power line between Beauly and Denny. Campaign groups have been formed along the proposed route of the line that either oppose the erection of the line in principle or seek to mitigate the local effects through rerouting or undergrounding the cables.

Objectors have aired many reasons for opposing the proposals. I will name a few concerns in the Stirling area alone. There are concerns there about the line's impact on the amenity for local

residents and recreational interests; on the Ochil hills area of great landscape value; on tourism and the local area's economy; on historic sites of great value, such as Stirling Castle, the Wallace monument and the site of the battle of Sheriffmuir; and on areas of ancient and important woodland. The number of objections has led Clackmannanshire Council to agree formally to object to the proposal, and it is likely that Stirling Council will follow that council this week, which will trigger the mechanism to commence a public inquiry.

It is a great pity that projects of such apparent economic importance to Scotland are considered in a vacuum and that there is no comprehensive energy strategy for Scotland to provide a context for such applications. I have great sympathy for both the proposer and the objectors. If a comprehensive energy strategy had existed and it showed that such a line would serve a vital national economic interest, perhaps the level of conflict could have been much reduced.

I refer to the substantive matter that is raised in the motion: the potential impact on human health of high-voltage power lines. There has been much debate, over a prolonged period, about whether high-voltage power lines can increase the likelihood of cancer, especially childhood leukaemia. However, it is indisputable that, in March 2004, the National Radiological Protection Board, which later became the Health Protection Agency, published a review of the scientific evidence for limiting exposure to electromagnetic fields. That review concluded:

"An association between prolonged exposure to intense power frequency magnetic fields and a small raised risk of childhood leukaemia has, however, been found, the scientific reasons for which are presently uncertain. In the light of these findings and the requirement for additional research, the need for further precautionary measures should be considered by government."

That advice was accepted by the Government and the stakeholder advisory group on electromagnetic fields was set up to explore the implications of a precautionary approach and make practical recommendations. SAGE is expected to make policy recommendations to the Government during 2006. I will come back to that at the end of my speech.

Since the setting up of SAGE, we have seen the publication of the Draper study in the *British Medical Journal* of June 2005. The study, which was funded by the Department of Health and was conducted by the childhood cancer research group at the University of Oxford, looked at childhood cancer in relation to distance from high-voltage power lines. It examined the records of more than 29,000 children with cancer, including 9,700 who had leukaemia. It investigated whether the proximity of those children's home addresses at

birth to the nearest high-voltage power line was associated with an increased risk of childhood cancer.

With regard to the result of that large study, I quote from Lewis Macdonald's letter of 31 October 2005:

"This large epidemiological study ... found that compared with those who lived more than 600 metres from high voltage power lines at birth, children who lived within 200 metres had a relative risk of leukaemia that was 70% higher and those born between 200 and 600 metres had a relative risk that was 23% higher."

I accept the fact that some of the findings of the Draper study have been disputed; nevertheless, previous international studies have shown findings similar to those in the Draper study. That makes the work that is being carried out by SAGE all the more important.

That background prompted Stirling Before Pylons to undertake its own on-the-ground study into the number of homes that are within 600m of both edges of the proposed power line corridor. That was quite a task for that small group to take on, and it deserves congratulations on the detailed work that it has undertaken. The results of its work certainly impacted on me. It found that more than 870 homes were located within 600m of both edges of the proposed pylon corridor. That includes 578 houses in the village of Fallin and 48 flats housing about 330 students at the University of Stirling, which are within 200m of the edge of the proposed pylon corridor.

In the light of the Draper study and the work that is currently being carried out by SAGE, I cannot see how the Executive can do anything other than accept a cautious and precautionary approach being adopted in regard to the potential impact of the power lines on human health. I am interested to hear whether the minister would support the suggestion that has been made by Scottish Natural Heritage that an alternative route for the line be found to the west of Stirling, with undergrounding.

It is vital that the recommendations of SAGE are able to stand up to the most intense scrutiny. Those recommendations must be rigorous beyond reproach and should in no way be unduly influenced by interest groups from either side of the argument. People must be able to have faith in the recommendations, as otherwise huge amounts of human energy and intellect will be consumed in arguing the case for or against the health impacts of power lines for as long as they exist.

**The Deputy Presiding Officer:** I will advise on time implications later.

17:30

**Dennis Canavan (Falkirk West) (Ind):** I, too, have had concerns expressed to me by constituents about the proposed power line. If the proposal goes ahead, the line will terminate at a new transmission substation just north of Denny in my constituency. Some of the concerns that have been expressed to me are similar to those that have been expressed by Bruce Crawford and relate to possible health risks. The findings of the childhood cancer research group at the University of Oxford indicate that children who live within 200m of high-voltage overhead power lines are 1.69 times more likely to have leukaemia than children who live more than 600m away from such power lines, and that those born between 200m and 600m away from power lines are 1.23 times more likely to have leukaemia than children born more than 600m away from them. Parents are rightly concerned about the health of their children, and the Scottish Executive has a responsibility to address those concerns.

