

# **MEETING OF THE PARLIAMENT**

Thursday 11 January 2007

Session 2

£5.00

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# Scottish Parliament

Thursday 11 January 2007

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

## Skills Academies

**The Presiding Officer (Mr George Reid):** Good morning. The first item of business is a debate on motion S2M-5386, in the name of Murdo Fraser, on education—

**Murdo Fraser (Mid Scotland and Fife) (Con):** On a point of order, Presiding Officer. No member of the Executive is here to respond to the debate. Is it competent for the debate to proceed without a member of the Executive to move the Executive's amendment and respond to the debate?

**The Presiding Officer:** That is a matter for the Executive. No doubt members note your point, but the situation does not prevent the debate from continuing.

**Murdo Fraser:** On a further point of order, Presiding Officer, the subject of this morning's debate is education, with specific reference to skills academies. The motion that we have lodged refers to skills academies, as does the amendment that Fiona Hyslop lodged on behalf of the Scottish National Party. However, the Executive's amendment, in the name of Robert Brown—who is absent from the chamber—does not refer to skills academies. Is that amendment competent, given that it does not address the subject of the debate?

**The Presiding Officer:** As you will be aware, Mr Fraser, I put considerable thought into the selection of amendments and I have done so in this case. However, I very rarely give any degree of explanation on the matter.

**Fiona Hyslop (Lothians) (SNP):** Further to that point of order, Presiding Officer, as the First Minister has made an announcement in support of skills academies, I refer to the ministerial code and seek an examination of whether any civil service time or public money was used for that announcement. As the Executive has chosen not to include the matter in its amendment, it is clear that the First Minister's announcement was on behalf of the Labour Party, not the Liberal Democrat-Labour Executive.

**The Presiding Officer:** You will be aware, Ms Hyslop, that complaints that relate to the ministerial code are a matter for the First Minister, not for me. I suggest that you write to him on the matter. Can we now carry on?

09:17

**Murdo Fraser (Mid Scotland and Fife) (Con):** I am pleased that we have got here, Presiding Officer.

We in the Scottish Conservative party have for many years championed the principle of extending to youngsters of school age the opportunity for vocational education. We believe that a system in which all children must concentrate fully on academic subjects after the age of 14 is increasingly out of date and that such an approach fails to meet the needs of our economy, given that employers tell us continually that school leavers often do not have the skills that employers seek. The current system fails too many youngsters, who are simply turned off by academic subjects and would welcome the opportunity for more vocational learning, which might help to motivate them to engage more fully with the school environment. We all know about the horrific statistics on the increase in school indiscipline and levels of truancy in the past eight years, which I do not need to repeat today.

In promoting those ideas, it has, as always, been the Scottish Conservatives' ambition to promote a consensus and to seek to win friends for our approach. I am delighted that we seem to be winning converts to our cause. Other parties in the Parliament have in the past expressed their support for extending vocational education to those who are aged 14 and above although, to be fair, different approaches have been suggested as to how that might be implemented in practice.

The latest convert is no less a person than the First Minister. Speaking at Labour's conference in Manchester in September, Jack McConnell acknowledged the problem of underachievement in our schools:

"we can no longer tolerate the tail of underachievement. The bottom 20% for whom standards have failed to rise significantly since 1999—their achievements, opportunities and aspirations are a national priority.

We must inspire those who are turned off by school. We must help those young Scots who leave school to do nothing.

We will drive up standards in maths and English, specifically to give every young person the opportunity to pass a tough literacy and numeracy test before they leave school.

And I want centres of excellence in schools and colleges—to provide all young Scots with proper vocational options from the age of 14.

So today conference, I can announce that the 2007 Labour manifesto for Scotland will commit to new Skills Academies creating new opportunities in every part of Scotland."

I would struggle to put it better myself.

The idea of skills academies is welcome, and one on which I hope a new consensus will emerge. We therefore lodged our motion in the expectation that it would have broad support from throughout the Parliament, particularly from Labour members. We are thus rather disappointed that the Executive's amendment does not even mention skills academies, never mind give the idea the fulsome support that we might have expected from the language that Mr McConnell used just a few months ago. What can be behind the situation? Surely it cannot be another example of the Labour Party letting its junior partner in the coalition run roughshod over it. [Applause.] I welcome the Minister for Education and Young People to the chamber. He has made a rather belated appearance, but he is welcome nonetheless.

Surely we have another example of the Liberal Democrat tail wagging the Labour dog. The irony is that, in the past, the Liberal Democrats expressed support for more vocational education. One might think that Liberal Democrat members would have a special interest in upskilling the workforce at this time. According to a YouGov poll that was reported yesterday, Liberal Democrat representation in the Parliament after the election in May will fall to a mere 14 members. I might have thought that the three Liberal Democrat MSPs who are facing redundancy and who will have to seek employment in the real world after May would be keen to acquire the skills that are necessary for the workforce. However, the Liberal Democrats are putting their party-political ideology ahead of the greater good and the interests of Scotland's youngsters.

What might skills academies look like? The pronouncements from the First Minister have not contained a great deal of detail, so perhaps Labour members can further enlighten us today. A figure of 100 skills academies has been mentioned. I cannot imagine that they will all be new stand-alone schools, so I imagine that some at least will be within existing school campuses. Work is already being done on that. On Monday, I visited Forfar academy, where part of the school building is being converted into a vocational training centre, as part of a partnership between the school and Angus College. The development will give youngsters access to vocational training in various trades in the school environment. That is a welcome initiative, and I am sure that it can be replicated elsewhere in the country.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Will the member take an intervention?

**Murdo Fraser:** If one of the candidates for redundancy wants to intervene, I am happy to give way.

**Mike Rumbles:** The development that Murdo Fraser mentions is interesting but, of course, it is not a skills academy. How does he envisage skills academies working in places such as rural Aberdeenshire in my constituency, where there are few academies and people must travel many miles to attend them? Where would he place the skills academies?

**Murdo Fraser:** I shall happily expand on that point in due course, but perhaps Mr Rumbles might want to address the question to his Executive colleagues, who of course are the ones who have raised the issue. Perhaps the Minister for Education and Young People, in responding to the debate, might want to address the issue, given that skills academies are, we believe, a Labour Party proposal.

We should have stand-alone skills academies. The Conservatives have in the past argued for a city academy in Glasgow to provide vocational training as an alternative approach to education for the city's youngsters. I hope that the First Minister is inclined to support that sort of initiative.

There is no doubt that Scotland's employers are concerned about the need to address skills gaps, particularly among school leavers. Gerard Eadie, who is the chairman of CR Smith and the vice-chair of the Prince's Trust Scotland, has spoken out on the issue, saying that the advantage of vocational education is that it helps to impart soft skills, such as those relating to teamwork and discipline, and even literacy and numeracy skills, as well as the acquisition of hard skills. Other employers groups, such as the Confederation of British Industry Scotland, have welcomed the idea of skills academies.

Some people will say that the proposal is all about going back to a two-tier system of education. The dinosaur tendency among some of the teaching unions has taken just such an approach. Reacting to the idea of skills academies, a representative of the Scottish Secondary Teachers' Association said:

"It is going back to the bad old days."

In the past, I heard the same argument from Labour members in the Parliament. However, that is not what the idea is all about—it is about giving all youngsters the opportunity to access a different type of education. It is also about acknowledging that many young people in our school system simply are not engaged with academic work, and that providing vocational education will be of particular benefit to them. The First Minister was quoted in the *Sunday Herald* on 24 September as saying:

"Vocational courses will motivate kids who are maybe heading off the rails and give them a subject that really interests them."

We know that we have a serious problem in Scotland with youngsters who are not in employment, education or training. The proposal is part of the answer to that problem.

I am glad that the debate on Scottish education is starting to move on. I have never believed that we need a one-size-fits-all approach to education. Too many of Scotland's youngsters have not been well served by that approach in recent years. Opening up opportunities to vocational education and creating skills academies will be good for the education system, good for our economy and employers and, in particular, good for our nation's youngsters.

I hope that there will be support throughout the chamber for our motion, which is about taking Scotland forward.

I move,

That the Parliament believes that our education system should provide children with opportunities to flourish along the lines of their own particular aptitudes and inclinations; notes that for many children over the age of 14 this could predominantly involve activity in a practical or vocational sphere, rather than in a traditional academic one, and welcomes the proposal to establish skills academies, be they stand-alone or attached to schools or colleges, depending on what is most appropriate for a local area, as centres of excellence to extend opportunities to access vocational education to students from the age of 14.

09:25

**The Deputy Minister for Education and Young People (Robert Brown):** Before I speak, I would like to apologise to the chamber—

**Phil Gallie (South of Scotland) (Con):** On a point of order, Presiding Officer. Is it fair and proper that a minister who appears three quarters of the way through the opening speech of a debate is then called to respond to it?

**The Presiding Officer:** While it is not satisfactory, Mr Gallie, there is nothing to stop it, and I think that Mr Brown was about to apologise for that fact.

**Robert Brown:** Yes, Presiding Officer. I am sorry that I was late, but there was a misunderstanding in my diary about the order in which this morning's debates were being dealt with. I apologise to Murdo Fraser for missing about half of his speech. However, I hope that I can pick up on some of the issues that he dealt with when I make my closing speech. We are aware of the issues in this debate.

There is a sense in which education—in terms of its importance, its life-enhancing power and the doors that it can open—defines Scotland and Scotland's identity in the world. Traditionally, we have had a view of education that has been practical and has had practical skills at its core.

Engineering, trade, enterprise, medicine, the law and inventions are the sort of areas that are distinctive to Scotland and in which Scotland has made a distinguished contribution over the years.

Today, every nation with foresight and ambition is investing in education. They recognise, as everyone in this Parliament does, that education and skills are the key to the future in this global age. Underlying today's debate is a belief on all sides of the chamber that we need an educated and highly skilled population and that we cannot afford to lose young people from the workforce. We must ensure that they are able to live rewarding lives rather than ending up as casualties of the social divisions, deprivation and challenges that face some of them at the start of their lives. The effects of many of those challenges play themselves out in schools and, to address those challenges, our education system and our wider social policies and attitudes must respond.

In opening today's debate for the Scottish Executive, it is absolutely right to say that we have devoted a large part of our effort since 1999 to strengthening our education system. The narrative in our amendment about the new and refurbished schools, increased teacher numbers and stable industrial relations in particular is not just a list of some of the good things that we have done since 1999—although we have done a lot of good things—it represents the necessary building blocks to give teachers the best potential to teach, to give students the best opportunities to learn, to encourage the great educational leaders whom we need at all levels and to reduce the numbers who fall out of the system.

To put that in context, a day or two ago I read the report that was published last month by the joint performance team that measures progress towards a smart, successful Scotland. It reveals substantial and solid progress in key areas since 1999. It shows that Scottish gross domestic product per head is up by half as much again as the Organisation for Economic Co-operation and Development average; that we have a higher employment rate than the rest of the UK—and one that is growing faster as well; that we have higher rates of academic spin-outs per head from our universities than the United Kingdom as a whole, the United States of America or Canada; that we have the highest proportion of any part of the UK of young people achieving national vocational qualifications at level 3 or above; and that we have a high ranking among the best in the world on the programme for international student assessment, which benchmarks the performance of young people internationally in science, maths and reading.

**Dave Petrie (Highlands and Islands) (Con):** The minister has not mentioned class sizes. The

Executive's target was to have maximum class sizes of 20 for maths and English by May this year. Would he care to comment on the progress in that regard?

**Robert Brown:** I am delighted to comment on that. Central to what we have been doing is the number of teachers whom we have been putting into the system. By the class-size target date that Dave Petrie mentions, we will have 53,000 teachers in the system and class sizes will meet the targets that we set.

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

**Robert Brown:** I need to press on. This is a short debate.

We know that there are particular challenges. For example, the educational attainment of looked-after children is more or less flat; the number of young people who are not in education, employment or training is unacceptable, as Murdo Fraser said; and too many young people are disengaging from learning. Those are long-term challenges to which we have increasingly been giving focused attention and in relation to which we absolutely require to succeed.

We are reforming the curriculum, which is going ahead under full steam. We are providing greater choice, in the interests of motivation, and more work-related options, including vocational learning in schools and colleges, as part of the school-based curriculum.

**Murdo Fraser:** Will the minister give way?

**Robert Brown:** I am sorry, I must proceed. I have only five minutes in which to speak.

We have already gone a long way towards our goals by giving young people over 14 the opportunity to undertake a college-based course as part of their school programme. Enterprise in education is a considerable success and is changing attitudes throughout the education system. We have established new skills for work courses to help pupils of all abilities to develop their employability skills and gain valuable insight into the world of work. Already, around 5,000 students are studying the pilot skills for work courses and the intention is to roll out those courses nationally from session 2007-08 and into other vocational areas.

There is, of course, much debate to be had about where those challenges take us. We must widen and deepen vocational options, develop partnerships between schools and colleges in new ways, continue to build on the highly successful modern apprenticeship schemes, develop better links between businesses and the education system, use youth work methods and approaches to re-engage those who are demotivated, and use the creative power of the arts, music, sport and,

indeed, language and science to inspire and enthuse young people.

Education will continue to be central to the political debate as we approach the elections in May. The Scottish Government has achieved a great deal, has reanchored our education system to the pulse of our country and has laid the foundations for it to be the best education system in the world.

I move amendment S2M-5386.4, to leave out from "believes" to end and insert:

"welcomes the priority given to improving education standards by the Scottish Executive, local authorities, schools and other partners; recognises that the Executive's investment in new and refurbished schools, increased teacher numbers, reducing class sizes, strong parental involvement and stable industrial relations is providing the right environment for real and lasting change for Scotland's children; welcomes the new opportunities that are being developed through A Curriculum for Excellence and Determined to Succeed, including enabling young people across Scotland aged 14 to 16 to undertake vocational learning in further education colleges as part of the school-based curriculum; believes that a strong and relevant education system is fundamental to securing a smart, successful Scotland in which all our 16 to 19 year-olds are in education, employment or training, and calls for steadily improving opportunities for young people to achieve success in education including, particularly, opportunities to study a wider range of vocational options."

09:31

**Fiona Hyslop (Lothians) (SNP):** I thank the Conservatives for bringing this important subject for debate to the chamber. I want to concentrate on some of the things that we can all agree on.

We all agree that skills and vocational training for post-14 pupils is essential. The issue that we face is how to make progress on that aim and whether we have done enough to make progress. We also all agree that the school-college review was important in identifying the links between colleges and schools and that the skills for work programme and the qualifications that it provides are welcome.

However, there are concerns about the new pronouncements on skills academies. The absence of any reference to them in the minister's speech or amendment says more about the internal divisions in the Executive than anything else. Perhaps what has been placed before us is a diplomatic coalition fudge. However, let us leave the Executive to its internal divisions and address how we can improve skills, training, experience and opportunities for young people.

From the Education Committee's inquiry into pupil motivation, we know that pupils are telling us that they will not be motivated if the skills academies and vocational opportunities are just for those who do not have academic ability. What



do employers and people in the trade organisations tell us? The Conservatives are fond of talking about plumbers, so let me tell them what Robert Burgon, the director and secretary of the Scottish and Northern Ireland Plumbing Employers Federation, said about the First Minister's announcement:

"It appears that our First Minister has decided that non-academic 14-year-olds should be removed from mainstream schooling to attend a skills academy to learn a trade, such as plumbing.

The Scottish plumbing industry has worked hard over many years to remove the idea that a career in plumbing is only for those who struggle with basic subjects ... this latest announcement bears all the signs that we have some way to go before we convince our leaders that following a vocational route is an acceptable alternative".

The plumbers and those in the skills federations want to ensure that people who have academic abilities can make that choice.

The Conservatives also like to quote the Headteachers Association of Scotland. It warns that the skills academies might attract the most disaffected pupils and could be

"a magnet for middle-ability pupils who see the vocational modules as an easier option than more academic subjects".

The association is concerned that the proposal could

"herald a return to old divisions between junior and senior secondary schools."

Do we want to provide skills and vocational opportunities for all, which is the SNP's position, or do we want to offer those opportunities on a selective basis, which is the Executive's proposition?

Murdo Fraser talked about Forfar academy, in SNP-led Angus Council's area, which demonstrates precisely the example that we need to follow. I suspect that the Labour Party's announcement on skills academies is an attempt to make it look as though it is trying to do something new, but it is a cop-out. The Executive is covering up what it has not done over the past few years, and SNP councils such as Angus Council are showing the way forward.

We can have skills bases and skills departments—we can even call them skills academies if they are within the mainstream operation of schools. Indeed, if the schools of ambition programme was extended from music and drama into vocational skills, perhaps that would be something else that we could agree on. However, if skills academies are just some kind of concept or marketing branding that is used to cover up what the Executive has not done, I am sorry, but we are not interested.

The pupils, the teachers, the employers and the skills federations are saying that they want real

training with substance and opportunities for all. We should let the pupils decide whether they want to take the opportunity to learn vocational skills to gain the competencies that Murdo Fraser talked about or whether they want to pursue an academic route into further and higher education. That is the key choice, and it is what we should be debating.

I move amendment S2M-5386.2, to leave out from "for many children" to end and insert:

"most political parties have recognised the need for more vocational experiences for pupils over 14 since 2003 and is concerned about lack of progress in providing this to date; agrees with the position of the Schools and Colleges Review and the Parliament's Education Committee in its recent Pupil Motivation inquiry that all children should have vocational opportunities and that these should not be restricted by assessment of academic ability at the age of 14; acknowledges that the real challenge is to provide opportunities and choice for all pupils, working together with schools and colleges, and notes the concerns of skills and trades organisations that the proposal for skills academies provided for pupils with lack of academic ability, as proposed recently by the First Minister, is not what is required by them to meet current and future skills demand."

09:36

**Mr Kenneth Macintosh (Eastwood) (Lab):**

Given the fact that this is an Opposition debate initiated by the Conservatives, I begin on the rather unlikely note—for me—of welcoming the terms of the motion. I do so tentatively, as I am aware of the old adage that one should beware of Greeks bearing gifts. Perhaps as the debate continues we will explore the thinking behind the motion. Given the Conservatives' appalling record on education while they were in power and their failure to support virtually anything that the Executive has delivered, it would be churlish not to welcome their support for a policy that, following the elections in May, we will implement throughout Scotland.

I will outline several reasons why I believe that skills academies are needed. Colleagues on the Education Committee will be aware, from our inquiry into pupil motivation, of the difficulties in engaging some young people in school life. That problem affects too many pupils at every stage of their progression through school, and it can be particularly acute in the later school years. Some young people who are approaching the end of their compulsory schooling can face real difficulties in getting anything out of their education, which can lead to difficulties for teachers in managing those pupils' behaviour and difficulties for society, as many of the young people will end up drifting without qualifications, employment or education and training for their future life.