Earlier today, the Executive ruled out a public inquiry into another matter, but I feel strongly that it should order such an inquiry into the proposed power line. There are concerns about environmental matters as well as health matters. Scottish and Southern Energy claims that 75 per cent of the route is the same as the route of the existing power lines, but the new pylons would be 40m to 50m high and would have a very negative visual impact.

Concerns have been expressed to me by people who live in my constituency, but I do not want to be parochial. The proposed power lines would traverse some of the most scenic countryside in Scotland, including the Cairngorms national park, and we should treasure our natural heritage. More than half a century ago, big, ugly pipelines were laid down the mountainside overlooking Loch Lomond, for the Loch Sloy hydroelectric scheme. Such visible scars on such landscapes should never be allowed to happen again. I urge the Executive to hold a public inquiry, to give people maximum opportunity to express their concerns before a final decision is taken.

17:32

**Roseanna Cunningham (Perth) (SNP):** I apologise to members for having to leave the debate early, at 5.45 pm.

The route of the line runs through my constituency, just as it runs through the constituencies of many other members. It comes down through the Sma' glen, which is marked as the tourist route to Pitlochry, runs to the east of Crieff, skirts around Braco and then enters the Stirling constituency. It impacts significantly on the geographical centre of my constituency.

Health issues are frequently raised in connection with mobile phone masts, terrestrial trunked radio masts and power lines. However, it is fair to say that the strongest adverse health evidence that exists—the Draper report—relates to power lines. Because of that report, in particular, this debate may be seen as slightly different from others. The seriousness of the issue is evidenced by the fact that the stakeholder advisory group was set up by the Westminster Parliament. Westminster's recognition of the health issues that have been raised is important. I am sorry that there was so little Scottish representation on the group.

Many aspects of the power line could be debated. Dennis Canavan has discussed a few of them. I appreciate the fact that the Deputy Minister for Health and Community Care is in the chamber today, but he could have been accompanied by at least one other of his colleagues. I am sure that I am not the only member to have addressed packed public meetings on the issue, and the controversy is by no means confined to Stirling. The campaign groups cannot be set against one another, because they are as one on the issue.

There is a compelling case for a public inquiry. That case has been discussed by my colleague Bruce Crawford, whom I congratulate on securing the debate. However, I hope that efforts and proposals to mitigate the power line's possible adverse health effects will form part of that process and will not—as so often happens in the planning process—simply be set to one side and excluded from consideration.

I want briefly to address the issue of undergrounding, which I appreciate has both technical and financial implications. Although I realise that the minister responding to the debate might not be able to do so, it would be helpful to have some details about undergrounding, because evidence, particularly from Canada, suggests that the costs of such an approach are nowhere near as high as has been suggested in the debate. I also know that, 18 months ago, Powergen UK received consent to run an undersea cable from Durham to Norway. I realise that that example is not exactly analogous, but it suggests that technical problems can be overcome if people want to do so. That political issue must be addressed.

There is very little point in ignoring the serious concerns raised by many people the length and breadth of Scotland. I very much hope that the Deputy Minister for Health and Community Care will not do that, because these people are really worried about the potential implications of the project and—to be frank—are bewildered that it could go ahead without a strategic environmental assessment being carried out in the first place. I

hope that the same thing does not happen in future.

17:36

**Dr Sylvia Jackson (Stirling) (Lab):** Having made representations on the matter on several occasions to the Public Petitions Committee on behalf of the Stirling Before Pylons action group and the petitioner in question, Caroline Paterson, I welcome this very important debate. Stirling Before Pylons is very much a joint action group, whose membership is made up of constituents in the Stirling and Ochil constituencies. However, the issue has spread beyond those constituencies, and I have liaised with Roseanna Cunningham and others to get a joined-up feel for constituents' views.

I hope that no one doubts the need to transmit renewable energy to southern parts of Scotland and beyond. That is not the issue under debate this evening. Instead, we are debating the health issues associated with the proposed 400kV high-voltage lines which, as Bruce Crawford has pointed out, is the point of the Stirling Before Pylons petition.

I want to concentrate on three points that were raised at the Public Petitions Committee, the first of which is the progress that SAGE has made to date. The group was set up after the NRPB advised the Department of Health at Westminster

“to explore precautionary approaches to limit exposure to electric and magnetic fields lower than the levels in the NRPB guidelines”.

SAGE met in December, and its recommendations are expected in May. However, actual planning guidelines might be several months away from being introduced. The minister has stated that the Department of Health considers SAGE to be the appropriate forum for evaluating research and developing guidelines. While we wait for those recommendations, it is surely pragmatic to take a precautionary approach when siting new power lines.

The World Health Organisation and the Health Protection Agency have recommended that further precautionary measures be considered. Indeed, Stirling Council regards the health threat posed by the Beaully to Denny power line as “a major material consideration”. I hope that, if Conservative councillors do not walk out of another Stirling Council meeting tomorrow, the council will be able to ask for a public inquiry into the matter.

The second point that was raised at the Public Petitions Committee concerns the Draper report, which I do not think should be dismissed out of hand. Given the scale of the study, which involved 60,000 children over a 33-year period, and its

consistent results, which exhibit a grading in levels of childhood leukaemia relative to distance from power lines, it raises issues that must be considered. I will not go into detail on the matter because at last week's Public Petitions Committee meeting I highlighted the petitioner's response to one or two issues that the Executive raised in its own response. That evidence, which stresses the need to take on board the Draper report's findings, is now in the public domain.

Thirdly, on Professor Denis Henshaw's letter to the Public Petitions Committee, the Executive felt that, in advising that no new lines should be sited near housing or the converse, he was being somewhat "pre-emptive". However, we have always said that we should consider the example of other countries such as Sweden and Australia, some states in the United States and some Italian regions that have acted on the body of research that has been gathered over 25 years.

The petition that was submitted in December 2004 is a matter of urgency, given the Beaulieu to Denny power line proposals. Public health matters did not feature in the routing decision, despite the fact that the Stirling Before Pylons group informed the companies that are responsible of the real threat that is posed to those who live along the proposed route. Because of the deviation corridor, it is not certain where the actual line of the pylons will be and therefore it is difficult to say exactly how many houses will be affected. The MP for the Stirling constituency, Anne McGuire, and I have raised constituents' concerns and mentioned the need for a public inquiry and the use of the precautionary principle.

17:40

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

I, too, apologise because unfortunately I will have to leave the debate early. However, I will read the *Official Report*. I congratulate Bruce Crawford on achieving this first debate on the Beaulieu to Denny power line—I predict that it will certainly not be the last.

The upgrade of the Beaulieu to Denny transmission line has been a controversial issue for some time and for many reasons, not the least of which are its effects on our unique scenery and on tourism, the potential loss of energy because of the length of the transmission line, its environmental impact and its economic impact on businesses. Today we are focusing on an issue that is often raised, which is the line's potential health effects.

Before I consider the health issues, I point out that it is incredible that certain areas south of Beaulieu, such as the Corrieyairack pass and the areas around Laggan and Drumochter, are not

designated as national scenic areas. I am pleased that the Executive intends to lodge amendments at stage 2 of the Planning etc (Scotland) Bill on national scenic areas, which I hope will be used in relation to the transmission line. I hope that the construction of megapylons will not be allowed in national scenic areas. The possibility of ancient-woodland designation, which Bruce Crawford mentioned, should be examined much more rigorously along the route of the proposed line for the areas that I mentioned because such designation would also be likely to disallow the construction of megapylons.

The main request from groups of protestors is for undergrounding of the line, not just to preserve scenic beauty and to lessen the effects on tourism and businesses, but to protect health. That takes me to the Draper report, which concludes that there is a risk of childhood leukaemia for children who live up to 600m away from a line. As Bruce Crawford said, that could affect up to 900 homes, which is considerably more than the figure that was given in Scottish and Southern Energy's evaluation of the proximity of homes in its application to Highland Council.

The Draper report highlights the finding of magnetic-field studies, albeit that they are disputed, that the effect on the human population is to disrupt night-time production of the hormone melatonin, which is a natural anti-cancer agent in the body. The issue takes me back to evidence that was given a few years ago to the Health and Community Care Committee on the health effects of genetically modified crops, which was similar to the evidence that we face today: there was no proof of harmful effects, but there was also no conclusive evidence that there were no harmful effects. I agree with members who argue that we should adopt the precautionary principle, which was the conclusion that the Health and Community Care Committee reached.

It is my understanding that a public inquiry into the upgrade of the line is inevitable. If so, I am not sure that it would be the appropriate place and time to examine evidence that relates to health effects. It is within the remit of the Minister for Health and Community Care to ensure that an independent review of existing information on health effects be carried out so that we have an evidence base on which we can make good decisions. Research must also be done into the proposed huge cluster of pylons around the Beaulieu interconnector. The issue is not just about the upgrade of the Beaulieu to Denny line; we must also consider potential upgrades to the north, from Beaulieu to Ullapool and Kintore.