The choices that are available to those students are limited. I will give an example. A good friend of my family faced a real dilemma when he was 15.

He was at school in East Renfrewshire. As members may imagine, it was an excellent school—one of the best in Scotland—but he was not making the most of himself. Philip was a bright boy but, whether because of non-conformity or whatever, he was not getting on as he should. Because he was only 15, he had to apply to the head teacher and the director of education to transfer to nearby Langside College. Thankfully, permission was granted and he has flourished. At college, he sat alongside other young adults who chose to be there and applied themselves to their studies. Notably, all the students were treated as adults rather than as school pupils. As a result, Philip stayed on and achieved his qualifications, and he is now going to university rather than dropping out—which was a distinct possibility at one stage.

There is a real need for us to improve the vocational option for the sake of our society and our economy. I doubt whether there is a member present who has not heard from an employer who is desperate to take on job-ready young men and women in order to train them up in a trade, a skill or a small business. We need to drive up the status of the vocational option. My one worry about skills academies is that we should avoid introducing a two-tier system. Because of the dominance of the academic over the vocational option in our education system, it would be too easy for the academies to become routes to a second-class education. I do not want to be unfair, but my suspicion about the Tories, given their past record and their support of privilege for the few, is that—to use rather archaic language—they see vocational education as a device to keep the lower orders in their place. We must ensure that skills academies are a genuine choice—one option out of many—for young people. We do not want to repeat the mistakes of the 11-plus exam, which became a dividing point. As part of our commitment to lifelong learning, the skills academies should be one option among many to allow young people to fulfil their potential and make the most of their abilities—not one chance, but one of many chances.

I have used the word “choice”, which is an important word in education. It should not be confused with what the Tories call choice—that is, choice for some people. Our commitment to skills academies stands alongside our support for modern apprenticeships and education maintenance allowances—both policies that the Tories opposed. EMAs are about giving young people, who sometimes come from challenging backgrounds, a real choice to stay on at school and pursue their studies. Now, they will have a further choice through skills academies. The failure of the Tories to support EMAs as well as

skills academies shows that they still support choice for the few, not choice for all.

**Mike Rumbles:** Will Ken Macintosh explain how skills academies can work in rural areas such as Aberdeenshire? If the Executive is not going to establish skills academies in rural Scotland as well as in urban Scotland, will we have a two-tier system or a different system? Are our kids not going to be educated together?

**The Presiding Officer:** I ask Ken Macintosh to close after he has answered.

**Mr Macintosh:** I will close, Presiding Officer.

As I have said, it is important that we avoid creating a two-tier system. The academies will be a properly resourced option. A skills academy could be set up in a secondary school or college or could be stand-alone, and any of the schools in Mike Rumbles's constituency could be adapted in the same way as the schools in my constituency.

**Fiona Hyslop:** Will Ken Macintosh give way?

**The Presiding Officer:** No. I am sorry, but he must close.

**Mr Macintosh:** I apologise. I was going to make the point that we are talking about education, not separation.

We have excellent schools in this country, but the uniformity of school life is not to everyone's taste. The skills academies will provide an opportunity for everybody to educate and liberate themselves and make the most of their abilities. I conclude with this appeal to the minister: following the elections in May, I ask that East Renfrewshire be among the first areas to be considered for a new skills academy.

09:41

**David McLetchie (Edinburgh Pentlands) (Con):** The Conservative party in the Scottish Parliament has long advocated greater emphasis on skills and vocational training in our schools and through associations between schools and local further education colleges. For example, in debates in 2002 and 2004, the Parliament approved Conservative amendments and motions that called for school pupils from the age of 14 to be given greater opportunities to take courses at FE colleges. We welcomed the support that we received from other parties.

**Robert Brown:** Does Mr McLetchie accept that the establishment of school-college links for 14 to 16-year-olds in particular was at the heart of the 2003 partnership agreement and has been delivered by the Executive?

**David McLetchie:** I happily acknowledge that the Executive has, in part, adopted the approach

to such links that the Conservatives have long advocated and have proposed in our motions and amendments. It is interesting that the minister's amendment suggests that vocational training will take place only within the context of an FE college, whereas the issue that we are discussing is whether vocational and skills training should take place in our schools. That is the nub of the matter.

It is not surprising that concerns have been expressed about the details of the scheme. Although we were pleased to receive the First Minister's commitment to the enhancement of skills training through the possible establishment of 100 skills academies in schools and FE colleges throughout Scotland, beyond the general concept we have very little information about what is intended and how it would work in practice. First, given that there are 385 secondary schools and 46 FE colleges in Scotland, what is the rationale behind the figure of 100 skills academies? Why not make it 50 or 150? Why not have a skills academy in all secondary schools? Surely there must be young people in every school—including those in Mr Rumbles's constituency—who would benefit from such training. Is the initiative intended to achieve universal coverage?

**Fiona Hyslop:** Will the member take an intervention?

**David McLetchie:** No, thank you. I must make progress.

Secondly, to what extent are the so-called academies to be separate entities that are run independently from the rest of the schools? Will they simply be ramped-up technical departments with a grandiose title? Will they seek sponsors and funding from business? Will businesspeople be involved in a governing board?

Thirdly, will attendance at courses that are run by the staff of skills academies be the whole or only part of the curriculum that the young people concerned will follow?

**Iain Smith (North East Fife) (LD):** Will the member give way?

**David McLetchie:** No, thank you.

It is legitimate to ask those questions about the proposal and to inquire whether this policy goal is supported by both the Minister for Education and Young People and his deputy. Perhaps we will receive some answers. However, although I have questions and may not agree with the answers, what was entirely typical and depressing about the wider reaction to the First Minister's speech was the dismal negativity that was shown by the Scottish educational establishment, which demonstrated yet again that it is stuck in a 1960s time warp and refuses to face the fact that the

comprehensive school system has failed far too many children in Scotland—not least those whom it was intended to benefit most. As far as those dinosaurs are concerned, any alternative model for the delivery of education and training is to be viewed with suspicion and scorn. The same was true of the reaction to the First Minister's subsequent call for the establishment of regional science academies as specialist upper schools.

Whether they are made north or south of the border, the proposals for skills academies, science academies and city academies demonstrate the failure of the one-size-fits-all neighbourhood comprehensive school, where the standard of education and curriculum choice that are available to pupils are dictated by their parents' postcode and the price their parents can pay for a home.

The young people who are failed by the system range from potential high-fliers with academic aptitude for subjects such as science and languages to underachieving youngsters who are not so good at the academic subjects and who would benefit from enhanced vocational training. That is the reality. The Labour Government down south knows that that is the case; up here, there is only a grudging acknowledgement of that and a few tentative steps in the right direction, which we have long advocated. We are being held back by the timidity of Labour ministers and the downright hostility of those who are still in thrall to the ideology of the comprehensive. Our motion gives fair credit for a step in the right direction and I am sure that it will be supported by the more enlightened members of the Parliament.

09:46

**Robin Harper (Lothians) (Green):** I hope that I am an enlightened member of the Parliament, but I am not sure that I support everything that David McLetchie said.

The Scottish Executive, backed by the Parliament, committed itself to the principles and practice of the curriculum for excellence. In time, that step could completely reshape Scottish education so that it comes closer to the needs of our young people and gives them far greater opportunities to develop their potential. Dedication to that vision should herald a gradual process of development but not a revolution. All the parts, tools, knowledge and examples of good practice are already in the system; it is simply a question of refocusing what we do. Rather than doing the same things better, we should be doing better things—things that we have already been doing in a small way for years.

We need to consider what art, music, technical subjects, dance, drama, outdoor education and sport—those undervalued but essential parts of

education—can do for our young people and recognise fully the huge contribution that those activities, disciplines and skills can make to the fully rounded development and education of our young people. Vocational skills are not the only opportunities that are in short supply in the curriculum.

**Robert Brown:** Will the member take an intervention?

**Robin Harper:** I will take a very brief intervention—I have a lot to say.

**Robert Brown:** Will Robin Harper accept that a good part of the increase in teacher numbers has been devoted to the aspirations that he is talking about?

**Robin Harper:** Indeed, and I hope that the proposals are consonant with my ambitions in that respect.

As a nation, we are still committed to the principle of comprehensive state secular education being made available to all. Our schools are based in our communities and are our principal community assets, making their contribution to our sense of place from an early age. However, I am not yet sure how the notion of specific skills academies will sit within that philosophical framework. My party is concerned that at least one quarter of our young people leave school feeling that it was a negative experience. The curriculum for excellence has every chance of addressing the problem, although it is open to question whether purpose-built skills academies will contribute hugely unless so many are created that in effect we go back to the former divisive English system of secondary moderns and grammar schools. I am not sure that we want to go down such a regressive path. However, the possibility of investing heavily in skills development in all our comprehensive schools, in co-ordination with local further education colleges, and investing where demand is identified by schools, parents, pupils and local labour markets would seem to be sensible and proper.

We should beware of seeing skills academies as a panacea for the skills gap in Scotland, which has continued to widen since 1999. It is far more important that all our young people should be confident within themselves, adaptable, socially confident and always ready to learn new skills.

In conclusion, I suggest that we see what can be achieved by inviting individual comprehensive schools to tender for skills academy status and investment, and invest that money across the country, retaining the comprehensive nature of all our schools. We should not even think about pursuing a course that could have unforeseen and unwanted consequences for our comprehensive system of state education.

09:49

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** Like my colleague Kenneth Macintosh, I welcome the debate and recognise that the Conservatives' motion has some element of worth. However, I would not necessarily agree with the contributions that were made this morning, particularly that of David McLetchie. It is wrong to claim that the comprehensive model of education has failed the majority of Scots. In fact, all the academic research indicates that the comprehensive model has been much better than the two-tier Scottish education model that existed in the 1950s and 1960s.

The debate is about what we should do to ensure that the comprehensive model is flexible enough to address the needs of diverse communities in both rural and urban Scotland. I acknowledge the concern of individuals such as Mike Rumbles, although I say to him that the debate is about how to frame and shape the idea during the next year, depending on the outcome of the May elections. Our starting point is that too many young boys and girls leave school without the basic expectations that we think that they should have of their educational attainment and without the opportunities that they should have in life.

Much of the debate is predicated on old-fashioned principles. It is about how to modernise the curriculum in and beyond school to give choice to as many young people as possible. I was a teacher in Glasgow secondary schools in the late 1980s and I remember that there was a very passionate debate about the introduction of the technical and vocational education initiative. Many of the concerns that were raised at that time did not come to pass. Much of the work that was done by the TVEI energised many schools, particularly those in disadvantaged areas, to give opportunities to their youngsters. I therefore see the skills academies as being in line with the package of many other initiatives that have been undertaken by the Executive recently.

Whether we like it or not, the issue is not to do with whether an academic student does not want to take any elements of the skills academy pathway; it is to do with the fact that too many of our youngsters have been pushed into an academic educational experience that is clearly not suited to their needs. In my experience of teaching in the east end of Glasgow, too many young people were forced to take subjects that they could not cope with, and that impacted on their wider experience of school.

Here is a confession: I was once an apprentice—probably the first Francis Aloysius McAveety who was an apprentice boy in the east end of Glasgow, but there we go. When I was 16, I

chose to be an apprentice electrician because of pressure from my father. It was a reasonable choice, but I was not happy with it, so I changed my mind about it and caused great parental dissatisfaction. How can we ensure that other youngsters have the chance to make the best of that vocational opportunity that did not suit me? We need to allow for flexibility in the system.

I welcome the skills academies concept. A lot of work needs to be done to address some of the detail and to reassure many of the people who have raised concerns in the chamber and beyond. It is a welcome development and, post-May, I look forward to being part of shaping that process and making a difference for many youngsters across Scotland.

**The Presiding Officer:** I ask the final three speakers to keep their speeches inside three minutes.

09:53

**Iain Smith (North East Fife) (LD):** I will do my best, Presiding Officer.

I apologise to the chamber and Murdo Fraser for being late this morning. Unfortunately there were serious transport difficulties for those coming in from Fife.

**David McLetchie:** Blame the Executive.

**Iain Smith:** I blame the privatisation of the railways.

I was particularly keen to hear Murdo Fraser's speech because I wanted to know what the Conservatives are proposing through their motion. What do they mean by "skills academies"? Having listened to David McLetchie, I am not sure that they know the answer to that because, instead of telling us, he asked questions—presumably of the Labour Party rather than the Executive—about skills academies. As Murdo Fraser did not cover the point in his opening speech, perhaps the Conservative who is closing can tell us what they mean by "skills academies". What would they be? How many would there be? Would they be stand-alone skills academies or would they be attached to existing schools or colleges? How would they be established? How would people be selected to attend them? Most specifically, what would be the cost?

**David McLetchie:** That is exactly what I asked.

**Iain Smith:** Yes. I am asking the same questions as David McLetchie asked because it is the Conservatives' motion and they should be giving us the answers and telling us what they are proposing. Presumably, the point of lodging Opposition motions is to enable the Opposition parties to tell us what their policies are, not so that

they can ask questions about other parties' policies.

I am concerned about skills academies and what they would mean. Although Kenny Macintosh gave a cautious welcome to the Conservatives' motion, he indicated that he is concerned about the possibility that they would result in a two-tier education system. That is a very important point. I do not want us to move back to a two-tier education system.

Scotland has benefited greatly from having a broad-based comprehensive education system that does not close down children's options before they have had an opportunity to determine what they want from their careers and their futures. Under the current selection proposals, I would probably have ended up in a science academy because I was keen on science when I was 12 or 13. Later on, my interest in science disappeared and I moved into social subjects—at university, I took politics and economics. My opportunities might have been closed down by the new approach that is being advocated.

The evidence shows that the so-called choice between city academies and skills academies does not benefit the bottom 20 per cent of pupils. The choice is taken by the more mobile members of society. The least mobile members of society end up being left behind even more by the city academies. When city academies have been linked with skills academies in England, they have proved to be a bit of a disaster. Just before Christmas, a former Labour minister, Karen Buck, decided to move her 12-year-old son away from a city academy to a nearby comprehensive because she was so appalled at the conditions in the city academy.

City academies have failed because they represent an attempt to create in the education system a selection system that will not work. Skills academies are not the right way forward. We must continue to invest in broad-based education in Scotland, from pre-school right through to provision for 18-year-olds.

09:56

**Ms Rosemary Byrne (South of Scotland) (Sol):** When I read the motion, I welcomed it because I thought that it would give us an opportunity to hear from the Executive about the proposals that Jack McConnell announced some time ago, which seem to have dwindled into nothing at all. I will be interested to hear whether the minister will provide any explanation of what the First Minister meant.

I begin by saying that Solidarity fully supports comprehensive education, a broad and balanced curriculum and equality of opportunity for all our

young people. In my view, dumping young people into further education colleges—which seems to be Jack McConnell's vision—is not the way forward. I have no problem with partnerships between schools and colleges. Indeed, I participated in such a partnership when I was a principal teacher. However, I take issue with not all young people being given the same opportunities. I feel that the proposals that were made were ill thought through and would succeed only in diminishing education rather than tackling the crux of the problems.

The problems are deep rooted and we must consider how we can solve them. Our young people require a broad and balanced education in an appropriate setting. Skills academies will not address the problem of the 14 per cent of young people who are not in education, employment or training, whom the system is failing. In pockets of our communities, including areas in the region that I represent, there are schools that have received bad reports from Her Majesty's Inspectorate of Education and where exam results are poor. That is because insufficient resources are being provided to meet the needs of what are, in some cases, heavily deprived communities. Instead of further tinkering with the system, I would like solutions to be provided to existing problems.

Why do those problems exist? Some young people have a poor sense of belonging. They have difficulties in accessing the curriculum and, in spite of the Education (Additional Support for Learning) (Scotland) Act 2004, their additional support needs are not being identified or supported appropriately. A great deal of research has been done on young people's literacy and numeracy problems and we know that the needs of children with social and emotional problems are not being addressed properly. There is a lack of interaction. The fact that some young people are in classes that are far too big means that there is inequality.

The starting point should be a national minimum standard, under which classes should contain no more than 20 pupils. Along with the provision of well-trained additional support needs teachers who could identify and work with the difficulties that young people experience in school, that would go a long way towards tackling the problems. We should then consider the development of different learning styles. Robin Harper is quite right. We must examine the difficulties that young people have in learning and develop appropriate learning styles properly. We should think about having smaller learning communities, because some of our secondary schools are far too big. In addition, we should definitely restore the community schools programme, because properly integrated community schools are the way forward.

09:59

**Christine May (Central Fife) (Lab):** The debate has been welcome and if one strips out much of the party-political stuff, members of all parties have made some extremely thoughtful speeches. I welcome the fact that the First Minister's announcement that we should consider skills academies for Scotland has generated such debate.

There is a national shortage of people who have adequate technical and vocational skills and the number of young people who are not in education, employment or training is a national problem, but it is simplistic to suggest that the second problem can be solved just by providing everyone who falls into the NEET category with technical and vocational training. The debate must be about examining the different dimensions of skills and technical and vocational qualifications.

First, we need to consider how adequate the vocational curriculum in schools is at present. I argue that it is not nearly broad enough because it does not take account of information technology, which it can be argued is both a technical and an academic subject in the working world. As we develop our thinking on skills academies, we must decide what we mean by vocational and technical qualifications. It is not good enough to suggest—as the Tories seemed to do—that skills academies would be where the thickos would go.

**Murdo Fraser:** We did not say that.

**Christine May:** The Conservatives alluded to it.

We must raise the esteem in which vocational and technical qualifications and training are held so that they are on a par with the esteem in which academic subjects are held. We must not use the term "skills academies" as a proxy for places where non-achieving pupils go; if we do that, they will fail.

**The Deputy Presiding Officer (Murray Tosh):** You have one minute.

**Christine May:** In my final minute, I want to talk about an initiative that is under way in Levenmouth in my constituency, where there is a partnership that involves colleges, two local high schools and local businesses. As recently as this week, it met to discuss courses for next year and to free up the curriculum for excellence so that there will be greater scope for a range of courses to improve employability and to meet local needs. Core skills are being examined and work is being done with the colleges on construction and industrial skills. As well as businesses, the group includes representatives of the voluntary sector and of social work, careers and other local authority services. It is not necessary to construct separate academies, which Mike Rumbles has frequently

asked about, although that might be appropriate in some cases.

We want to create responsible citizens, effective contributors to society, successful learners and confident individuals. We must ensure that the bright sparks in our schools go on to become bright sparkies or bright graduates.