17:45

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** I thank Bruce Crawford for securing the debate. Beauly is in my constituency, which is at the north end of the proposed Beauly to Denny line upgrade. As Mary Scanlon pointed out, there is already a substantial substation—an interconnector—at Beauly. With the proposed upgrade to the line, we are faced with the prospect of a new substation that will be about the size of a football field. It is planned that that should be built close to a cluster of housing.

The United Kingdom Government's main adviser, the Health Protection Agency, has admitted that

"the possibility remains that intense and prolonged exposures to magnetic fields can increase the risk of leukaemia in children."

However, the HPA also says that

"the epidemiological evidence is currently not strong enough to justify a firm conclusion".

The Government's position is that it remains unproven whether magnetic fields cause leukaemia in children. Given that it remains unproven, it would be sensible to be cautious and to exercise the precautionary principle. Experience in the Highlands, as in other places around the UK, points to a positive correlation between high-level magnetic fields and childhood leukaemia. I remember a reported leukaemia cluster at the United States airbase at Forde in Caithness, and there have been better-documented cases such as Sellafield in Cumbria.

Given the recent published profits of Scottish and Southern Energy and the other utility companies, there is an even greater duty upon them to be sensitive to communities. It is reasonable to suggest that that would mean moving the proposed Beauly substation away from housing. As members know, I am not a scientist, but I would not like to live next to a substation or any site that emits an ominous low-level hum 24 hours a day. That said, we need to be realistic about electromagnetic fields. Our televisions, fridges and mobile telephones all emit electromagnetic radiation. A TV does not emit much radiation compared with a pylon, but our children do not sit 2m or less from a pylon.

Electricity transmission offers real promise for the future of the Highlands and Islands, and it would not be sensible to stop the development of renewables because of concerns over electromagnetic radiation. Power lines can allow us to export renewable power, which would benefit our local economy and the global environment. There are exciting possibilities, especially for the emerging technologies that will harness wave and tidal power. However, communities such as

Beauly, Kiltarlity, Kilmorack and Kirkhill need a fair hearing. All the concerns of the communities along the Beauly to Denny line need serious scrutiny. We have some big questions that still require answers, on issues such as EMFs and subsea cables.

We need to be convinced about the true costs of undergrounding. We need firm figures that are based on the most up-to-date technologies; we do not need incomplete and changing estimates. The people along the proposed pylon route are owed a proper hearing. We need to know that each part of the line will be considered on its merits and that the realistic needs of communities will be put ahead of company profits.

17:49

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** I thank Bruce Crawford for bringing the subject for debate. I declare an interest, in that I live within 1km of the proposed Beauly to Denny power line upgrade. That said, I am not opposed to the upgrade.

All of us recognise that climate change is the number 1 threat that we will face in this century. Onshore wind farms, small-scale renewables, energy efficiency and offshore renewables all have parts to play in tackling climate change. Onshore renewable energy sources require onshore grid capacity. For example, the Braes of Doune wind farm that is being built near Stirling needs onshore grid capacity. Other proposed wind farms in Perthshire and the Highlands will also require an upgrade in grid capacity in order that they can operate properly. It is inevitable, therefore, that those who are fundamentally opposed to wind farms see the prevention of the power line upgrade as a chance to stop wind energy development in Scotland. That must not be allowed to happen.

The majority of people who have written letters of objection to the line are reasonable people, who want the development of renewable energy sources in Scotland but who also want a better balance to be struck between health concerns, impacts on the landscape and the line's route. I, like other members, was happy to work with Stirling Before Pylons in supporting its attempts to bring a petition to Parliament.

The real debate lies in where the pylons should go. Undergrounding of the line is a superficially attractive solution: it may be easier on the eye but it does not make environmental sense if motorway-sized trenches will have to be dug through sensitive peat soil and other habitats. Although there may be a case for undergrounding small sections of the line, we must concede that the majority of the line will be carried by pylons.

The question is where the pylons will go and how close they will be to people's homes.

Although the jury is still out on the issue, genuine concerns exist about the health effects of pylons. From peer review work around the world, we know that corona ions are formed when air passes through an electromagnetic field. Corona ions can cause health effects in humans, so we must adopt the precautionary approach to pylons. We must question the standards and guidelines that are adopted for them and for other technologies that create EMFs.

Scotland must follow countries that have recognised that electromagnetic sensitivity is a medical condition. It is also partly why I—with Jean Turner and other members—have formed a cross-party group on electromagnetic radiation and health. We will consider the health issues surrounding pylon and other EMF-emitting technologies, including the role of the stakeholder advisory group on EMF and its work over the past several months.

A recommendation was made during the first session of the Scottish Parliament that health should be a material consideration in the planning system. I hope that that issue will be revisited in the Planning etc (Scotland) Bill, along with the Stirling Before Pylons petition.