10:03

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

The debate has been interesting, not least because it has exposed the fault line between the thinking of the Scottish Conservatives and mainstream Scottish opinion. The terms of the motion reveal a hankering for what the Tories see as the good old days of a two-tier education system of grammar schools mostly populated by children from middle-class families and secondary moderns for the hoi polloi.

By contrast, the SNP is totally committed to the comprehensive model of education, which should provide an appropriate mix of academic and vocational educational opportunities. Indeed, that has been a traditional theme in Scottish education for at least 200 years. During the 19<sup>th</sup> century, the original academies were established up and down the country to teach the knowledge and skills that were needed to fuel the great industrial revolution of that era. The needs of modern economies are even more demanding. In that context, it is right to review the mix that is currently on offer.

**Mike Rumbles:** Does the member agree that it would be a disaster for Scottish education and our comprehensive system if we tried to copy the way in which skills academies have developed in the English system?

**Mr Ingram:** I agree absolutely with Mr Rumbles on this occasion.

The SNP supported the Executive's review of school-college partnerships and supports further development in the area to allow all 14 to 16-year-old pupils a chance to develop vocational skills by opting for FE courses for part of their school week. We are less sanguine about skills academies, not least because of the prospect of conflict and confusion between the role of skills academies in schools and that of local colleges, to say nothing of the potential duplication of spending. Jack McConnell's main aim in advocating skills academies appears to be to re-engage those pupils who are currently switched off from school and who will in due course enter the ranks of the NEET group. As a result, there is a real concern that skills academies would become dumping grounds for disaffected or unruly pupils. Fiona Hyslop referred to the Scottish and Northern Ireland Plumbing Employers Federation. Employers make clear that they are not interested

in recruiting people whose standards of literacy and numeracy or academic ability do not allow them to cope with industry training programmes. They rightly point out that trades are not now and never have been careers of last resort.

Labour's skills academies policy bears none of the hallmarks of having been properly thought through. Last year the Education Committee published a report on pupil motivation. One of our main recommendations was that the school curriculum had to be aligned more obviously to future career options, with the linkage between school, education and future employment emphasised. The practical importance of academic subjects needs to be made clearer and careers guidance needs significant reform. The committee came to the conclusion that vocational education opportunities must be made more widely available but that vocational education should not be ghettoised to non-attainers. That would torpedo any chance of improving the status of such courses and increasing the esteem in which they are held.

10:07

**Robert Brown:** This has been an interesting debate on what all members regard as an important area of discussion. We are moving into the realm of the pre-election debate, and controversies and debates about new ideas and the new programmes that the different political parties will put forward at the election are beginning to gather pace. However, Fiona Hyslop was right to say that there are a number of underlying common themes. It is widely accepted that many of the initiatives that the Executive has taken over the past period have taken us in the right direction and have addressed the right issue. I would like to focus on one or two themes.

I was interested in the point that Adam Ingram made about the original academies, which was a central and helpful insight into what we are trying to do. We need to try to accommodate two different objectives. The first is to provide skills for industry, to meet the needs of employers and, as various members have said, to ensure that there is parity of esteem between vocational and more academic education. The second is to meet the needs of the bottom 20 per cent of young people who are falling out of the system and, unfortunately, are not succeeding in any realm of life. They do not have basic skills—numeracy and literacy skills or the soft skills that are increasingly required by the economy. It is quite right that both of those issues should be raised in the debate, because they are important.

We need to think about what we have to build on—what is going on already in different parts of Scotland under existing programmes. I was

interested in what Christine May said about the position in Levenmouth. I echo her point, as not long ago I visited a learning centre that is attached to a school in Inverclyde, which is used as a base and facility for the rest of the Inverclyde area; no doubt Duncan McNeil has some knowledge of it. There have been successes and different approaches are being tried.

Another issue is whether skills training is for people who followed the academic trail but should not have done so, or whether it is for people who have not thrived at school. The answer is that it is probably for both. Some of the schools that used school-college links in the first instance as a way of dealing with more troublesome children by getting them out of school, so that they could improve their figures, quickly found that that approach was not successful. As well as making available broader educational choices, schools need to tackle issues of maturity and wider social issues.

When I was convener of the Education Committee, I accompanied other members of the committee on a visit to Perthshire; I cannot remember whether Ken Macintosh was with me on that occasion. We looked at work that was being done by a number of organisations, in association with schools, to remotivate people; it was linked with the Columba 1400 centre in Skye. The aim was to engage young people, to involve them in making choices and to get them to see the relevance of education. A much wider issue underpins this debate—how, in different ways and in different circumstances, do we engage, motivate and move forward different young people with different needs by giving them skills and academic and vocational training?

**Murdo Fraser:** The minister spoke for five minutes at the start of the debate and has spoken for three and a half minutes in his wind-up speech, but in that entire time he has not mentioned the subject of skills academies. Does the Executive have a view on the matter?

**Robert Brown:** Murdo Fraser is well aware that the proposal for skills academies was made by the First Minister in his capacity of leader of the Labour Party, as one of the proposals that that party is making in the run-up to the election. Other parties will need to engage with the issues that are raised in that debate, to examine the proposal and to deal with it in a different way. We have seen the beginnings of that process today. It is clear that the proposal for skills academies that my coalition colleagues have made is somewhat different from the Conservative party's understanding of skills academies.

We must concentrate on the existing system and the movement forward that is being made there. All members will accept that there is no single

magic solution to all the problems that exist and that contributions can be made by a series of measures, building on the central strengths of the Scottish education system as the Executive has developed it. Robin Harper was right in his speech—a speech of considerable merit—to concentrate on the potential of the curriculum review to provide opportunities to all young people in all schools in Scotland to deal with some of those issues.

I have no doubt that this will be an on-going debate, as it relates to an important issue. At the heart of it is the ability of our teachers and lecturers and the quality of education in all schools and educational institutions. We need close and developing partnerships between schools and colleges, supported by the best leaders and against the background of the curriculum review. Those are at the heart of the actions that will bring Scotland even greater success in the future. I look forward to a continuation of the debate on this important issue.

10:12

**Lord James Douglas-Hamilton (Lothians) (Con):** The deputy minister made an enormously controversial statement when he suggested that the First Minister was speaking not as First Minister but merely as a member of the Labour Party. We do not take that view. We believe that he was laying down the policy for the coalition and that he was perfectly entitled to do so. What is more, the fact that the deputy minister was totally unable to spell out the detailed implications of the policy on skills academies shows that there may be deep rifts within the coalition; we will bear that in mind for the future.

I say with certainty this morning that this is an extremely important debate. In the past we have lodged two motions calling for the establishment of skills academies, which attracted cross-party support. The first was lodged as long ago as 2002, when our proposal was supported by the current First Minister. I use the word “current” because none of us can anticipate for certain what the outcome of the election will be, although we can live in hope. Only three months ago, the current First Minister pledged that there would be a major initiative to set up 100 centres dedicated to meeting his worthy aspiration. Before endorsing the initiative, I state that if we had been in power, we would have implemented comparable measures at a much earlier stage, but it is better late than never.

Frank McAveety and Christine May made very good speeches. We strongly support parity of esteem. More than 10 years ago, we introduced modern apprenticeships, a scheme that the Labour Government has retained. We also



expanded further education colleges. Sadly, participation in such colleges has decreased by 12 per cent since 2001, so a great deal requires to be done.

There are three problems. First, many youngsters are not necessarily fired with enthusiasm by the current curriculum; secondly, vocational qualifications are not always held in sufficiently high esteem; and thirdly, there are skills shortages. Skills academies will go a long way towards meeting the requirements of each subject. We are all aware of the youngsters who are not in education, employment or training. The report from Her Majesty's Inspectorate of Education highlighted again the Executive's failure to improve the performance of the lowest-attaining 20 per cent of Scots pupils.

Skills academies should be presented as an option that many more people will wish to choose as a passport to a job. As to the benefits of vocational education, we are aware of what the First Minister said. He could have improved his rhetoric when he wondered:

"What is the point of teaching French to kids who can't speak English? Vocational courses will motivate kids who are maybe heading off the rails and give them a subject that really interests them."

The point can be made far more positively than that. Vocational education in skills academies could and would provide a good environment in which to improve literacy and numeracy. As Murdo Fraser stated, Gerard Eadie, who employs a large number of people and is a member of the Prince's Trust Scotland, highlighted that the different ethos and clear end-purpose of vocational education is a better backdrop for improving literacy. Vocational education is also better suited to helping people to acquire soft skills.

As regards skills shortages, we all know that finding joiners, electricians and plumbers can be difficult. Plumbers from Poland are welcome in Scotland and have done a great deal to help, but it should not be forgotten that they come here because of the strong technical grounding that they get from their secondary education. The same goes for people from other European countries.

As our economy develops and globalisation continues, giving skills to more people is more essential than ever. I therefore welcome the Executive's somewhat belated action. Skills academies will engage those who are uninterested or unsuited to the current academic curriculum improve employment prospects and reduce the number of people who are not in education, employment or training. That will open up rewarding careers to a great many and help to close the present skills gaps. On an issue of such importance to our countrymen and women, we

look forward to MSPs from all parties supporting our motion.

## Accident and Emergency Units

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

The next item of business is a debate on motion S2M-5389, in the name of Nanette Milne, on health, with specific reference to accident and emergency provision.

10:18

**John Scott (Ayr) (Con):** It is with real regret that I speak in today's debate about the need to stop hospital closures. I regret that an opportunity has been missed by the Scottish Executive to take the Kerr report and develop its ideas into a flexible blueprint for the delivery of health care in this country.

As members would expect, I will address NHS Ayrshire and Arran's decision, which was endorsed by the minister, to close the accident and emergency department at Ayr hospital. My colleague Margaret Mitchell will debate the issues surrounding Monklands hospital and Wishaw general hospital, and Bill Aitken will debate the issues of the Glasgow hospitals.

I thank the minister for contacting me on the day on which he announced his decision to close the A and E unit at Ayr to explain his reasons; I very much appreciated that courtesy.

Although I acknowledge that there is much in the Kerr report with which I and my party agree, that does not mean that we accept it in its entirety or every decision made in its name. Indeed, given Scotland's population, one could not reasonably argue against the inevitable focus of a measure of specialisation in our major cities. Although I would prefer all services to be delivered locally if there is no time-critical element to their delivery, it makes sense in the west of Scotland to deal with heart problems at Clydebank, head injuries at the Southern general and cancer care at the Beatson oncology centre.

The trade-off for me and my constituents is that time-critical accident and emergency care should be delivered locally. This is where, regrettably, the minister and NHS Ayrshire and Arran part company with me and my constituents. It would not be unreasonable to ask why there is so much disagreement about the changes after so much consultation. There is disagreement because NHS Ayrshire and Arran has not made the case convincingly that its proposals to centralise A and E care for Ayrshire at Crosshouse hospital will be an improvement. It is entirely correct that communities and politicians question such fundamental and far-reaching proposals, and it is important that those who make the case for change convince service users that the proposed changes will be for the better.

That has not happened in this case. Neither NHS Ayrshire and Arran nor the minister has made a compelling case for the proposed closure of the A and E unit at Ayr hospital. The consultation simply emphasised the existing problems with A and E provision in Ayrshire without offering adequate solutions to the new problems that the proposals will create.

I say to the minister quite simply that we need two A and E units in Ayrshire, notwithstanding the Kerr report or the views of Ayrshire and Arran NHS Board.

It is a matter of capacity. Since the new year, I have been informed by local health professionals that demand for A and E services has exceeded capacity in Ayrshire hospitals. As recently as Monday night, I heard that, despite the best efforts of hospital staff, around 20 people were lying on trolleys at Crosshouse, waiting for beds to empty so that they could be admitted to the hospital through the A and E unit. On Tuesday night, 135 people were admitted to Crosshouse through the A and E unit between 8 pm and 2 am, while on Tuesday 2 January, the A and E unit at Crosshouse was completely closed, even to ambulance admissions, because of its inability to cope with demand.

Currently, 16,000 people a year are admitted to Ayr hospital following presentation at the A and E unit at Ayr. In future, all those people will need to be accommodated at Crosshouse, which cannot cope with current demand. More than 300 people a week will need to travel the extra 18 miles to Crosshouse from Ayr to find a hospital bed, and some of those people will be in a life-threatening state. Consultants at Ayr hospital have warned that lives will be lost. Ambulance provision for the task is currently inadequate and I have grave concerns that it will remain inadequate in the future. There are insufficient paramedics to meet current demand, never mind the extra and longer journeys that are envisaged.

Journey times to Crosshouse for visitors from the southern part of Ayrshire are horrific. Having spent a significant part of the Christmas recess taking my blind father from Ballantrae to visit my mother in Crosshouse, I can tell the minister and colleagues that the 100-mile round trip is not enjoyable for the able-bodied—by car—never mind the disabled, many of whom are restricted to the use of public transport because of their disability or age.

**Christine May (Central Fife) (Lab):** Will the member give way?

**John Scott:** No, thank you.

On his brief visit to Ayrshire, Professor Kerr spoke about the geography of Ayrshire and south-west Scotland as important in the decision-making

process. However, I fear that no heed has been taken of the geography of the south-west of Scotland in terms of A and E provision. The decision of the minister and NHS Ayrshire and Arran will leave only two A and E units in the south-west—one at Dumfries and one at Kilmarnock. That is fundamentally wrong.

As a result of the flaws in the consultation process, many people in the northern part of Ayrshire are unaware of the increased journey times that they will face when visiting family or attending for elective surgery at Ayr hospital. There will be much unhappiness about that in future.

I regret the decision to proceed with the planned closure of the A and E unit at Ayr hospital. It is utterly the wrong decision. I urge Parliament to support the motion in Nanette Milne's name and overturn the decision, which, in the view of my constituents and many health professionals in Ayrshire, will cost lives.

I move,

That the Parliament does not accept the case put forward for the closure of accident and emergency units at Ayr Hospital and Monklands Hospital; recognises the real dangers of the proposals for accident and emergency provision in Greater Glasgow, and calls on the Scottish Executive to re-examine its decision to approve these closures.

10:24

**The Minister for Health and Community Care (Mr Andy Kerr):** I am sometimes depressed and often disappointed by the jaded, ill-informed arguments that I hear from Opposition members who either do not understand or choose to misunderstand how we need to respond to the increasing demands that are placed on our national health service. We need to ensure that the NHS provides high-quality, effective services now and into the future. "Delivering for Health" addresses Scotland's long-term health needs and shapes services to meet the needs of all communities.

When we debated the Kerr report and "Delivering for Health" back in 2005, I hoped that we had found some consensus on some big issues. The publication of the Kerr report was broadly welcomed, and when we debated our response to it in October 2005, in the "Delivering for Health" debate, members voted in favour of the Executive's position by 70 votes to 20.

There was widespread agreement about the key principles for the future of our services in Scotland: shifting the balance of care into communities; tackling health inequalities by anticipating and preventing ill health; streamlining emergency care, which is very important in this debate; and

providing the majority of care closer to communities in community casualty facilities, which John Scott did not even have the courtesy to mention, while more specialised A and E units deal with more serious cases.

**Phil Gallie (South of Scotland) (Con):** Will the minister give way?

**Mr Kerr:** I will not give way.

There was also agreement on separating planned care from emergency care, so that we make the best use of services, facilities and staff, cut down on cancellations, reduce waiting times and manage staff in a way that is better for patients and better for them.

I would like to remind members of what they have said in the chamber. Nanette Milne said that she commended Professor Kerr

"for his excellent report... Given that it is a long time ahead, how quickly can we expect to see changes in the services and local services being put in place for patients?"—[*Official Report*, 25 May 2005; c 17161.]

She also said:

"The Kerr report ... addresses the most fundamental issues that face the NHS today."

**John Scott:** Will the minister give way?

**Mr Kerr:** Sit down, Mr Scott.

Nanette Milne continued:

"We, like the Executive, are very positive about much of the report."—[*Official Report*, 27 October 2005; c 20039.]

That was the Tory spokesperson's view.

Shona Robison said:

"I welcome the report and pay tribute to those who have been involved in its production."—[*Official Report*, 25 May 2005; c 17160.]

She also said:

"If the minister ensures implementation and delivery, he will have our full backing on the broad thrust of Kerr."—[*Official Report*, 27 October 2005; c 20038.]

Mary Scanlon said:

"This is an excellent report."—[*Official Report*, 8 June 2005; c 17750.]

Adam Ingram acknowledged

"that most, if not all, of us can agree with the prescription that Kerr gives us for the reconfiguration of the NHS in Scotland."—[*Official Report*, 18 May 2006; c 25764-5.]

**John Scott rose—**

**Shona Robison (Dundee East) (SNP) rose—**

**Mr Kerr:** I want to make one point about interventions. I have five minutes—the Conservatives, not me, decided how much time was available for the debate—so I will not take any interventions.

Those are all fine words from Opposition members, but they do not have the backbone to make the tough decisions in the best interests of patients throughout Scotland. We have to get behind the NHS, guarantee its future through action and implement the proposals that members said that they would gladly welcome.

John Scott comes late to this debate. He has absolutely nothing to offer. I want his constituents to know that they will get from me—

**Phil Gallie:** On a point of order, Presiding Officer. The minister has made it clear that he is not taking interventions, but is he duty bound during the debate to respond to the damning figures given by John Scott in his excellent presentation of the motion?

**The Deputy Presiding Officer:** I am sorry. That is a political comment, not a point of order.

**Mr Kerr:** I do not think that John Scott mentioned the £40 million investment in Ayrshire health services or the five community casualty units that will be opened in Ayrshire—

**Phil Gallie:** What about the waiting lists?

**The Deputy Presiding Officer:** Order.

**Mr Kerr:** As I said, John Scott comes late to the debate. I will respond to every one of the postcard campaigners whom he supported, and I will give them my assurances that the service changes in Ayrshire are in the best interests of the community.

It is easy to make political points through alarmist statements—the Tories and the Scottish National Party are very adept at that—but it is more difficult to make decisions that are based on the best interests of patients and the NHS.

**Carolyn Leckie (Central Scotland) (SSP):** Will the minister give way?

**Mr Kerr:** No.

That is because it is always difficult to make changes locally. They are not universally popular at the time but, as we all know from the Kerr report and “Delivering for Health”, they are right and in the best interests of patients and our NHS.

The decisions on A and E services have been particularly difficult, and I do not underestimate the strength of feeling in local communities about the changes. The changes that we must make must provide a sound basis for the delivery of safe, sustainable and high-quality services into the future. The proposals make the Kerr principles—which members supported—a reality.

In taking such decisions, we have been accused of having blood on our hands by some in this chamber. I put it to John Scott and others of his ilk

that they should examine their consciences. They are the ones who are proposing to perpetuate a service for communities that is sub-optimal—a service that is not all it can or should be. The Executive will not do that.

It is self-interest at its worst. It is blatant short-termism and puts patients at risk. Time and again, we see the Opposition supporting the principles of change but then campaigning against them when tough decisions are needed at a local level.

I do not stand alone in that view. Peter Terry, chairman of the British Medical Association in Scotland, recently said of “Delivering for Health”:

“As we near the 2007 ... elections, the various parties will present policies for their vision of the NHS in Scotland. It is therefore vital that they do not deconstruct the various parts of this strategy, picking and choosing elements upon which they campaign for or against, including hospital closures and service reorganisation. This strategy is a package and to break it apart would be to return to the old problems that have dogged the NHS for too long.”

That is sound advice from the leader of Scotland's doctors, and it would be a foolish politician who did not heed it. I know where I stand—for the interests of patients, for the NHS and for the future of Scotland.

I move amendment S2M-5389.3, to leave out from “does not” to end and insert:

“reaffirms its view that Delivering for Health provides a coherent and consensual basis for service change in NHS Scotland; notes the support expressed in previous debates by Members from across the Parliament and health stakeholders for key aspects of the policy, including promoting local access to services and balancing local delivery with the need to have centres of excellence that provide high-quality, modern, specialist care, focusing on primary care services, separating scheduled and unscheduled care and providing community casualty units; commends the progress being made to implement the key directions set out in Delivering for Health; supports the unparalleled investment in health and health improvement made by the Scottish Executive; welcomes the requirement for investment in primary care and in community casualty services before changes are made to existing accident and emergency services; commends the hard work and outstanding commitment of NHS staff to new and flexible ways of working needed to provide modern and responsive services; supports the principle of a modern, well-resourced NHS in Scotland, free at the point of need, and believes that any necessary changes in the NHS in Scotland should be based on the needs of local communities.”

10:30

**Shona Robison (Dundee East) (SNP):** I welcome this debate, but perhaps a bit of new year's advice to the Minister for Health and Community Care is that he should calm down a little.

The debate follows on from a similar debate that the Scottish National Party brought to the chamber

last September to highlight the folly of further cuts to Scotland's A and E units.

The consultation processes in both Lanarkshire and Ayrshire have been accepted by many in the chamber as little short of a sham. The clearly expressed views of the public have been ignored and it is apparent that decisions were taken before the consultation process even began.

In our submission to the Kerr review, the SNP was clear that we regard A and E not as a specialist service but as a core service that must be delivered as locally as possible. Although there is consensus on some of the Kerr recommendations, there is not agreement on all of them. As I and many others have said, the interpretation and implementation of the report are the critical issues.

Ministerial approval has now been given to plans by NHS Ayrshire and Arran to close the A and E unit at Ayr hospital, centralising all emergency services at Crosshouse hospital in Kilmarnock. That is despite the massive opposition that John Scott outlined. Health professionals have also been at the fore of raising concerns about the potential impact on patients, given Ayrshire's geography and the current use that is made of local A and E facilities. Switching to Crosshouse, which would be the only specialist casualty unit in Ayrshire, could add at least 30 minutes to some patients' journeys. Therefore, we believe that there is a strong case to be made for retaining two A and E departments, one at Ayr hospital and one at Crosshouse hospital.

That is not to say that community casualty units are a bad thing—they are not, but neither are they a replacement for core, well-located A and E services. Community casualty units should be regarded as a supplementary service, particularly in rural areas, to take some of the strain off under-pressure A and E departments.

As we know, Monklands has one of the best performing A and E units in Scotland. It meets the four-hour waiting target in 94 per cent of cases and only four years ago received investment of £4 million to develop innovative ways of delivering accident and emergency services. The hospital serves some of the poorest communities in Scotland. As those communities have some of the lowest levels of car ownership, that makes it difficult for people to travel to alternative sites. There were more than 17,000 emergency admissions in 2005. Many of those people will have to be transported across Lanarkshire by ambulance, which will put enormous pressure on the ambulance service.

The move will have serious knock-on consequences for the other Lanarkshire hospitals, which are already experiencing pressures.

Monklands has one of the busiest A and E units, and the second busiest is in Wishaw. Only last year, we released figures that showed that Wishaw general hospital was running at more than 20 per cent overcapacity. The pressure came to a head only this week, when Wishaw had to close its doors, taking only the most severe emergency cases. How much worse would the situation be if there was a repeat of those winter pressures with only two A and E units operating in the area? The change is extreme folly given the pressures on services—and that is before we think about the pressures on Glasgow royal infirmary and the new-build hospital at Larbert.

These are bad decisions and the Executive should think again—but let me be absolutely clear: if it does not, an SNP Government will think again on both proposals. We will go further by addressing the democratic deficit in health boards by putting local people at the heart of decision making in the health service.

I move amendment S2M-5389.2, to insert at end:

"particularly in the light of recent events at Wishaw General Hospital which was forced to close its doors to all but the most severe emergency cases."

10:34

**Carolyn Leckie (Central Scotland) (SSP):** I am dismayed at the attitude of the minister, particularly given the reports that we have had of patients having to lie on trolleys—including a 92-year-old man who had to lie on a trolley for 13 hours. Wards are stretched to the limit and demand is overstretching capacity. I am dismayed that he did not deal with those points and that he would not take interventions from members. That kind of arrogance is likely to lose the minister his position, and I advise him against it.

The crisis that faces us in the winter is anticipated and technically planned for each year. However, this year, something has gone seriously wrong. Why? Historically, over 10-plus years, thousands of bed reductions have been made without the use of proper bed modelling and capacity planning. The minister is shaking his head, but I challenge him to produce the science and the figures. Where are the Executive papers that would show that the Executive has ever scientifically predicted capacity or undertaken bed modelling? The minister knows that the Executive has failed to do that work. Closures have taken place in the absence of proper figures and planning.

**Phil Gallie:** Will the member give way on that point?

**Carolyn Leckie:** I have not got much time. I want to progress.

**Mr Kerr:** That is all right, then.

**Carolyn Leckie:** I might give way later, if I get through my speech.

Instead of running at average capacity—which, in the 1980s, was 70 to 80 per cent—wards, particularly acute admission wards, are running at more than 200 per cent capacity. There is no slack in the system to absorb peaks in demand. That is a fact; I challenge the minister to disprove it.

In one ward at Stobhill hospital, throughput is more than double the available admission beds and staff complement. It is no wonder that there are trolley waits of 13 hours. It is a disgrace that people are waiting for patients to die for beds to be freed up. It is also no wonder that multiple transfers are being made between wards and departments. People are being woken up at 3 o'clock in the morning to move departments in order to make way for new admissions. That is not quality of care. I challenge the minister to say that it is. It is disgraceful.

I turn to the Tory motion. The issue is not only accident and emergency provision but capacity within the NHS to admit and treat patients. Indeed, the gaping omission in the Executive amendment is its failure to discuss capacity. The minister knows that I have consistently raised concerns about the Kerr report, including my concerns over interpretations, consequences and the report being all things to all people. Even if people agreed in principle with the aims of the Kerr review, we are debating not just the principles or the quality of service, but the quantity of provision. The minister refuses to discuss capacity—he refuses to do so because it is not in place. The work that the Executive needs to do is on capacity—needs need to be measured, as do the resources that are required to meet those needs. The Executive needs to deliver on that. If it does not, there will be more trolley waits and more unmet demand.

I am very concerned about staff who are absolutely run off their feet and under intolerable pressure. Over the past couple of days, I have spoken to a few of them. They said that there is little job satisfaction in being forced to apologise for long trolley waits and for having to provide less-than-optimum care. That is not what people went into the health professions to do.

I hope that the minister will speak to Jack McConnell on the subject. In Wishaw, in the First Minister's constituency, an accident and emergency department had to be closed recently, yet NHS Lanarkshire—which recognises the increased level of demand in its area due to demographic change—is to reduce emergency provision with the downgrading of Monklands, and it is making no increase in bed numbers or staff.

I support the Tory motion and the SNP amendment. Obviously, I will vote for my amendment. I am utterly opposed to the Executive's abdication of responsibility in its amendment. It is disgraceful.

I move amendment S2M-5389.1, to leave out from "and calls on" to end and insert:

"further expresses concern that hospitals are showing the strain caused by insufficient capacity with, for example, Wishaw General closing to admissions; believes that PFI costs are sucking resources from the NHS, and calls on the Scottish Executive to reverse the closure decisions and conduct an urgent review of NHS capacity with reference to meeting actual need and to abandon the wasteful PFI policy to fund capital projects."

10:39

**Euan Robson (Roxburgh and Berwickshire) (LD):** I, too, recall the debate when "Delivering for Health", the Scottish Executive's response to the Kerr report, was published. I recall the welcome that was given from almost all quarters in the chamber to that document. Clearly and obviously, different interpretations can be made of parts of the document. Nevertheless, the tone of that debate was memorable for its cross-party consensus.

On pages 35 and 36 of "Delivering for Health", the Executive could not be clearer on the future for unscheduled care:

"in 1983, 59% of bed days were occupied by emergency patients, compared to 80% today."

That objective of reducing the number of emergency patients has not yet been mentioned in the debate. In section 3.2 of "Delivering for Health", the need for a reduction in unscheduled care is underlined. The series of actions and interventions that would be required to bring that about are also set out.

**Alex Neil (Central Scotland) (SNP):** Can I take it from the member's remarks that Liberal Democrat policy in Central Scotland is to close Monklands A and E?

**Euan Robson:** The decision has been taken. As I will come on to say, it is irresponsible to revisit decisions after they have been taken; doing so creates uncertainty for communities.

In "Delivering for Health", the Executive went on to say:

"We intend to redesign the model of unscheduled care throughout Scotland, building on the National Framework and the Unscheduled Care Collaborative Programme."

The actions to develop a stratified unscheduled care system included making more efficient use of limited facilities and specialised staff across the country while maintaining at the local level care for the majority of unscheduled cases.

On page 36 of the report, seven actions are set out, two of which are significant for today's debate: the Executive's commitment to

"support the development of networks of Community Casualty Units linked to appropriately staffed and resourced Emergency Centres"

and to

"allow emergency specialists to concentrate on dealing with complex cases by focusing key medical resources in well-staffed and resourced Emergency Centres".

No one who reads the report can be in any doubt about the changes that would occur as a result of its publication:

"NHS Boards and Regional Planning Groups have begun to work on these issues. They will be required to report their conclusions by the end of 2006."

The objectives were clear:

"to deliver urgent care that is tailored to individual needs locally if possible, but always safely."

Given that background, it was clear that difficult decisions would have to be taken—not everywhere, but in certain areas, two of which were Monklands and Ayr. I do not underestimate the difficulty for local communities. Substantial new investment is going into Monklands hospital. At the time of the debate on the proposed closure, I had concerns about the impact on neighbouring health board areas. However, the decision has been taken, as has the decision on the A and E unit at Ayr hospital.

John Scott raised a number of important points on the practicalities of what is happening at Crosshouse. Those issues should be addressed within the context of the decision that has been taken. To be frank, a return to the debate to reopen those issues would create further uncertainty. As the decisions have been taken, they should be implemented and made to work. For example, if there is a requirement for additional paramedics and for improvements to the ambulance service, those changes should be made. If there is to be another A and E unit in south-west Scotland, I cannot see that locating it at Ayr is as appropriate as locating it further to the south.

The decisions on the two locations that are mentioned in the motion have been taken. It is now important that everyone gets on with the job of ensuring that there is proper emergency, unscheduled care in those areas.

10:44

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** The review of emergency and unscheduled health provision in Ayrshire and Arran has not been an easy process. As we all

know, it is never easy when hard decisions must be made.

It is unacceptable that some members, in particular John Scott, refuse to see or even consider the big picture for the 310,000 people who live in Ayrshire and Arran. John and his colleagues continue to wave shrouds and focus on accident and emergency services at one hospital. I remind the chamber of a comment made by Nanette Milne in the debate on the Kerr report. She said:

"We welcome the focus of Professor Kerr's report on primary care services".—[*Official Report*, 9 June 2005; c 17779.]

Do I take it that the Tories have changed their minds and want to deprive local communities of enhanced primary care services?

**Mrs Nanette Milne (North East Scotland) (Con):** Will the member give way?

**John Scott:** Will the member take an intervention?

**Margaret Jamieson:** Our health service is more than buildings. It is about meeting the needs of patients. That means delivering the highest quality care in the most appropriate facility, which is not always a hospital building.

I correct Shona Robison in relation to the consultation that was undertaken in Ayrshire and Arran. The process met the criteria of the Scottish health council. The process of lay involvement in the evaluation of the options within Ayrshire and Arran was novel. I will quote from some of the people involved in the process. Mrs Collins of Girvan said:

"It was about securing health services for the whole of Ayrshire and Arran—it couldn't become personal."

Mr Gallacher of Troon, one of John Scott's constituents, said:

"Although accident and emergency services as we know them may close at Ayr hospital, what is being proposed in their place with centres at Girvan, Irvine, Cumnock, Ayr and Kilmarnock should be a more local and better service, serving more."

They were able to see the big picture and put patients first. Why can John Scott and the Tories not do the same, or is his approach just intended to prevent a hospital candidate from standing?

When the Minister for Health and Community Care announced his decision just before Christmas, he identified issues that he wants NHS Ayrshire and Arran to take forward. I fully support him in his desire to improve transport links. I welcome John Scott to that debate. The issue was raised by all the people who responded to the consultation in Ayrshire and Arran.

**Phil Gallie:** Will Margaret Jamieson give way?

**Margaret Jamieson:** The decision to make £150,000 available over two years to NHS Ayrshire and Arran to enable infrastructure to be established is very much welcomed.

The minister's decision also provides for £30 million to be made available to NHS Ayrshire and Arran over four years from 2009. That is over and above the normal capital allocation. It is to be spent on improvements to theatres and a much welcomed integrated cancer unit at Ayr hospital. That means that the theatre project will be delivered a year ahead of schedule and the integrated Ayrshire cancer unit will be delivered two years ahead of schedule.

Are the Tories seriously prepared to jeopardise that welcome improvement in care and outcomes for the 310,000 people in Ayrshire and Arran through their continued blinkered view? The people of Ayrshire and Arran deserve the best possible health care and only this Labour-led Executive will deliver that.

10:48

**Margaret Mitchell (Central Scotland) (Con):** I will concentrate on the proposed closure of Monklands A and E unit in Lanarkshire. Given the minister's comments, it is worth setting this debate in the context of the wider debate on service reconfiguration, which—let us be clear—has been triggered by the Labour-Liberal Democrat coalition's failure to anticipate the need for change, consult widely and appropriately, drive service change and conduct effective workforce planning. As a result, NHS boards have had to undertake, as a matter of urgency, reviews of service provision and delivery that take into consideration local and regional needs. It is therefore a disgrace that those failures are now being compounded by decisions taken against the background of a flawed consultation, which took no account of the overwhelming opposition to the closure from Lanarkshire's population at large and the potentially disastrous consequences.

The arguments for the retention of three A and E departments in NHS Lanarkshire have been well rehearsed in the chamber, but that does not make them any less compelling.

Lanarkshire's unique geographical considerations, congestion problems and poor transport links all confirm the necessity to retain three A and E departments. Furthermore, each of Lanarkshire Health Board's three assertions on which the decision not to retain three A and E departments was predicated—the financial viability, the anticipated staffing problems and, best of all, the Walter Mitty-type assertion that the closure of one A and E department would result in

the delivery of a better standard of care—have all been comprehensively shot down in flames.

**Karen Gillon (Clydesdale) (Lab):** Will the member give way?

**Margaret Mitchell:** I am sorry, but I do not have time for any interventions.

Nonetheless, the decision to close the A and E department has been approved by the minister, who has taken no account of the opinion of numerous members of the medical staff who do not believe that there is evidence to support the decision. Their arguments reflect the work of Dr George Venters, a former consultant in public health medicine in Lanarkshire, which shows that closure would not only be against the interests of the people in the west of Scotland but would further deprive communities who need services most and would have serious consequences for all other Lanarkshire hospitals as it would increase already significant pressures on them for access to acute hospital beds and other services.

Those were prophetic words, given the pressure on Lanarkshire hospitals over the festive period. On 28 December, Hairmyres hospital A and E department, in the minister's constituency, had so many cases, ambulances and people arriving for treatment that although it did not officially close its doors to new patients they had to be directed to the A and E department at Monklands hospital. That creates real uncertainty for the future, Mr Robson. The consequences for acute hospitals would be similar to those in adjacent health boards, such as Greater Glasgow and Clyde Health Board and Forth Valley Health Board, where the valid concerns that have been expressed have been accepted. I commend the decision by Greater Glasgow and Clyde Health Board and now call on the Scottish Executive to go back to the drawing board. I therefore have much pleasure in supporting the Conservative motion before us today.

10:52

**Mr Adam Ingram (South of Scotland) (SNP):** Andy Kerr's announcement in Christmas week that he approved the local health board's plans to downgrade Ayr hospital's A and E department came as no great surprise. The timing was certainly cynical, but that is par for the course for the Executive on this issue.

The substance of the announcement was also entirely predictable, given that the health board had claimed throughout the review process that it was adhering to the Executive's policy.

Nevertheless, the minister's announcement was still a severe shock to many people, not least the many community groups that had made direct



representations to the minister and believed that they had got across to him both the depth of feeling against the proposals and the real risk to life and limb involved in such a decision. The sense of betrayal felt by the Ayrshire public served by Ayr's A and E unit is now palpable and I will be very surprised if the Labour vote at the forthcoming elections does not suffer accordingly.

What is clear now is that the only hope of saving Ayr's A and E unit comes in the form of an incoming SNP Administration on 3 May. Of course, Labour candidates will try to sweeten the bitter pill by insisting that no changes will be made to Ayr A and E unit until all the community-based facilities and services that have been promised are in place. Both the minister and the health board have made that pledge but, frankly, it is not worth the paper that it is written on. It will carry no weight with a public sickened by a sham consultation process, in which overwhelming public opposition—55,000 signatures on a petition, protest marches and the like—made no impact. I say to Margaret Jamieson that, as the Scottish health council pointed out in its report on the process, the board failed to consult on all feasible options and instead promoted its own preferred option. People are not stupid. They recognise a fait accompli when it is shoved in their faces.