Ministers, with or without the findings of a public inquiry, must allow the upgrade to take place. They must also ensure that the impact on human health is minimised. The upgrade is an opportunity. It involves the removal of an existing power line and a replacement that could be moved further away from housing than is the present line. A solution must be found sooner rather than later so that we can see real progress in developing onshore renewable energy and tackling climate change.

17:53

**Mr Brian Monteith (Mid Scotland and Fife) (Ind):** I congratulate Bruce Crawford on his motion. It is a worthwhile cause for members whose constituencies or regions are on the power line's route to discuss earnestly. I want to pick up on the epidemiology in the Draper report and the response that I have seen and expect to hear again from the minister.

On March 26, as a result of a decision in Parliament, smoking in public places will be banned. Parliament's basis for that change in health policy resulted from epidemiological studies that showed that over 30 years the risk for a non-smoker who lives with a smoker of contracting lung cancer would increase from one chance in a thousand to 1.25 in a thousand. That resulted in a draconian change to the law. Some people have

argued—including me, but also eminent scientists—that those findings could have been confounding or due to errors in statistics. Nevertheless, Parliament decided that the increase in risk required a change in law.

The Draper report was based on a study of 66,000 children over 30 years. The study showed that risk increased to 1.7 in a thousand from a background figure of one in a thousand. In other words, the increase in the risk of contracting leukaemia from living in proximity to pylons was greater than the increase in the risk of contracting cancer from second-hand smoke. The Executive, however, says that that result is due to confounding or to chance and that it cannot necessarily act on the Draper report. The Executive's approach is therefore inconsistent.

Parliament felt that there was sufficient evidence to warrant a smoking ban. Therefore, if we are to take a consistent line and apply the precautionary principle, we should accept the Draper study and, at the very least, reconsider how we construct and position pylons. We must consider undergrounding or using sea beds. Such things are possible and are worth investing in.

It is said that no causal medical link exists between contracting lung cancer and second-hand smoke, but Parliament decided that the statistical link was great enough for Parliament to act. It is said that no causal medical link exists between contracting leukaemia and living in proximity to high-voltage pylons; but the statistical link is greater than that between second-hand smoke and lung cancer. That fact should be acknowledged by members who voted for a total ban on smoking in public places. They should lobby the Executive to apply the precautionary principle, act consistently, and help to save lives.

**The Deputy Presiding Officer:** Before I call the next speaker, I am minded to accept a motion without notice to extend the debate.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended until 6.20 pm.—[*Mr Mark Ruskell.*]

*Motion agreed to.*

**The Deputy Presiding Officer:** I thank the minister for his willingness to remain longer in the chamber for the debate.

17:57

**Rob Gibson (Highlands and Islands) (SNP):** I thank Bruce Crawford for securing this debate. It is essential that people in Stirling, and people near all the possible routes for the pylons, be given a wider perspective.

Communities in the north of our nation—in Orkney, Shetland and the Western Isles—have argued that they have a right to be part of the new renewables world that we are moving into. The potential of the resources in those communities is estimated to be greater than the current installed capacity of all sources of energy in Scotland—around 11GW.

When making the case for grid connections to the islands, people say that, in the fossil fuel era, energy flows were centred on urban areas, but that, as non-fossil fuel systems are likely to be much more important in future, changes to the grid distribution system are inevitable. The question is therefore less about whether to invest in grid upgrades and more about where and how to do so.

The where and how are at the centre of the argument, and the people of Stirling are almost at the epicentre—if we accept that the route proposed by Scottish and Southern Energy will be the main conduit for electrical energy from the north.

**Dr Jackson:** Does Mr Gibson agree that one of the main issues is that we do not know exactly where the line will go?

**Rob Gibson:** I have sympathy with the member for not knowing the exact location in the Stirling area to within about a quarter of a mile, but we know Scottish and Southern's general suggestions for the route between Beaully and Denny. The route will have to be sorted out.

The possibility of underseaing has been mentioned. Estimates by the island local authorities suggest that putting a cable under the sea from the outer Hebrides to Scotland would cost about £400 million; that an integrated offshore cable running down the coast from the northern isles would cost about £800 million; and that the Beaully to Denny line would cost about £330 million. The difference in the cost of the proposals is not that great—it will not cost anything like 30 times more to put the line under the sea. All the issues must be examined in the context of a public inquiry. There is no way that the health issues or the route issues can possibly be decided unless the Scottish Executive takes on board the fact that an undersea cable would be a way of simultaneously opening up the possibilities that are created by our new forms of infinite power supply and protecting the people who live in the areas through which the lines that would otherwise carry that power to the places where it will be used would be situated. The cost and health issues will have to be examined.

I listened to the arguments about landscape with some interest. We are talking about human-made landscape. People are sometimes keen to go for

solutions such as undergrounding that are highly likely to disrupt that landscape. Indeed, the disruption to the landscape that would be caused by undergrounding a section of line—regardless of how long it was—would be as wide as a motorway. I am sure that the lairds are rubbing their hands with glee at the thought of the wayleaves that would be payable for undergrounding compared to those that they would get for the placing of pylons on their land, for example. Those pirates of the sea, the Crown Estate commissioners, would not get as much in wayleaves for an undersea cable as the lairds would get for pylons or for an underground system.

I support Bruce Crawford's motion. If we want to help the people of Stirling to sort out their problems, with the help of councils, we must insist that the Scottish Executive deals with matters comprehensively and takes on board all the issues.

18:02

**Mr Andrew Arbuckle (Mid Scotland and Fife)**

**(LD):** I will be staying with the power line issue not only until the end of tonight's debate, but until it is resolved. As other members have done, I thank Bruce Crawford for securing the debate and for addressing the health issues that the proposed line raises. A few months ago, Brian Monteith left the Tory party; he also voted against the smoking ban. Tonight he spoke in favour of the motion, so he is truly a man who is on the road to salvation.

One day last spring, as the queue to get in to watch my local football team inched forward, the man in front of me turned round and we spoke about the need for the precautionary principle to be applied—not in relation to the game that we were about to watch, but whenever issues to do with electromagnetic radiation are being dealt with. At that time, the proposed upgrading of the power line between Denny and Beaully was coming over the horizon and my fellow football supporter was Sir William Stewart, who is one of this country's leading scientific experts in the field of electromagnetic radiation.

As everyone knows, Sir William was the man who headed up the United Kingdom Government committee that investigated the radiation effects of mobile phone use. His findings on that issue were strongly based on the assumption that precautions should be taken until all the possible consequences of using technology in which the use of electromagnetic radiation is involved are known. He was of the same mind when I mentioned the proposal to run high-voltage power lines down the spine of Scotland.



Just prior to that chance meeting, I, in my capacity as a councillor in Fife, had been dealing with a rash of planning applications for TETRA telecommunications masts. Councillors had worries about the possible health risks associated with those masts but, most frustratingly, they could not use those worries as a reason to reject the proposals. Members who are familiar with the planning process will know that health concerns cannot be used as a ground for refusing a planning application. Councillors were also frustrated that the applicants dismissed most of the health risks as being unfounded.

In a previous sphere of work, I was involved in reporting the outbreak of BSE in this country. At that time, the disease had an extremely high profile because of its link to CJD, which affects humans. There was a shortage of good science on the issue, which created a partial vacuum that was filled by the opinions and views that scientists with contracts to renew and bad, or junk, scientists offered through websites and phone calls.

Whenever the science is not sound or complete, doubts emerge, opinions are voiced and headlines are written. In this case, what we need more than anything is more good, well-researched science. In that way, everyone will know more fully the implications of long-term exposure to high-voltage power lines.

I do not dismiss any of the previous bodies of work, such as Draper; I see them as stepping stones towards the emergence of a more conclusive and comprehensive view. Until the time comes when we have more good science, I will side with those who are concerned about the proposed power line. Bruce Crawford was right to emphasise the need for the advice that is coming out of SAGE to be robust and comprehensive.

18:05

**Mr Jamie McGrigor (Highlands and Islands) (Con):** I congratulate Bruce Crawford on bringing this important debate to the chamber.

A few months ago, I attended a packed meeting in Beaulieu at which most of the hundreds of people who had gathered were obviously against having a power line close to the villages of Beaulieu, Kiltarlity and Kirkhill. I also attended a meeting of Glenurquhart community council, which was held in Cannich village. People there are deeply concerned that the new pylons, which are twice the size of existing pylons, will impinge on the lives of local residents and affect tourism. The main reason for people's antipathy towards the new power line is the visual impact that it will make on the dramatic scenery of the Highlands.

Health concerns were also raised; the question of childhood leukaemia is certainly causing worry

to many parents. There has long been a rumour that proximity to pylons can be dangerous. My local village of Glenview by Dalnally in Argyll has an enormous pylon that is situated 80m away from the primary school, which is attended by 80 children, two of whom are my children. The local village shop is practically underneath the pylon; there is not a house in Glenview that is more than 100m from the pylon.

In the past, doctors told me that the cancer and leukaemia figures for Glenview are very high. However, planners at the time that the pylon was built were ignorant of the possible link between pylons and leukaemia, just as people in the 1950s were ignorant of the link between smoking and cancer. As Brian Monteith pointed out, the Government is now banning smoking; perhaps it should also think of using the precautionary principle to ban the siting of overhead pylons near residential areas.