The minister can protest all he likes about his pledge. If it were genuine, he would announce a moratorium on A and E downgrades for the next parliamentary session. By all accounts, community casualty facilities such as the proposed new hospital at Girvan will not be built—far less fully operational—until 2009. It will take several years for new staff to be recruited and trained to provide the promised new services. There is no way in which those services can be put in place without deploying existing hospital staff, including A and E staff. I did not come to my own conclusions on that. That informed view was provided to me by no less an authority than Professor David Kerr, when, along with MSP colleagues, I met him to discuss the health board's proposals last year.

When he is making his pledge, the minister knows that existing A and E staff will be looking around for jobs with better prospects as of now. Once they move, it will be extremely difficult to recruit for an A and E department in its last days. There will be no stability at Ayr A and E over the next few years. The minister is adding insult to injury with his handling of the issue. I trust that his party will pay a heavy price in this year's polls.

10:56

**Dr Jean Turner (Strathkelvin and Bearsden)**  
(Ind): The important factors that have emerged from the debate are that everyone is uncertain and that capacity is important. I have been going

around the casualty and intensive care departments in Glasgow and the importance of capacity shines out. Staff in intensive care say that they should not work above 75 per cent capacity. Staff in ordinary wards say that they should not work above 82 to 85 per cent capacity. Every new hospital reduces its beds and we think that we can put everything into the community—we cannot. A small percentage of patients will still need to be seen in a hospital bed. If we want to reduce the work of an A and E department, we must support primary care, where 98 per cent of the work of the NHS is carried out.

Working at its best, primary care can reduce the work of any hospital but that can be done only if we have highly experienced nurses, doctors and other skilled staff. It is about teamwork, and there should be a good skill mix. I am anxious about whether, with agenda for change, the skill mix and the highly trained staff will be there to do the work that needs to be done in order to keep people in the community. Patients are increasingly discharged quickly from hospital into the community. The community is not a Nightingale ward. It is difficult to look after people in their homes unless we have highly qualified staff.

We have a situation in which there are trolley waits and in which patients are moved from their beds in the middle of the night to make room for other patients. The more frequently we pass people around a hospital, the more we increase cross-infection. It should not be done. There are other problems, such as influenza, cases of which have been increasing. Wards, and even hospitals, are being closed, not only because of MRSA but as a result of influenza and *Clostridium difficile*. We should consider the number of buildings that we have and the ability to barrier nurse. Despite some patients having influenza and other conditions, they should still be admitted to hospital.

I will tell a little story from when I was a doctor. While I was doing my rounds in the middle of a summer epidemic of diarrhoea and vomiting, I visited three children in one household who all had the same symptoms. However, something made me go back and check one of them, and he had appendicitis. I was very glad to send that child to hospital—I knew that they would not like me, because he had diarrhoea and was vomiting; he would not be a welcome patient—but it saved a life.

Numbers are important. We were told that A and E figures in Glasgow were dropping by 20 per cent. Professor Stewart-Tull, from the north Glasgow monitoring group, has looked at the figures. For 2004-05, the figure for A and E in Glasgow was 147,430. In 2005-06, the figure was 155,486. In 2006-07 the figure of 155,074 is a little

bit down but is still roughly the same. If the minister gets incorrect information from a health board, how can we plan? It is totally irresponsible. If we do not check decisions, we end up feeling foolish and people suffer. I am truly surprised that we do not act as caring human beings. There should be cross-party recognition that something is wrong.

We have not got transport right. The Erskine bridge is closed today, and was closed the day I went to see the Golden Jubilee hospital. The downgrading of Monklands A and E is having a knock-on effect. The closure of other hospitals in the area will swamp Glasgow. Glasgow royal infirmary cannot cope. The Executive must re-examine its decisions.

11:01

**Karen Whitefield (Airdrie and Shotts) (Lab):** Unfortunately, I am not sitting close enough to the Tories to see whether their tongues are actually in their cheeks. That the Conservatives should raise concerns about the state of the NHS is astonishing given the extent to which they undermined it during the terrible Thatcher and Major years.

**John Scott:** Will the member take an intervention?

**Karen Whitefield:** Mr Scott took no interventions, so I am not prepared to take one from him.

Like the people of Scotland, I am clear that the Tories failed the NHS during their reign in the 1980s and early 1990s. Repeated underfunding left the NHS estate in a dreadful physical condition, with demoralised staff, ever-lengthening waiting lists and inadequate information technology systems. The Tories steadfastly refused to acknowledge the link between poverty and ill health and, as a result, the poorest people of Scotland suffered. The Tories' attempts to impose a market philosophy on the NHS only helped to exacerbate the so-called postcode lottery of care.

**Mrs Milne** *rose—*

**Karen Whitefield:** In contrast, since Labour came to power, spending has risen in the NHS and the results are flowing from that. Since 1997, hip replacements have increased by 37 per cent, cataract operations by 58 per cent and knee replacements by 104 per cent. Labour investment has resulted in a significant increase in the number of nurses, midwives, occupational therapists and doctors. In fact, compared with 1979, we now spend an extra £902 on the health of every man, woman and child in Scotland. That is twice what was being spent on our health service when we got rid of the Tories. It is

therefore difficult to suspend my disbelief sufficiently to take the Tory motion seriously, especially since, during their years in government, they closed hospitals.

**John Scott** *rose—*

**Karen Whitefield:** The Tories closed Dunfermline maternity hospital. They closed Bellshill maternity hospital and relocated it to Wishaw—which has led to some of the current decisions in Lanarkshire.

Let us give the Tories the benefit of the doubt. There are some parts of the Tory motion with which I agree. However, as with the Scottish National Party debate in September, I do not feel that the motion goes far enough in relation to the decision at Monklands. Whereas the Tories called for the re-examination of the Executive's decision, I and my colleagues Elaine Smith and Cathie Craigie firmly believe that the Executive should reverse that decision. When it was made, we firmly believed that it was the wrong decision and we still hold that opinion. Following the recent temporary closure of Wishaw general hospital, I must raise my continued serious concerns about the wider impact of the decision to downgrade Monklands A and E. Significantly increasing the size of an already overstretched A and E at Wishaw can do nothing other than worsen the problems faced at Wishaw this week. We have no guarantee that Wishaw general will have sufficient capacity to deal with the increased demand generated by the closure and relocation of Lanarkshire's busiest A and E or any other "unprecedented" surges in demand.

I urge the minister to consider the matter closely and to reverse his decision to downgrade Monklands A and E. Cathie Craigie and I also joined Elaine Smith in asking the Auditor General to examine the decision by NHS Lanarkshire and the minister. We await the Auditor General's comments.

Like the Tories' stance, the Scottish National Party's position on this subject is at best confused and at worse disingenuous. The SNP signed up enthusiastically to the Kerr report's central recommendations, but its members now wish to distance themselves from any change whatsoever, purely for electoral gain. Where change is proposed on the ground, rather than in theory, the nationalists revert to their default position of opposition, always telling people what they want to hear.

I recognise the implications of the Kerr report. Sometimes, difficult decisions will have to be taken. Let me be clear, however: in the case of Lanarkshire, I believe that the wrong decision has been taken, and I stand by that position today.

11:05

**Eleanor Scott (Highlands and Islands) (Green):** I will not comment in detail on the merits and demerits of the examples in Lanarkshire and Ayr to which the motion refers, because I wish to address the broader issues of which the units there are examples. The overarching issue is one of trust: trust between communities and their local NHS; trust that services will be there when they are needed; and trust that consultation is genuine.

It is true that the NHS must continually evolve. Many hospitals are located where they are for purely historical reasons, which might not reflect current needs. The modern drive to keep people out of hospital is desirable for many reasons, the emergence of hospital superbugs being only one. There are limits, however. We cannot reduce the need for hospital beds indefinitely, especially given the fact that the population is aging and, regrettably, getting fatter and less fit.

The Kerr report suggested that the NHS would need to be redesigned to meet people's needs and expectations. However, the expectations of local communities might not always accord with the plans of health boards. When a facility is earmarked for closure, the phrase that is often used is that it is "no longer fit for purpose", but there might not always be a shared understanding of what that purpose ought to be. The other issue to do with trust is that of what replaces any facility that is to be closed. It is fundamental that whatever replaces it must be up and running before the closure.

I will mention a case in my own region, of a care-of-the-elderly facility at Glencoe hospital in Lochaber. It is an old-fashioned building, and it is no longer considered, in the usual phrase, to be fit for purpose. Naturally, however, the local community does not wish the services that the hospital provides to be lost. At least NHS Highland has pledged not to close the facility until alternative accommodation is found for the patients who are currently cared for there. Talk of extra support to keep people at home, although that is welcome, does not quite sound like a replacement for the sort of facility the need for which—given the aging population—will not go away.

The drive to keep people out of hospital is welcome, as I have said, and so is the principle of treating people near home. People need reassurance, however, that the facilities to do that are in place. The Executive amendment mentions "high-quality, modern, specialist care". More modern health care would make much more use of tele-medicine, avoiding the need for patients to travel to specialists or vice versa. A modern NHS would have more specialist nurses and allied health professionals. For instance, there is

currently just one cystic fibrosis physiotherapist for the Highlands and Islands, who is playing a vital role keeping patients out of hospital, but whose work is hugely overstretched—they are simply unable to cover a ridiculously large case load adequately.

**Christine May:** Does the member accept that, in those areas that are further advanced with health care changes, such as Fife, the promises of increased investment in local facilities have been met and new technology is being used to prevent people having to move? Will she therefore accept that the Executive is meeting the trust that she mentions as necessary?

**Eleanor Scott:** In rural areas, there is still a long way to go to convince people that they will not have to travel increasingly long distances to centralised facilities to get the specialist care that they need. Tele-medicine link-ups from general practices to central hospitals should be in place. That is the norm in lots of other European countries. It is the norm, for example, in northern Norway, as some members saw on a visit there to discuss remote and rural medicine. It is not the norm here, but it should be. I want us to go in that direction, but I am sorry to say that I see no evidence that it is happening.

The Executive amendment states:

"any necessary changes in the NHS in Scotland should be based on the needs of local communities."

That brings me back to the point about trust that I made earlier. Sometimes, it is necessary for the architects of service delivery to learn to trust communities to know what their own needs are. We have to remember, after all, who the NHS is there for.

11:10

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I will speak more within the terms of the Executive amendment, very much in the style in which Eleanor Scott has just addressed the issues. The debate is about change. Three or four years ago, there was a big question mark over accident and emergency services in Caithness. There has been change since then. Like Christine May, I believe that it has been a change for the better. In response to what Eleanor Scott said, I believe that change is being delivered locally.

There have been improvements, including on the A and E front. There have been extra ophthalmologists, an expanded renal unit and a new computed tomography—CT—scanner at Caithness general hospital. Minor surgery services and enhanced service contracts have been put in place. That is what the minister and others have been talking about: trying to deliver services in the

general practitioner's clinic, rather than clogging up acute beds in hospitals. I think that that is working.

In Caithness, there has been a change since the time when there was a question mark over A and E services. There is now a greater sense of ownership of A and E services in the far north. Referring to the NHS team that is headed up by Sheena Craig, I believe that the community health partnership is delivering. There has been improvement, but we must build further on that improvement—I could not continue without noting that, and I continually make that point to ministers. That is very much to do with something that is close to my heart: the better the medical services and the more they improve, the better the economy of Caithness.

I listened to John Scott discuss transport and communication problems. Members can imagine the bigger challenges that exist in my constituency. John Scott would be more than welcome to come north, and I could gladly show him, as a friend, what is being done there.

One big problem that I will bring to the attention of ministers is that, in Sutherland, the Scottish Ambulance Service seems not to be going the right way at all. There has been a change from double manning to single manning of ambulance services there. If I had a heart attack in Tongue, the ambulance would probably come from Kinlochbervie and it would take quite a long time to get to me. If one member of the ambulance crew was on leave, it might just be a single person who would come. That would be no good for getting me to hospital in Wick, so another ambulance, from Bettyhill, would need to be called out. Sandy Mackay, who is a councillor in north Sutherland, was caught in that trap. He had a nasty heart attack, and he had to wait for an excessive amount of time.

Doctors have been making a point that *The Northern Times* conveys eloquently:

“‘Bean-counting’ is putting north lives at risk”.

Jamie McGrigor and Eleanor Scott will be acquainted with that article, which was published on 1 December. The doctors in Sutherland have put the matter concisely, saying that the backwards step that has been taken in relation to ambulance services could be life threatening. That is pertinent to the issue of transport that has been raised.

On other fronts, there has been a genuine improvement in services. It is a matter of change, as I have said, and I believe that, as MSPs, we are right to recognise the necessity for change and to work with that change. At the end of the day, services are better, and I believe that my constituents know that.

11:13

**Carolyn Leckie:** I will pick up on a couple of issues that I did not manage to address during my opening speech. I will at some stage during this speech let Phil Gallie intervene on me, if he is so minded.

My amendment refers to the private finance initiative situation in Lanarkshire, where the health board has the second-biggest expenditure in Scotland in terms of its commitments to fund PFI projects—it comes to a total of £42.7 million due in 2006-07 alone. Much of that money goes in dividends to shareholders, rather than being invested in public services. It is no wonder that, in the words of three Union colleagues who recently wrote to Tim Davison, chief executive of Lanarkshire NHS Board, NHS Lanarkshire is fast becoming the private sector “jam pot” of Scotland, given the threatened takeover of general practice by Serco.

The concerns are genuine. It has been demonstrated that PFI sucks resources from the NHS, and I believe that it has compromised the ability of NHS Lanarkshire properly to plan services on the basis of need, rather than on the basis of predetermined financial commitments and contracts that last for many years. Elaine Smith has done a lot of work in that area, and I concur with some of Karen Whitefield's comments on the subject. I, too, have written a letter to the Auditor General and I have supported Elaine Smith in her efforts. I am pleased that she is confirming her commitment to opposition to, and reversal of, the decision to close Monklands hospital. My amendment refers to reversing the decision. I hope that Karen Whitefield will support it, but if she will not, why did she not lodge her own amendment to make it clear that the decision should be reversed—if indeed that is her position?

**Phil Gallie:** I thank Carolyn Leckie for her generosity in giving way.

On the closure of the accident and emergency units, John Scott laid out a series of facts about what is happening on the ground and Carolyn Leckie has referred to capacity issues. Why does she think the minister closes his ears and eyes to the facts of the matter?

**Carolyn Leckie:** The minister should answer that. He should be well warned not to close his ears to the voices of patients and staff. What is being said is not hyperbole but reflects what is happening, which has been reported in the papers in the past few days. The minister should get his information directly from staff, rather than accept the advice that he is being given, which is wrong.

Karen Whitefield quite rightly had a go at the Tories about their market-based reforms and the problems that they have caused, but I find it

astonishing that she does not understand that the Executive has brought in its own market-based reforms of the NHS. Is she aware that it has brought in practice-based commissioning via the Kerr report and implemented joint ventures and local improvement finance trusts through the Smoking, Health and Social Care (Scotland) Act 2005? Unfortunately, she did not oppose any of those market-based reforms. The Labour-led Executive is still punting the ideology that the Tories introduced.

I return to the current short-term situation and the crisis that we face. The minister attacked the Tories for the time that they have allocated to the debate, but is he prepared to provide more time for Parliament to discuss the matter? Is he prepared to make a statement to Parliament on issues associated with the projected increase in the incidence of flu, which has not peaked yet? Judging by my sore head and aches and pains, it is about to peak in me.

Where is the planning? In Stobhill hospital, ward 13B used to be allocated for overflow in winter, but it was not available this year, because it has been stripped down and is being prepared for closure. All the equipment has been removed and the sluice has been stripped, so the ward is not available to meet the increased demand. Why? I look forward to discussing the matter in more detail, because it needs to be addressed urgently. I emphasise that the minister must provide more time in Parliament and that he must at least make a statement on the matter.

11:17

**Donald Gorrie (Central Scotland) (LD):** The last time we debated this issue, I mistakenly thought that if I and some other people voted in a particular way, it would allow the position at Monklands to be improved in the future. That proposition unravelled, as clever schemes often do—I should be old enough to know that. I was left voting in a way that made me extremely unhappy. Today, we will have a re-run of that.

The minister quite rightly sets out his stall about his strategy and all the good things that he is doing. One can have a good strategy but, within it, make bad decisions. Lord Raglan's strategy to defend his base at Balaclava was sound, but particular decisions caused the light brigade to charge the wrong lot of guns. NHS Lanarkshire is busy closing the wrong hospital; it is making a bad decision.

The minister's amendment states:

"any necessary changes in the NHS in Scotland should be based on the needs of local communities."

We all agree with that. The question is to what extent the wishes of communities are taken into

account in assessing their needs. As Eleanor Scott said, we should pay more heed to the wishes of local people.

**Alex Neil:** Will the member clarify the Liberal Democrat policy? Are the Liberal Democrats opposed now to the closure of Monklands accident and emergency unit, or are they opposed to the closure of any accident and emergency unit in Lanarkshire?

**Donald Gorrie:** Euan Robson quite rightly argued that, whether we like it or not, the decision has been made and we should get on with doing things as well as possible in Lanarkshire. As Alex Neil knows, some people argue for keeping three accident and emergency units in Lanarkshire and some argue for keeping two, of which Monklands would be one. I could support either argument. I support having a unit at Monklands because the unit there works well. It is efficient and it is in the right place, given that it is in an area of maximum ill health. It is clear to me, as an elected representative, that there is widespread feeling throughout the parties, which Karen Whitefield articulated, against the closure. The question is what we should do about it. If we feel that a bad decision has been made, how do we set about trying to improve the situation?

There are issues surrounding how we run our health services. Apparently, nobody who was involved in making the decision paid any heed to the potential effect on the new hospital in Larbert and hospitals in Glasgow. We regard each health board area as an island—we have to sort that out.

We also have to give some thought to our procedures in Parliament. It is difficult to vote against Andy Kerr's amendment, but if it is agreed to, that will prevent Parliament from voting on whether it thinks the two accident and emergency units should close. It might be beyond the wit of man to come up with a rule to the effect that amendments must be relevant to the motion, but we should consider it, because the public expect us to have a view, whatever it may be. I am not in any way accusing Andy Kerr of doing something wrong. Amendments are worked out for party-political reasons, but they often have little to do with the motion and can prevent people voting on the issues that they raise. We should consider that procedural issue. There is a problem for those of us who think that Andy Kerr's amendment is sensible, but who are unhappy about the closure of Monklands or Ayr accident and emergency units. We will have to sort that out individually.

11:22

**Alex Neil (Central Scotland) (SNP):** We now know that the Liberal Democrat position is that they are, having been hoodwinked in the previous

vote, prepared to be hoodwinked in this vote. From the tone of the minister's opening remarks, it is clear that he is still smarting from having lost the campaign to keep Rhona Brankin out of the Cabinet.