The cheapest option is often not the most economic or safest in the long run. The area of the Highlands around Beaulieu has been a growth area of late. If these huge pylons are placed close to residential areas, there could be a detrimental effect on the price of residential property. Also, the possibility of an increased risk of leukaemia in children could cause depopulation, which is exactly what we are trying to avoid happening to our rural areas.

The pylons will undoubtedly take something away from the scenic beauty of the area, yet its scenery is the major asset of the Highlands in terms of tourism, which is now Scotland's largest industry. That was not the case at the time that the pylons were first built, but things have changed. The Beaulieu to Denny line will carry wind farm generated electricity. If we were not quite so reliant on so many wind farms, the new line would not be necessary. With only minor upgrades needing to be made, new wind farms could be accommodated using existing infrastructure.

Debates on pylons are nothing new. The interconnector to Northern Ireland required the construction of 200 pylons in Ayrshire and the same number in Northern Ireland. There was enormous pressure to bury the pylons, but the then Labour Secretary for State for Scotland—later First Minister of the Scottish Parliament—Donald Dewar, discarded that option, choosing instead the option of using pylons. His decision came despite the fact that the previous Secretary of State for Scotland—the well-known Conservative, Michael Forsyth—had favoured the underground option.

Donald Dewar made his decision following a public inquiry and after enormous opposition from the stop the overhead power lines campaigning group. I assume that the decision was taken on

the ground of cost. We are told that undergrounding is far more expensive, but although it is more expensive to put drains and sewers underground, we put them underground nevertheless. We know that it is beneficial to mankind to do so.

Planning rules in this country are so strict that they disallow the construction of inappropriate buildings in sensitive or scenic areas. However, for some reason, they do not give a damn about ugly pylons and dangerous overhead wires. Looking to the future, we are told that climate change will produce more hurricanes and lightening across Scotland, which will cause endless costly damage to overhead wires and interruptions to power supplies. That is not only expensive but can be dangerous in crucial situations.

There are enough reasons not to use overhead cables to convince me that undergrounding is a far better option. If there is even the slightest risk to innocent children of leukaemia, which the Draper report suggests, why do we take a chance?

18:10

**The Deputy Minister for Health and Community Care (Lewis Macdonald):** Cancer is a serious business and one of the things that make leukaemia and other cancers so alarming is that we do not know in general what causes them. In the debate, members have raised the possibility that electromagnetic radiation from the electricity distribution system might be among the causes of childhood leukaemia. The right response to such concerns is not to assume them to be right or wrong but to consider the evidence and to act on it in a proportionate fashion.

The evidence includes a large number of published papers. The results of those studies are often inconclusive and they are sometimes contradictory, so we must look beyond individual independent papers to expert reviews, which evaluate the evidence critically to provide a balanced overview.

In 2001, the National Radiological Protection Board's advisory group on non-ionising radiation produced a comprehensive review of the subject, which focused particularly on two studies. The first was a study from 1999 and 2000 by the UK childhood cancer study investigators, which found no evidence that the risk of childhood leukaemia or any other cancer was associated with the proximity of homes to electrical installations or the levels of magnetic field to which children are exposed.

The second study—by Ahlbom and others in 2000—pooled the results of studies on childhood cancer and exposure to magnetic fields in homes from several different countries. That analysis,

which included data from the UK childhood cancer study, suggested that there might be a doubling of the risk of leukaemia for children who were exposed to magnetic fields of 0.4 microteslas or more. It is estimated that about four in every 1,000 children in the UK are exposed to magnetic fields at or above that level and that about half of those exposures are due to overhead power lines, while most of the others are attributable to electrical wiring in the house.

From those figures it might be concluded that, if there were indeed an effect for magnetic fields above 0.4 microteslas, one or two of the approximately 500 cases of childhood leukaemias that are diagnosed each year in the UK might be attributable to the magnetic field from power lines. However, the general conclusion of the review was:

"In the absence of clear evidence of a carcinogenic effect in adults, or of a plausible explanation from experiments on animals or isolated cells, the epidemiological evidence is currently not strong enough to justify a firm conclusion that such fields cause leukaemia in children."

The review also concluded that the possibility remained that intense and prolonged exposures to magnetic fields could increase the risk of leukaemia in children.

A number of members have mentioned undergrounding. It is worth noting that underground cables also emit magnetic fields, albeit within a smaller area.

**Dr Jackson:** Is it not correct to say that undergrounding can be done in different ways and that the cable can have a covering that is strong enough to reduce the electromagnetic radiation significantly?

**Lewis Macdonald:** The magnetic field can certainly be confined, which is the important point. Nonetheless, we are talking about the magnetic field that the cables themselves generate, whether they are overhead or underground.

In 2004, the NRPB conducted a review of the scientific evidence for limiting exposure to low-frequency electromagnetic fields. On the basis of that review, it advised:

"The government should consider the need for further precautionary measures in respect of exposure of people to"

electric and magnetic fields.

The final study that we must take into account is the Draper report, which was published last year. Members have described its findings on increased risk of childhood leukaemia. However, for the sake of completeness, it should also be noted that, at distances greater than 200m, the magnetic field levels from power lines would normally be lower than those in the home from domestic sources,

such as conventional electrical wiring. Although the Draper report clearly contributes to the concerns, it is important to bear in mind the views of the authors—not of ministers, as Brian Monteith suggests—that the statistical association could have been due to chance or some other aspect of living near power lines and that they could offer no satisfactory explanation of their findings in terms of possible causation by magnetic fields.

**Bruce Crawford:** On the issue of the magnetic fields that exist in homes, as compared with those that come from power lines, I hope that the minister would accept that it is children's long-term exposure to power lines over prolonged periods, particularly during the evenings, that causes the problem. That is not like, for instance, someone using a shaver and happening to get an electromagnetic pulse near his face. That is not the same as living perpetually—and especially overnight—next to an overhead power line.

**Lewis Macdonald:** If Bruce Crawford's point is that the risk is not the same in every domestic residence, I would agree with it. However, we would be as unwise to ignore the evidence about the possible impacts of domestic electricity arrangements as we would to disregard the possible impacts of overhead power lines. That is why SAGE, the stakeholder advisory group that was set up on the basis of the reviews that have been carried out, has in turn set up two working groups. One group is to consider the impact of overhead power lines, and the other is to consider the impact of magnetic fields in people's homes. It is right that both those factors are considered seriously in that way.

Roseanna Cunningham mentioned membership. A senior scientific adviser from the Scottish Executive Health Department is a member of SAGE and will be one of those who will receive the reports of the working groups on both those impacts. We expect the report of the group dealing with overhead power lines to be made in the course of the summer. It may well be that some of the recommendations will have something to say about planning policy for power lines—that is of course entirely a matter for the group to determine on the basis of its scientific expertise and the best available medical evidence.

**Dennis Canavan:** If the Scottish Executive decides to hold a public inquiry into the planning application, is there any way in which that inquiry could address health issues as well as planning issues?

**Lewis Macdonald:** As I have said and as I intend to explain further in the next few moments, the SAGE process will produce recommendations, which we expect to have this summer. It would be reasonable to predict that any decision on the Beaulieu to Denny line, and certainly any public

inquiry that is held into the application to construct the line, would occur at such a time that the content of the SAGE recommendations, which will relate to any possible impact of overhead power lines on health, could be considered.

The debate touches on energy policy—as a number of members did in their speeches—as well as on health. I did not recognise Bruce Crawford's suggestion that there was no clear sense of direction in energy policy. Our view on the need to generate more renewable energy could hardly be clearer. Everyone who has spoken on that point recognises that that will require a substantial upgrading of Scotland's electricity transmission and distribution network. All those who recognise the particular potential of the Highlands and Islands to generate renewable energy will recognise the importance of having the means to carry that power south.

**Bruce Crawford:** In no way did I dispute that the Scottish Executive has a renewables target and policy in that area. However, in the context of energy policy, perhaps the minister could tell us what impact the extension to the life of the Hunterston power station might have on proposals for the future. What impact would the extension to the life of Longannet have on energy policy for Scotland? The minister must consider these issues as a whole; it is not just a little—

**The Deputy Presiding Officer:** I counsel the minister to keep his remarks relevant to the subject of the debate.

**Lewis Macdonald:** I can assure the Presiding Officer that I will do precisely that, focusing on the application that has been made jointly by Scottish and Southern Energy and Scottish Power for their Beaulieu to Denny proposals. The application was made on 28 September last year and the public consultation period ended at the end of January. Other consultative bodies, such as the Scottish Environment Protection Agency and Scottish Natural Heritage, will respond by the end of February, and the local authorities have until the end of April. Several thousand representations have been received from the public and they will be considered by Scottish ministers as part of the process of determination under the Electricity Act 1989.

Any suggestion that a feature of the environment or of technological development might affect the health of Scotland's children will be treated with due seriousness on the basis of the evidence. The concerns of those who respond to the consultation will receive proper consideration from ministers in reaching a decision.

As I said a moment ago in response to Dennis Canavan, in the event of there being a public inquiry on this issue, it is unlikely to begin its

consideration before the recommendations of the SAGE working group on power lines and property are known. Should there be no public inquiry, I am equally confident that ministers will want to take account of whatever recommendations have emerged from the SAGE process at that stage.

It is not a choice between a healthier population and a healthier environment; we aspire to a joined-up approach across government, which will ensure that we achieve both.

*Meeting closed at 18:20.*

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