When the Labour Party was elected in 1997, the message in its final campaign press conference was that we should vote Labour so that we could save the national health service by Friday. In the run up to the Scottish Parliament elections this year, the slogan must be, "Vote to save the Scottish health service on 3 May." Although Donald Gorrie said that the decision to close the accident and emergency units has been taken, a new Administration after 3 May could reverse that decision and keep both Ayr and Monklands accident and emergency units open. That is why Alex Salmond, Nicola Sturgeon, Shona Robison and the rest of the Scottish National Party have given an unequivocal commitment that if we form the Administration, possibly with other parties, after 3 May, we will keep both Ayr and Monklands accident and emergency units open. We will do that for the simple reason that we, unlike Labour, are not prepared to risk life and limb in the name of PFI.

People ask me on their doorsteps about all the extra money that is supposed to have gone into the health service in the past 10 years. The boast, which is quite right, is that the amount of taxpayers' money that is going into the health service has doubled. The budget for the health service in Scotland is edging quickly towards £10 billion a year, so how is it that, on the one hand, all that extra money is going into the health service, but, on the other hand, the Executive is proposing to close six of the 15 accident and emergency units in central Scotland?

The answer is that so much of that money is wasted on PFI and on profiteering. As "Frontline Scotland" pointed out four weeks ago in its programme "In Sickness and in Wealth", the decision in Lanarkshire has nothing to do with consultants' capacity or bed capacity, and it certainly has nothing to do with the wishes of the people of Lanarkshire. Their wishes have been articulated not just by me but by my good friend John Reid and his good friend Tom Clarke, both of whom will have to vote SNP on 3 May if they want the accident and emergency unit at Monklands to remain open. The decision had nothing to do with health policy and everything to do with finance and PFI. If the accident and emergency unit at Monklands had been funded through PFI, it would not be closing. The decisions that have been made are all about the need to protect PFI—a profiteering policy that was introduced by the Tories and which is now sustained by the Labour party in government.

For 30 or 40 years, Labour lived off its reputation as the creator of the national health service, but Nye Bevan must be birling in his grave when he listens to Andy Kerr. Nye Bevan created the national health service, but, as far as accident and emergency units are concerned, Andy Kerr is butchering it.

11:26

**Mr Kerr:** I will tell Alex Neil what I am going to say to Nye Bevan if I get the opportunity to speak to him somewhere else. I will tell him what we have done under our leadership of the NHS. Under the Tories, 10,981 people in Scotland waited more than six months for treatment, but now no one waits that long. Under the Tories, more than 20,000 patients waited more than 19 weeks, but now there are only 3,300, and they will soon be gone from the list.

I will tell Nye Bevan that cataract operations in Scotland are up by 62 per cent, that angioplasty operations are up by 260 per cent, that hip-replacement operations are up by 41 per cent and that knee-replacement operations are up by 113 per cent. I will tell him that the number of consultants is up by 29 per cent, that the number of doctors in training is up by 26 per cent, that the number of registered nurses is up by 13 per cent, that the number of student nurses in training is up by 47 per cent and that the number of allied health professionals is up by 34 per cent.

I will tell Nye Bevan about the £850 million programme that is rebuilding the Glasgow health service. I will tell him about the specialist accident and emergency centres in the city and the five minor-injuries units that will provide services for communities. I will tell him about the new Victoria hospital that we are building and the new Stobhill hospital that we are building. I will tell him that Labour is delivering for our health service.

I will tell Nye Bevan about the new £87 million Beatson centre, which will open soon and will deliver for patients in Scotland. I will tell him that, although members in the chamber say that a hospital in Lanarkshire is closing, it is not. There is £100 million of investment in that hospital for the community.

I will tell Nye Bevan more. I will say that the Labour-led Executive is worried not about the bricks and mortar but about the health of the nation. I will tell him about the primary care initiatives that have people on aspirin to reduce possible heart attacks. I will tell him about the interventions that we are making through GPs that will change the focus of health care in Lanarkshire, prevent people from dying and stop them coming to the accident and emergency unit in the first place. That is what the national health service

should be about. It is not about the bricks and mortar, as Alex Neil argues. It is he who is putting patients' lives at risk in Scotland. I have to say that that applies equally to John Scott.

Ayr hospital is not closing. There is a £40 million investment in Ayr hospital. It will have a 24-hour, seven-days-a-week community casualty facility. It will have orthopaedic, ophthalmic and neurology services. It will offer general surgery, dermatology inpatient services, specialist services such as a minimally invasive surgery unit, and diagnostic services that it did not previously have. There will be five community casualty units, which will mean that 60 per cent of patients who normally use the accident and emergency service will be able to access services more locally.

Members should not talk about closures—they should take on board Eleanor Scott's point that the matter is about trust. How can people trust the SNP and the Tories when they choose to put people's lives at risk? The Executive has delivered. Professor Sir George Alberti, the national clinical director for emergency access—in England, I have to say—said:

"We have to be upfront and tell the public that, in terms of modern medicine, some of the A&E departments that they cherish are not able to provide this type of care and cannot and will not be able to provide the degree of specialisation and specialist cover that modern medicine dictates the public deserves",

and that

"In a range of very serious emergencies ... it may be better for patients to bypass the nearest local hospitals and be taken by highly-trained paramedics straight to specialist centres".

He agrees that that will mean long ambulance journeys, but states that

"long ambulance journeys do not lead to more deaths. If they did, patients in America and Australia, where ambulance journeys are much longer, would have higher mortality rates."

We will provide a better service. Lives will be saved as a result of the interventions that we make, because we will have specialist centres that provide those services.

Let us consider some of the content of the debate. I am not unhappy that Shona Robison told me to calm down, because I am passionate about saving patients' lives here in Scotland. Many points were made about current pressures in our health service and I want to try to address them in my closing remarks.

I know how hard NHS staff in Scotland are working, given the current pressure around respiratory and flu conditions, but the service model that is set out in "Delivering for Health" and in the Kerr report is exactly why we need to change the circumstances that we have today, so

that tomorrow we can handle such situations more effectively and staff can care for patients more effectively. The community casualty units will divert patients away from accident and emergency units and allow trauma and accident and emergency services to continue more effectively. That is how we will provide specialist accident and emergency services.

There is significant international evidence—which is borne out by pages 36 and 37 of "Delivering for Health" and by the Kerr report—that the separation of elective and emergency care can reduce waiting times for operations and cut the number of elective patients' operations that are cancelled due to emergency patients' taking precedence. Community casualty facilities not only ensure that more care is provided locally, but allow larger specialist emergency teams to provide more effective care for patients who need it the most. The community casualty units will deal with some 70 per cent of people who currently attend accident and emergency units and they will enable the majority of people to be treated close to home. At the same time, the units will free up specialised accident and emergency services for those who need them the most.

In the clinical community, the evidence base is overwhelming. It comes from international examples and from elsewhere in the UK. We need to respond to that evidence to ensure that what we do in Scotland is right. All Adam Ingram talked about was votes, but I am talking about patients' lives and about the families of Scotland living together for longer. That is what we think about when we make changes in our national health service.

The Executive has continued to invest in our health service and to build up its professional base, but all the SNP can talk about is closures. I refer the SNP to my answer to Colin Fox's written question about the closure of hospitals, which refers to the changes that we have made to ensure that services are supplemented. The investment that we are making, the differences and the changes that we are making were all welcomed by everyone in the chamber. When it comes to tough decisions, the SNP is just not up to it. SNP members are not fit for government—they are not even fit for opposition.

**Carolyn Leckie:** On a point of order, Presiding Officer. The minister said in his winding-up speech that the Executive's reforms were welcomed by all parties in the chamber. That is not true, so will you ask the minister to withdraw that comment?

**The Deputy Presiding Officer (Trish Godman):** That is not a point of order. Perhaps you should speak to the minister.

11:33

**Bill Aitken (Glasgow) (Con):** It is perhaps not surprising that the debate has travelled some distance from the provision of accident and emergency services in various parts of Scotland. It is hardly surprising that, in an attempt to cover up the fact that the minister has weak arguments on the matter, he and his colleagues should seek to expand the terms of the debate.

The usual suspects have been wheeled out to point out what happened in the days of the Tory Government. It is true that, as the minister says, no hospital has been closed yet. Some are marked for closure—we are not arguing about those—but let us look at the record.

It is not the wicked Conservatives who are planning to close the accident and emergency unit at Ayr hospital—it is Labour and the Liberals. It is Labour and the Liberals who have transferred all major trauma cases and medical and surgical emergencies from Falkirk to Stirling royal infirmary. It is because of Labour and the Liberals that Monklands is set to lose its accident and emergency unit, and it is Labour and the Liberals who have downgraded accident and emergency services at Queen Margaret hospital in Dunfermline. It is Labour and the Liberals who have taken away the orthopaedic trauma unit from St John's in Livingston, and it is Labour and the Liberals who have created the mess at Stobhill hospital and will take away the accident and emergency facility from the Victoria infirmary in Glasgow.

I do not accept Euan Robson's argument—which was, to be frank, facile—that we should not revisit decisions that have been taken. When decisions are palpably and manifestly wrong, we should revisit them. I return to the question of the Glasgow accident and emergency facility. I accept the minister's point that nobody seriously argues that five units should be retained, but two units are too few, and their locations are too disparate to be other than a potential life-loser for many people.

The minister lives fairly near Glasgow and knows what the traffic is like in the south-west of the city. At rush hour, or if a game is on at Hampden or Ibrox, how on earth will we transfer a trauma case—for example, a patient who has had a coronary—from the Cathcart or Newlands areas of Glasgow to the Southern general? I do not know whether the minister has recently travelled through the Clyde tunnel at rush hour, when it is wall-to-wall metal. Such issues have never been addressed.

The consultation process was also appalling. As Margaret Mitchell and Alex Neil said, it was clear from point 1 that the solutions were pencilled in in biro. The consultation process was nothing but a total sham.

In Glasgow, opinion was not split: it was always exclusively recognised that problems would exist under the new proposals. The minister may describe the Opposition's views as "jaded" and "ill-informed", but does he apply that description to the views of the hospital consultants who queued up to point out the dangers of his proposals for the Glasgow area? The minister lacks credibility in that respect.

Like Alex Neil, as I listened to the debate unfold, my mind went back to 1997, when there were only 72 hours, 48 hours then 24 hours to save the national health service. We must accept the minister's argument that investment now is much higher than it was then, because the figures are there. However, if the units had closed in the days of the Conservative Government, Andy Kerr, Hugh Henry, Karen Whitefield et al would have patrolled up and down outside hospitals to demonstrate against the evils of the hospital closures. The stench of hypocrisy that surrounds the debate is palpable.

**Karen Gillon:** John Scott said that there would be blood on the hands of Andy Kerr—

**John Scott:** Those are not my words.

**Karen Gillon:** Or that people would die as a result—

**John Scott:** Those are not my words.

**Karen Gillon:** John Scott said that in the chamber. He said that people would die as a result of the move—

**John Scott:** I said—

**Karen Gillon:** I am making an intervention. John Scott cannot intervene on an intervention.

John Scott said that people would die as a result of the move from Ayr to Kilmarnock. People said the same when the Conservatives decided to move Law hospital's facilities to Wishaw. Has what they said been true?

**Bill Aitken:** I seem to be responding to the intervention as a third party. John Scott did not use the phrase "blood on the hands", but he made the point that deaths could follow. That is a fair summation of what was said. The fact is that people could die as a result of delays in transferring them, although I do not for one moment suggest that the minister must budget and plan on the basis of extreme events—of course he should not. However, the figures to which Jean Turner referred show clearly that in Glasgow, two accident and emergency units and the hybrid facility that is being considered will be totally inadequate and that problems will be inevitable.

I ask the minister to examine the situation again. We are far from satisfied that the information on



which the decisions were based—in good faith, I have no doubt—was accurate. It seems to be wide of the mark. As I said, the events at Stobhill hospital earlier this week show that clearly.

I will end with a quotation that appeared under the heading, “Cuts are accident waiting to happen”.

“The irony is that in England, John Reid has produced an excellent strategy paper, Keeping the NHS Local, which challenges many of the centralising assumptions behind health policy in Scotland”.

Who do members think that came from? It was certainly not a Conservative health spokesman. The quotation was from the late Robin Cook in an article for the *Edinburgh Evening News* shortly before his death. I need say no more.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:40

#### Highlands (Young People)

**1. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** To ask the Scottish Executive what action it is taking to encourage young people to live and work in the Highlands. (S2O-11594)

**The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson):** Our key strategies, which include determined to succeed, our targeted support for people in the not in education, employment or training group and our funding of thousands of modern apprenticeships, aim to maximise the opportunities that are available to young people throughout the region.

Our agency, Highlands and Islands Enterprise, is also very active in encouraging young people to live and work in the Highlands. For example, it is working closely with the Executive and the Scottish Funding Council to support the development of the UHI Millennium Institute. The success of those initiatives and of the many other actions that the Executive has taken or funded can be seen in the positive population and labour-market trends for the Highlands and Islands, which compare favourably with those for Scotland as a whole.

**Mr Stone:** Does the minister acknowledge that a major barrier to young people staying in the Highlands is the lack of affordable housing, particularly in areas of high second-home ownership? Will he please outline what the Scottish Executive proposes to do to alleviate that problem in the Highlands and elsewhere in Scotland?

**Allan Wilson:** I largely agree with that prognosis. We must get the fundamentals right, which means creating economic and employment opportunities. The record-high employment rate in the region and the economic activity rate of about 83 per cent, which is higher than that for the rest of Scotland, constitute almost full employment. Allied to that, we must provide places for people to live if they are to work in the region.

The public sector has invested heavily in affordable housing in the region because of the market's inability to provide affordable housing. Overall, we will spend £1.2 billion on that in the current three-year spending period from 2005 to

2008. That money is allied to schemes such as homestake, which gives young people in particular a first step into the housing market. All that adds together to provide a positive package to encourage people to live and work in the Highlands.

**Mr Alasdair Morrison (Western Isles) (Lab):** It is highly appropriate that the minister who moved Scottish Natural Heritage's headquarters closer to the heritage that it is paid to monitor and protect is answering the question. Does he agree that the decision that Highlands and Islands Enterprise took five years ago to move 30 jobs from Inverness to Benbecula and the United Kingdom Government's decision to relocate 100 jobs from Whitehall to Stornoway have helped to convince the private sector to move jobs to places such as the Western Isles? Does he agree that the Scottish Executive's policy of relocation must remain in place and must continue to be pursued aggressively?

**Allan Wilson:** I agree. The Executive and I take pride in the decision that took Scottish Natural Heritage to Inverness. Our relocation policy represents a good example of how the public sector can influence employment patterns as well as social systems in rural areas such as the Highlands.

I agree fundamentally with the proposition that it is not simply the jobs in public institutions that are transferred; economic benefit accrues more generally. Onetel, in Alasdair Morrison's area, is a classic example of that. The expertise and skills that the public sector brings can be used by the private sector to stimulate economic growth more generally in an area.

**Rob Gibson (Highlands and Islands) (SNP):** Recent ministerial answers show that more than 10 per cent of 16 to 24-year-olds left Caithness, Sutherland and Easter Ross in 2000-01 and it is likely that such a number has left every year. The minister agreed that housing should be built, but surely the housing programme must be linked to a commitment to job dispersal to Caithness to stimulate the economy and to offer a choice for young people who wish to stay in the far north. What job dispersal can he offer the far north?

**Allan Wilson:** I have referred to steps that I and people in other departments have taken to disperse jobs. The Executive remains committed to job dispersal as a whole.

A distinction must be drawn between Sutherland and Caithness in the statistics that Rob Gibson quotes. There are real challenges in Caithness. I am not one of those, like Mr Gibson, who believe that the future of the nuclear industry is in the past; rather, I believe that it has a positive future and that it and other industries can flourish in

Caithness and that economic and employment opportunities can be provided to people that the Scottish National Party would deny them. Because of its blinkered approach to the nuclear energy industry, the SNP would exacerbate the problems that Caithness and Sutherland are facing.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** The minister will be aware that ferry services are particularly important if we want to keep young people on our islands. Is he aware of what has recently happened on the island of Gigha, where there was a much-publicised community buy-out? On several occasions, dairy farmers have been unable to get their milk off the island and to the creamery in Campbeltown because the ferry could not get into the harbour at Tayinloan because it was too silted up. Will he please ensure that something is done about that?

**Allan Wilson:** I will look out my spade. To take the issue seriously, I am not aware of those circumstances, but I will discuss what has happened with the Minister for Transport.

I am a constituency member for two island communities and will not take any lessons from Jamie McGrigor on the importance of ferry services to island communities. The Executive has invested heavily in ferry services and will continue to work to protect them from privatisation. Jamie McGrigor would doubtless support such privatisation, which would lead to a diminution of services to island residents.

The extension of broadband and the new technological highways to employment and economic opportunities represent a great advance for island residents and the island economy more generally. Such advances have helped to boost populations and employment in island communities. They have helped to end the tyranny of distance, which has been the curse of island communities and of the Highlands more generally in the past. That said, we will certainly look into what has happened on Gigha and get back to Jamie McGrigor.

### **Police Powers (DNA Profiles)**

**2. Helen Eadie (Dunfermline East) (Lab):** To ask the Scottish Executive what impact the new powers to retain DNA will have on the detection of crime in communities. (S2O-11618)

**The Minister for Justice (Cathy Jamieson):** Since 1 January, the police have been able to retain for up to three years the DNA profiles of those who have been accused of sexual or violent offences. The police have welcomed the new power, as DNA has proved to be a valuable tool in the fight against crime. In future, the police will have a better chance of quickly catching offenders

who have been accused in the past, because they will be on the DNA database.

**Helen Eadie:** I have been a victim of crime on more than one occasion, as have many of my constituents. Can the minister reassure me that the new powers are entirely compatible with our obligations under the European convention on human rights?

**Cathy Jamieson:** The Parliament debated that matter. I am aware that there is a range of views on retaining DNA. We believe that the new powers are entirely compatible with the ECHR. Hugh Henry, who was then the Deputy Minister for Justice, said in the debate that we must recognise that people are considered to be innocent until it has been proven that they are guilty of committing a crime and are convicted in court. Nonetheless, we believe that the powers will be a useful tool in the fight against crime.

**Mr Kenny MacAskill (Lothians) (SNP):** The minister is correct to say that the new proposals that the Parliament agreed and the police are implementing are welcome. People who have been charged with sexual offences are a potential danger and their DNA should be retained. However, does she agree that taking matters further and retaining for ever and a day the DNA of citizens who have simply co-operated with the police and done their duty as good citizens would undermine the trust that exists between our citizens and the state, and that doing so would represent a retrograde and detrimental step?

**Cathy Jamieson:** I appreciate that many people have concerns about that matter, but our current priority is to implement the new measures and to see them working effectively. Of course arguments can be made for extending the powers, but the matter would have to be debated in the Parliament.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Does the minister agree that DNA is simply an aid to detective work and policing and that it is not the be-all and end-all in detecting crime and bringing criminals to justice?

**Cathy Jamieson:** DNA is one tool among many tools—I hope that I made that clear in my initial answer. Bringing criminals to justice will continue to depend on police forces having the appropriate personnel at their disposal. We are doing our best to ensure that Scottish police forces have the appropriate personnel and resources at their disposal to fight crime.

**The Presiding Officer (Mr George Reid):** Euan Robson is not present to ask question 3.

## Police (Recruitment)

**4. Linda Fabiani (Central Scotland) (SNP):** To ask the Scottish Executive whether police forces are required to follow its guidance on recruitment, contained in police circular 8/2003. (S2O-11662)

**The Minister for Justice (Cathy Jamieson):** As the member will be aware from answers to parliamentary questions that she has lodged, issues relating to police recruitment are a matter for individual chief constables. The guidance in police circulars is provided to chief constables to advise them in their operational decision making. It is for chief constables alone to determine which individuals are or are not suitable for appointment to the police service.

**Linda Fabiani:** The minister is correct to say that I have received answers to my parliamentary questions. However, I have a copy of a letter from her department to a constituent of mine that intimates that the guidance became regulations—I refer to the 2004 police regulations.

Is the minister aware that Strathclyde police, alone among Scotland's police forces, discriminates against potential recruits with a minor form of colour blindness, and that that is against those regulations? Will she undertake to ensure that the one Scottish police force that contravenes those regulations amends its recruitment procedures and makes amends to applicants who have been unfairly and unjustly disadvantaged?

**Cathy Jamieson:** Ms Fabiani has lodged questions on the matter and there has been correspondence on it over a period of time. It is important to realise that I cannot comment on a case that is, I understand, the subject of employment tribunal proceedings. That said, I will give a general response. Revised guidelines have been issued to Scottish police forces that must be taken account of in recruitment procedures. However, other matters may have been taken into account when people have been recruited. It is, of course, up to chief constables to decide who the most appropriate individuals are to have in their force.

## Edinburgh Trams

**5. Margaret Smith (Edinburgh West) (LD):** To ask the Scottish Executive when it will make a decision on the business case for Edinburgh trams. (S2O-11597)

**The Minister for Transport (Tavish Scott):** A decision is expected next month.

**Margaret Smith:** The minister will be aware of concerns about tram access to the Western general hospital before the bill was passed and concerns in recent weeks about the proposed

feeder bus service. Will he give an assurance that he will consider the provision of properly integrated bus and tram services when he considers the business case? Crucially, will he ensure that the dedicated feeder bus service that Transport Initiatives Edinburgh promised NHS Lothian and the Parliament goes ahead fully?

**Tavish Scott:** I will be happy to consider the issues relating to the dedicated bus service that Margaret Smith mentions and to ensure that they are fully taken into account when the business case is assessed. Margaret Smith will be aware that accessibility is one of the issues that must be considered under the Scottish transport appraisal guidance when any business case is assessed. The integration of heavy rail services, the tram system and Edinburgh's excellent bus services will therefore be looked at in the final consideration of the business case, which, as I said, is expected to be decided on next month.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** Does the minister realise that, with the exception of one Scottish National Party council member, the whole of the City of Edinburgh Council voted in support of the whole of the tram network, including the spur from Haymarket to Granton? Does he realise that local residents often contact me to ensure that that part of the network is developed, and does he realise that the development of the Granton waterfront heavily depends on that part of the tram network being built? Will he therefore ensure that funding is made available for the whole network, including the spur from Haymarket to Granton?

**Tavish Scott:** As Mr Chisholm knows, the current funding is for the first phase of the project. However, I understand what he has said about Granton and the later phases of the project. He also knows that further developer contributions would help that element of the project. Significant investment is already taking place in private sector housing and business opportunities by a number of organisations and companies, including Forth Ports plc, which I met recently met to discuss the matter.

I, too, noticed that the SNP was the only party in the council chamber that opposed the project. That approach is in line with its transport policy of flip-flopping on everything.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Is the minister aware of the 17 November communication from the assessor of the Lothian Valuation Joint Board that said that rates relief has been agreed for businesses that will be affected by the construction of the proposed tram system, and that it has been estimated that that relief will cost £18 million? Does he agree that that figure does not appear in any of the costings or in the business case; that

the cost would be borne by the Scottish taxpayer; and that, until now, the Executive, although it has been informed of the issue, has chosen to keep quiet about it? Does his predecessor's undertaking that the Executive's contribution to the scheme will not be increased still stand, or will there be hidden extra costs to the taxpayer, as was the case with the Parliament building?

**Tavish Scott:** Mr Ewing works himself up into righteous indignation on the tram project, as he does on all projects. It would be great if he concentrated on keeping to the positives. I notice that Mr Ewing, the Scottish National Party's transport spokesman, did not concentrate on that party's policy flip-flop on the issue: the SNP used to support the Edinburgh trams project, but it is now opposed to it. On every transport project, Mr Ewing tries to find some small issue so that he can say that the project is good or bad and so justify the SNP's policy of changing its mind. The only consistent thing about the SNP is that it changes its mind.

**Susan Deacon (Edinburgh East and Musselburgh) (Lab):** I welcome the progress that has been made on what will be an ambitious step forward for Edinburgh's transport infrastructure. I also welcome the minister's statement that further developments will take place. In that regard, I seek an assurance from him that he will continue to work with the City of Edinburgh Council to ensure that the city gets a third tramline to serve the south-east of the city in the future.

**Tavish Scott:** I hope that we can make further progress on this exciting project, not only for Edinburgh, but for the whole of Scotland. I give Susan Deacon the assurance that she seeks. One important aspect is to consider what is happening internationally, which some parties are keen to do. If we examine the Luas scheme in Dublin, we find that the project is now making an operational surplus and is transporting people throughout the city of Dublin. The scheme has achieved that by expanding and by leveraging in more developer contributions. That is an exciting possibility for our capital city, too.

#### **Glasgow Housing Association (Commercial Properties)**

**6. Ms Sandra White (Glasgow) (SNP):** To ask the Scottish Executive what knowledge it has of complaints that Glasgow Housing Association's acquisition of commercial properties in 2003 was in breach of competition law. (S2O-11655)

**The Deputy Minister for Communities (Des McNulty):** I am aware that a petition has been sent to the European Parliament alleging an infringement of European Community procurement law. At this stage, the Scottish Executive does not believe that there was any breach of EC

competition law in the Glasgow stock transfer in respect of the commercial properties that are referred to in the petition. We will of course be happy to assist the Parliament and/or the European Commission in any inquiries.

**Ms White:** The minister is aware of the petition, but is he also aware of correspondence from the European Commission to United Kingdom authorities regarding the transfer, to which as yet it has received no reply? Has the minister or the Scottish Executive entered into correspondence on the matter and, if so, what does that entail?

**Des McNulty:** The Executive has received an administrative inquiry from the Commission about the GHA and has answered the Commission's questions. I repeat that, at this stage, we do not believe that there has been any breach of EC law in relation to the Glasgow stock transfer.

### **One Scotland (Website)**

**7. Michael McMahon (Hamilton North and Bellshill) (Lab):** To ask the Scottish Executive whether it intends to include statistics on the Irish community in Scotland on the website of its one Scotland, many cultures campaign and what the reasons are for its position on the matter. (S2O-11633)

**The Deputy Minister for Environment and Rural Development (Rhona Brankin):** The one Scotland, many cultures website includes statistics on the Irish community in Scotland: there is a link to the "Analysis of Ethnicity in the 2001 Census: Summary Report" in the ethnicity data section, and there is a section on Irish migration in the section on the history of migration.

**Michael McMahon:** I want to make the minister aware that I and many others in the Irish community in Scotland are concerned that the Scottish Executive's claim on its one Scotland, many cultures website that the Pakistani community is the biggest ethnic minority in the country is factually inaccurate. We are also concerned that its recognition of only non-white ethnic minorities undermines the excellent aims of the campaign. Does the minister acknowledge that as 50,000 Irish-born people and 100,000 people who have an Irish parent live in Scotland and as the multigenerational Irish community in Scotland has almost 500,000 people, the continuing failure properly to acknowledge the existence and importance of the Irish community in the country prevents the development of a proper understanding of the problems of racism and sectarianism in Scotland?

**Rhona Brankin:** I make it clear that racism is absolutely unacceptable, whomever it is directed at, including invisible minorities in Scotland, such as the Irish, the English or new communities

arriving from the new European Union accession states. That is one of the key messages of the one Scotland campaign. Racism and discrimination are experienced by a number of different racial and ethnic groups in Scotland. The awareness campaign cannot attempt to address all those groups individually. However, although the campaign does not deal specifically with racism toward Irish people, the fundamental messages are the same. The key issue is to tackle the underlying attitudes and behaviours, whomever they are directed at and however they are manifested.

## First Minister's Question Time

12:00

### Cabinet (Meetings)

**1. Nicola Sturgeon (Glasgow) (SNP):** To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S2F-2641)

I wish the First Minister a happy new year.

**The First Minister (Mr Jack McConnell):** The next meeting of the Cabinet will discuss issues of importance to Scotland.

I wish Nicola Sturgeon and you, Presiding Officer, a happy new year.

**Nicola Sturgeon:** Since Parliament last met, Malcolm Chisholm has been forced to resign from the Cabinet. Will the First Minister explain why?

**The First Minister:** I think that Mr Chisholm explained his reasons for his decision in his letter to me of—I think—21 or 22 December. I want to put on record my gratitude to Mr Chisholm for his work as a minister during the years when I have been First Minister. He has served this Parliament well as the Minister for Health and Community Care and the Minister for Communities, in which posts he made a real difference. I wish him well in his constituency and on the back benches of the Parliament.

**Nicola Sturgeon:** That begs the question, if Malcolm Chisholm was such a good minister, why was he given, in his words, “no choice” but to resign from the First Minister's Cabinet? Is not Malcolm Chisholm's sacking from the Cabinet just one more example of the First Minister's words not being worth the paper they are written on? I remind the First Minister that, on 7 December, he said that there is no collective responsibility among ministers on the issue of Trident. He continued:

“I expect people in my own party as well as in the Executive to speak from their consciences and to speak their own minds”.—[*Official Report*, 7 December 2006; c 30168.]

However, two weeks later, when a minister took him at his word and did just that, that minister was sacked. For clarity, what is the position? Are Labour members and ministers free to follow their conscience on Trident or are they now all expected to ignore their conscience, ignore what is best for Scotland's schools and hospitals and meekly toe the London Labour line, just as the First Minister has done?

**The First Minister:** Although, due to bronchitis, I was absent on the day of the debate on Trident, I

was proud of the way in which Labour members openly and honestly expressed a variety of views on the subject. I welcome that and continue to encourage it as part of the national debate on this issue.

The Labour Party and the Liberal Democrats have differing positions on this issue. It is, therefore, correct that there should not be an Executive position on the issue. However, the individual political parties are perfectly right to hold their own positions in this chamber. We should all do so and we should do so vocally.

On the more general issue that Ms Sturgeon moved on to, this major debate that faces our country demands a degree of consistency among us all. That consistency is absolutely clear in relation to my position and in relation to the position that encourages Labour members and others to express their view. It is not evident on the part of the Scottish National Party, which, again this week, has expressed a different view about what it would do with the money that it claims would be saved as a result of not renewing Trident. It is simply not acceptable for the SNP to continue to say different things in different months or—occasionally—in the same week in order simply to win votes. That is something for which we will expose the party in the months to come. Indeed, I will do so today if Ms Sturgeon wants to give me the opportunity.

**Nicola Sturgeon:** The First Minister's answer might make some sense if he had not sacked a minister for voting against Trident in this Parliament. He talks about consistency, but is it not the case that no one can believe a word the First Minister says? He promised to listen to the debate on Trident before making up his mind but he fell into line with Tony Blair on day 1 of that debate. He promised that ministers would be free to speak their own minds, but sacked the first one who did that. He said that he respected those who demonstrate against Trident but is now totally silent when those on the extremist wing of his party condemn peaceful protest. Is it any wonder that, according to yesterday's newspapers, senior members of the First Minister's party now think that he has “completely lost the plot”?

**The First Minister:** The first assertion is simply not true. I think that the Government is making the right decisions in reducing the number of warheads; in ensuring that, at the next Westminster Parliament, there will be a vote on the replacement of the entire warhead system; and in ensuring that, in the meantime, there will be a debate before the vote in the Westminster Parliament. I support that position on the basis of the announcement that was made, and I do so absolutely consistently.

What Ms Sturgeon says on the second issue is not true. No one was sacked.

On the third issue, I say to Ms Sturgeon that there is a world of difference between people genuinely having a consistent view—on Trident or on any other issue in Scotland today—and expressing that view peacefully in protest and politicians deliberately setting themselves up to get arrested at a military base and wasting police time. Police officers, who could have been used elsewhere in Scotland far more effectively, had to waste their time at a military base to prevent politicians who wanted to get themselves arrested from disrupting legal activity.

**Nicola Sturgeon:** That is sheer and utter hypocrisy. If Labour was not going to replace Trident, there would be no need for any police at Faslane and we would have £25 billion more to spend on police, schools and hospitals. Is it not the case that the First Minister is in disarray on Trident and now presides over a Government that is in total disarray? Is it not clear that sacking a minister of principle and replacing him with a minister who is immediately rubbished by the First Minister's own back-bench and front-bench colleagues is not a sign of strength, but a sign of weakness? Is not that why so many people think that it is time to get rid of a Labour Government that is tired, divided and negative and replace it with a new SNP Government that is united, ambitious and positive about Scotland?

**The First Minister:** Where do I start? I repeat that there is a world of difference between supporting peaceful protests that are designed to make a point and to influence Government decisions, and politicians from the nationalist party, the Green party and the Trotskyists deliberately setting out to create and attend a demonstration at which people will be arrested and police time will be wasted.

In relation to consistency of approach on the issue, there is a world of difference between listening to the decisions of the UK Government and expressing a view on them and saying something different this week from what was said back in the autumn. Back then, Angus Robertson, the SNP's defence spokesperson, made it absolutely clear that the SNP would spend any money that was saved from nuclear weapons on conventional defence forces in Scotland. However, this week, in this chamber, Ms Sturgeon claims that the SNP would spend the money on health, education and police. The truth is that SNP members will say anything to win votes in Scotland. They will say anything to anybody, depending on what they think will be popular from one week to the next. That is why the SNP is unfit to be the Government of Scotland.

## Prime Minister (Meetings)

**2. Miss Annabel Goldie (West of Scotland) (Con):** To ask the First Minister when he will next meet the Prime Minister and what issues they will discuss. (S2F-2642)

I wish the First Minister a happy new year.

**The First Minister (Mr Jack McConnell):** I have not met the Prime Minister yet this year. When I do so, I will wish him a happy new year.

I wish Ms Goldie a happy new year and I wish her all the best.

**Miss Goldie:** On Monday—a working day for most Scots—a group of MSPs, who are paid by Scottish taxpayers to represent them on the issues that are devolved to the Scottish Parliament, chose to mount a demonstration on an issue that is reserved to Westminster.

Of course Scots have the right to protest, and I might add that a nuclear deterrent helps to retain that right. Does the First Minister agree with his Labour colleague, Duncan McNeil, as I do, that those MSPs are self-serving self-publicists and that they owe an apology to Scottish taxpayers?

**The First Minister:** I will be very clear. I support the right of peaceful protest and the right of politicians and others to demonstrate their views and to seek to influence Government by doing that. I do not support elected politicians who have a responsibility for the criminal justice system of this country deliberately seeking to waste police time by making and then carrying out the obvious threat that they will try to get arrested. The parties in this Parliament that actively encourage such protest should be ashamed of themselves, particularly as it directly contradicts what they say in public at other times. They should be consistent and stand up for the police and the communities of Scotland.

**Miss Goldie:** I thank the First Minister for that answer. He well knows the true cost of the actions of people such as the leader of the Scottish branch of the SNP, Miss Sturgeon. While her main aim is to get her picture in the paper, the true cost of her actions and those of her socialist brothers and sisters is a multimillion-pound policing bill. That means diversion of police resources, increased vulnerability for victims of crime, an unnecessary use of precious court resources and more overcrowding of our prisons. Does the First Minister think that that is a good advertisement for the Parliament?

**The First Minister:** Not at all, and perhaps it shows what might happen if one of the coalitions that the SNP is fantasising about was ever to run the Government in Scotland.

I repeat my position; I do not want to add any more to my views on the subject. I support the right of peaceful protest. I encourage people across Scotland to express their views on this subject. However, I object to elected politicians disrupting the legitimate activities of others in Scotland with the sole aim of getting themselves arrested and wasting police time in order to get publicity. They should be condemned for that and they should think about doing it again.

**Frances Curran (West of Scotland) (SSP):** On a point of order, Presiding Officer.

**The Presiding Officer (Mr George Reid):** I will let Miss Goldie ask her third question, so that there is a sequence, and then I will take your point of order.

**Miss Goldie:** I am delighted to say that no Conservative MSP protested at Faslane and no Conservative MSP will. The priorities of the Scottish people are not submarines. They are to tackle crime and offences, which are up under the Executive; to reduce drugs abuse, which is rising under the Executive; to provide more affordable housing for those who are struggling to get a foot on the ladder, which is an increasing problem under the Executive; and to save local health and dental services from being cut by the Executive. Does the First Minister agree that whatever our political differences on those issues, they are the issues and they are why we are here?

**The First Minister:** I certainly agree that they are the issues. However, I will be very clear with Miss Goldie. First, crime has come down considerably since the dark days when the Tories were running Scotland. Secondly, the action that has been taken by the Executive to support affordable housing in Scotland is delivering houses for young families who need a first step on the property ladder, and we need to do more of that. Thirdly, in Scotland today there are more drug treatment centres and more people getting drug treatment than ever before. Fourthly, across Scotland, at long last we have seen improvements in the provision of dental services following the disastrous decisions of the Tories in the mid-1990s to close down dental schools and reduce the amount of dental training in Scotland. I agree that all those areas are among the priorities for this Parliament, but I also say that Scotland is now moving in the right direction and we intend to build upon that.

**The Presiding Officer:** Frances Curran may make her point of order now.

**Frances Curran:** Will the Presiding Officer give us the right to reply, given that our conduct is being questioned in the chamber by several members, including the First Minister? In a

democracy, we should have the opportunity to reply.

We took part in a completely peaceful protest. No criminal charges were brought against any of those who took part in that protest, making it clear that we were upholding the right to protest in this country—a right which the First Minister and others would like to prevent us from having. I ask the Presiding Officer to give us the right to reply.

**The Presiding Officer:** You have just taken that right by making your point of order. I was considering you for a supplementary question, but you have given a clear statement of your position, so I intend to move on. I will take two further supplementaries.

**Margo MacDonald (Lothians) (Ind):** On a point of order, Presiding Officer. With the greatest respect, I suggest that if we had less argy-bargy and more accountability and more questioning rather than commenting, we would not have reached the situation in which Frances Curran had to do what she did.

**Shona Robison (Dundee East) (SNP):** Is the First Minister aware of the discussions that are taking place as we speak with the workforce at NCR in Dundee about the future of its plant? Although we are not yet sure about the extent of the redundancies that may be announced, it is possible that the impact will be severe, especially given that there could be knock-on consequences for hundreds of jobs in the supply chain.

At this stage, will the First Minister commit to using all the powers at his disposal, including regional selective assistance, to minimise the impact of any jobs that may be lost and the devastating blow that that would be for Dundee? Will he ensure that the Deputy First Minister visits NCR as a matter of urgency to discuss what assistance can be provided?

**The First Minister:** I understand that the situation, which is potentially serious, is being discussed with the workforce at this very moment, so it is difficult to provide a precise response other than to say, first, that NCR is a valued employer in Dundee and elsewhere in Scotland; that we wish it to retain a maximum presence; and that we will continue to work with it to secure that. Secondly, over the past 10 years, the company has contributed to the 15 per cent increase in employment in Dundee since 1997 and it is very important that we maintain that improvement in employment and in the Scottish economy. Thirdly, it is important that we also look to new employers and expansion in new industries. I was delighted by the Deputy First Minister's announcement on Monday of this week about the expansion of the employment base of Alliance Trust in Dundee and I hope that that will be the first of a number of



announcements that will help to alleviate any difficulties that are caused by any announcement that might be made later today.

I give an absolute commitment to the people of Dundee and the surrounding area that I and fellow ministers take the matter and the future prosperity of the city seriously. Of course there will be early meetings to discuss the situation. I expect to speak to Kate Maclean, who is the local constituency MSP, on the issue within the next half hour. She is in Dundee at the moment and expects to be briefed on the spot.

**Marlyn Glen (North East Scotland) (Lab):** I thank the First Minister for the reassurances that he has given to Shona Robison. Kate Maclean, who is the local constituency MSP, is on her way to Dundee to meet the workers and unions after the noon meeting.

I express the hope that if today's meeting at NCR is followed by an announcement of job losses, the First Minister will do everything in his power to ensure that the workforce has a smooth transition into alternative employment. Given that some members of the workforce have been employed by NCR for decades, I ask that special consideration be given to Dundee.

**The First Minister:** We should reserve our position on special consideration for Dundee until we see details on the scale of any announcement. It is clear that if a significant impact on jobs is announced, we would want to make special arrangements to help the city of Dundee.

However, it is important that we do not lose sight of our overall strategy for Dundee and for Scotland. The manufacturing export results that were announced yesterday show that year-on-year improvements have been made in manufacturing exports, following all the problems that we had in electronic engineering just six or seven years ago. It is important that we continue with our strategy of supporting and commercialising research and development. As well as attracting companies into Scotland, we must build up Scottish companies that can employ Scottish workers.

### **Pensioner Poverty**

**3. Margo MacDonald (Lothians) (Ind):** I offer my best wishes for the new year and say that things can only get better.

To ask the First Minister whether the Scottish Executive is satisfied that the present method of measuring pensioner poverty provides an accurate picture of its extent. (S2F-2652)

**The First Minister (Mr Jack McConnell):** Yes. Our low income estimates are statistics that are collected independently by the Office of National

Statistics. The headline measures that we use are accepted by academics across the world and by campaigners, and are comparable to those that are used in the United Kingdom and elsewhere in Europe.

**Margo MacDonald:** I thank the First Minister for a well-researched answer. He has announced that the new Minister for Communities will draw up a strategy for older people. Could she include in that strategy a unit that will assess pensioner inflation more objectively? According to Norwich Union, pensioner inflation is running at 9 per cent, but next April pensioners can expect an increase in their pensions of only 3.6 per cent. That means that pensioners are often left to choose between heating and eating.

**The First Minister:** I am conscious of the on-going debate across the UK about the level and nature of the state pension, which is an important debate for everyone in the country. However, it is important that we take steps right now to reduce the number of pensioners in poverty and to assess that number accurately. Since 1997 more than 120,000 pensioners in Scotland have been removed from relative poverty. The measures that the UK Government has introduced on income for pensioners and the measures that we have introduced on central heating, free bus travel for pensioners and so on are making a real contribution to the quality of life of pensioners in Scotland.

It is important that those measures should continue. It is also important that our statistics should reflect reality. I understand that the independent statistics that we use take account of the different factors relating to pensioner income and expenditure that would allow the picture to be accurate. I am happy to give Margo MacDonald further information on the detailed issues that she raises.

**Margo MacDonald:** I thank the First Minister for his offer—I will take him up on it. I put it to him that the figures are just a few months behind the reality of the struggle that many pensioners face because of rising fuel prices and council tax. I repeat my first request—for a unit to be set up to measure accurately the difference between pensioner inflation and inflation generally.

**The First Minister:** The statistics that we currently use include council tax as one measurement of income and expenditure. Many of the factors to which Margo MacDonald refers are already included. That is why our statistics are respected internationally and are consistent with the work of academics, campaign groups and others across the board in the UK and Europe. We want, of course, to maintain that position. I am happy to explain the issues further to Margo MacDonald following First Minister's question time.

I apologise to the member for not previously wishing her a happy new year.

#### **Tobacco Purchasing (Age Limit)**

**4. Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the First Minister what progress is being made towards setting a date for raising the age limit for buying tobacco to 18. (S2F-2647)

**The First Minister (Mr Jack McConnell):** I wish Duncan McNeil a happy new year. I hope that he enjoys the rest of it as much as he enjoyed the first 10 days.

The Executive is consulting on a draft order to raise the age for purchasing tobacco to 18. The consultation will end on 28 February. Subject to its outcome, we will be ready to move quickly to lay the order before Parliament as soon as possible thereafter.

**Mr McNeil:** I am delighted that the Executive is taking decisive action to stop our children making the worst mistake of their lives. Following the smooth introduction of the smoking ban, thanks largely to joint working with publicans and hoteliers, will he assure me that we will co-operate fully with retailers, especially those with smaller shops, when implementing the change? Will the Executive examine whether provision of a proper national proof-of-age card, free of charge to those on low incomes, could be helpful in that process?

**The First Minister:** I recognise Duncan McNeil's long-standing passion on this issue and his desire to raise it with the Executive. We thank him for that and hope that we will reach a conclusion in the very near future. We will obviously want to work with retailers to implement the change effectively. In addition, we will work with the relevant authorities to ensure effective enforcement of the law.

We want to encourage proof-of-age cards. There should be no sale without proof to youngsters. In achieving that, we congratulate Young Scot, which has somewhere in the region of 150,000 or 160,000 Young Scot cards out there in Scotland today. The cards help to prove people's age and provide young people who use the card with many material benefits. I thank Duncan McNeil, congratulate Young Scot and urge other young people to take up the offer of the card.

**Mr Stewart Maxwell (West of Scotland) (SNP):** I welcome the First Minister's comments on enforcement of the age limit. The low level of enforcement of the current age limit has been a particular problem in recent years. I hope that enforcement is improved if there is a change in the age limit.

Given that the First Minister has adopted SNP policies on the smoking ban and other smoking-related matters, I suggest to the First Minister that in his last few months in government, he adopts a number of other SNP policies on the scourge of tobacco addiction, including plain packaging, photo warnings and point-of-sale advertising. Although we have come a long way thanks to many members throughout the chamber and many campaigners outside, I suggest that in his last few months, the First Minister not only raises the age limit at which people may buy tobacco but commits his party to our measures that would assist in moving the matter forward.

**The First Minister:** Among others, we are looking at the range of issues mentioned towards the end of that question to continue our work to discourage people in Scotland from smoking.

As regards party politics and the member's claiming credit for smoking-related measures, I could have said in the past two years that the first MSP to raise the issue was Hugh Henry and not Stewart Maxwell and that I congratulate Hugh Henry on that. However, I have never once done that in this chamber; I have never mentioned here that a Labour MSP was the first person to campaign on the issue. I did not mention that because I wanted to secure the widest-possible consensus on the policy. The people who deserve the most credit for the implementation of the policy are the people of Scotland who have worked with it since 26 March last year.

#### **Dangerous Dogs Act 1991**

**5. Alex Neil (Central Scotland) (SNP):** To ask the First Minister whether the Scottish Executive will commission a review of the operation and effectiveness of the Dangerous Dogs Act 1991, in light of recent events in England and reports that there may be up to 200 dogs being kept illegally in Scotland. (S2F-2646)

**The First Minister (Mr Jack McConnell):** First of all, I express my sympathies to the friends and family of Ellie Lawrenson, who died in such terrible circumstances on new year's day.

Scottish ministers have powers to amend the dangerous dogs legislation and to create new legislation in this area. The law is kept under constant review and we will, of course, consider representations from the police or other interested parties. Enforcement of the law is a matter for the police. Anyone who suspects that a dog is being kept illegally in Scotland must report the matter to the police so that the appropriate action can be taken.

**Alex Neil:** I join the First Minister in sending condolences to Ellie Lawrenson's family.

I draw the First Minister's attention to the recommendations of bodies such as the Scottish Society for the Prevention of Cruelty to Animals, which, like many others, regards the current legislation as inadequate in three respects. First, it concentrates on the breed rather than the deed—there is a need to tackle aggressive dogs that are not of the breeds defined in the legislation. Secondly, there is no provision in the legislation for what happens in the home. Thirdly, there is a need to look at making mandatory the registration and microchip identification of dogs. Will the First Minister look at those three proposals as a way of tightening up the legislation before another tragedy happens anywhere in Scotland?

**The First Minister:** As someone who grew up on a sheep farm where there could be up to a dozen dogs at any time, I have a lifetime interest in the matter. I understand completely the importance of the issue, getting the law right and ensuring that when the law is in place, it is properly enforced by the authorities and respected by dog owners and their families. Although Alex Neil makes constructive points, we have no current plans to review the legislation on the matter. However, a new committee of the new Parliament after May might well take an interest in the matter.

### Coastal Erosion

**6. Alex Johnstone (North East Scotland)**  
**(Con):** To ask the First Minister whether the Scottish Executive will make a commitment to additional provision to address coastal erosion caused by an increased incidence of severe storms. (S2F-2643)

**The First Minister (Mr Jack McConnell):** Resources are available to support local authorities' coast protection and flood prevention programmes, and they will increase from £33 million in 2006-07 to £42 million in 2007-08. It is clearly for local authorities to come forward with suitable schemes to take up those resources.

**Alex Johnstone:** I thank the First Minister for his interesting answer. As well as some of the high-profile problems that there have been around Scotland in recent years, there is increasing evidence to support the belief that coastal erosion is increasing as a result of increased storms caused by global warming.

Will the First Minister take the example of the problems that are currently faced in Montrose? The dunes that protect the town are under threat, as is the golf course—which incidentally will host qualifying for the British open this year. Will he consider the situation in which the good work that has been carried out so far by Angus Council and a local stakeholder group seems to be so limited in ambition that it is unlikely that the necessary work

can be organised to prevent coastal erosion of the dunes at Montrose? Will he examine the policies and funding that are available to see whether it is possible for local authorities to utilise them more effectively where it perhaps cannot be argued that a cost-effective response can be achieved?

**The First Minister:** Obviously, it is difficult to comment on a specific local instance until we are able to study the details of any proposed scheme. Ultimately, we will have to make a judgment on whether it is adequate, correct technically and therefore suitable for resources.

What I would say clearly is that the amount of resources allocated to coast protection and flood prevention has increased considerably in the past four or five years. I think that back in 2001 it was something like £9 million, and in the next financial year funding will go up to £42 million. The resources exist at national level, and local authorities should be ambitious and speedy in developing their proposals for decisions.

12:32

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Environment and Rural Development

##### Biomass

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

To ask the Scottish Executive what contribution biomass will make to its climate change programme, for example by increasing microgeneration. (S2O-11620)

**The Minister for Environment and Rural Development (Ross Finnie):** The Scottish climate change programme highlights how carbon savings can be made by substituting biomass for fossil fuel and makes commitments for developing the biomass sector. The Executive will shortly publish a biomass action plan, will award grants under a Scottish biomass support scheme and is developing a renewable heat strategy. All those projects will ensure that biomass makes a significant contribution to the Scottish climate change programme.

**Marlyn Glen:** I look forward to the publication of the action plan. Will the cities, as well as rural communities, be able to reduce their carbon footprints through the use of wood as a fuel? Are plans being made to increase the use of wood as a construction material, utilising its ability to act as a carbon sink to combat global warming?

**Ross Finnie:** I do not wish to anticipate the details of the action plan prior to its publication, but it is our hope that biomass will be used where it is appropriate. The proximity of the supply to its use in a biomass plant has an effect on maximum efficiency. However, as Marlyn Glen knows, biomass will be used for generating electricity in other schemes in Scotland, so it may be that cities will benefit across the piece in any event. We will have to consider the detail of the specific proposals in the action plan.

There are accreditation schemes for the use of wood in construction. The Forestry Commission is a part of those schemes and they are all designed not only to sustain quality but to ensure that there are opportunities for supplying Scottish timber produce to the construction industry.

**Mr Jim Wallace (Orkney) (LD):** Does the minister accept that, although wood is being seen as the primary source for biomass fuel, there are other technologies? Does he also accept that if the objective of using biomass is to tackle climate

change and reduce our emissions, we should consider other biomass technologies, not least anaerobic digestion, which is being pursued in the island of Westray in my constituency? Will he confirm that, as the Deputy First Minister has indicated, not only people who run wood-fuel biomass plants but those who run other types of biomass plant should register an interest in the biomass support scheme and that the biomass action plan will not be confined solely to wood fuel?

**Ross Finnie:** I am grateful to Jim Wallace for making that valuable point. It is clear that anaerobic digestion and other techniques play a part in the overall strategy. I am aware of the plant in Westray. There are also plants just north of Turriff and elsewhere in Scotland and there is an experimental plant in the south-west of Scotland. They are an important element of the plan and I confirm that people who run such plants should register for the proposed biomass support scheme.

**Christine May (Central Fife) (Lab):** I am sure that the minister is aware of the proposal by Tullis Russell Papermakers for a 50MW biomass power plant in my constituency. During a visit by the Deputy First Minister to the plant on Monday, an issue arose about the problem of biomass supply. Will the minister speak with his colleague about that and will he agree to meet the Forestry Commission to discuss what actions it can take to guarantee supply for that worthwhile project?

**Ross Finnie:** On his return from the plant on Monday, the Deputy First Minister immediately briefed me about the problem that had been raised with him. I confirm to Christine May that I am happy to take up with the Forestry Commission the many points that the managing director of Tullis Russell made during the course of that visit.

##### Scottish Water (Expenditure)

##### 2. Derek Brownlee (South of Scotland) (Con):

To ask the Scottish Executive how much Scottish Water's revenue and capital expenditure will be in 2007; what its projected expenditure is for future years, and whether the south of Scotland's share of spending is proportionate to need. (S2O-11648)

**The Minister for Environment and Rural Development (Ross Finnie):** Scottish Water's plans for delivering ministers' objectives for 2006 to 2010 are set out in its delivery plan as approved in May 2006. In those objectives, we have specified the standards that apply to the whole of Scotland. Through working with its quality regulators, Scottish Water will ensure that, over the life of the four-year programme, investment is targeted in appropriate areas, including the south of Scotland, to meet those standards. Expenditure

will accordingly be appropriate to need in relation to those objectives.

Over the four-year programme, total capital expenditure will be £2.45 billion at outturn prices. The profile according to Scottish Water's delivery plan across the years is £450 million for 2006-07, £735.9 million for 2007-08, £684.3 million for 2008-09 and £576 million for 2009-10. Revenue is budgeted in the delivery plan at £981 million for 2006-07, rising to just over £1 billion in 2007-08.

**Derek Brownlee:** Some have suggested that, even if additional money is given to Scottish Water, it is operating at the limits of its capacity. Does the minister agree with that?

**Ross Finnie:** That might be possible because, of course, Scottish Water is delivering the highest level of capital investment of any water company anywhere in the United Kingdom. Therefore, it might not be a surprise that it is at the upper end of performance in relation to capital delivery. I am not sure quite where Mr Brownlee is driving. Scottish Water is delivering a level of investment that is at the highest end of the investment of all of the water companies in the United Kingdom.

**Jim Mather (Highlands and Islands) (SNP):** Will the minister respond to concerns that regulatory capital value, which is the approach that is endorsed by Ofwat—the Water Services Regulation Authority—and is used by the Water Industry Commission for Scotland to set Scottish Water charges, is responsible for the high charges that have enabled Scottish Water to release back to the Executive, this year, £161.8 million of capital allocated to cover its capital expenditure, given that that constitutes a stealth tax on the people of Scotland and a perverse incentive for Scottish Water to prioritise new infrastructure over the maintenance of existing infrastructure?

**Ross Finnie:** As Jim Mather knows, I am not about to agree with his position because I do not agree with the premise on which he advances that argument. He is perfectly entitled to that argument, which is one that, to be fair to him, he makes consistently. However, it is an argument that is not supported in terms of its analysis of how Scottish Water has conducted its affairs. It has not been supported by the water industry commissioner, commission officials, the Audit Committee of this Parliament or the financial adviser to the Audit Committee. Mr Mather and those who support him are entitled to their view but they are in the minority.

### Coastal and Marine National Park

**3. Dr Elaine Murray (Dumfries) (Lab):** To ask the Scottish Executive when it expects a decision to be made regarding the location of Scotland's

first coastal and marine national park. (S2O-11639)

**The Minister for Environment and Rural Development (Ross Finnie):** The Scottish Executive has consulted on a range of matters in relation to the establishment of a coastal and marine national park in Scotland. The consultation has included the criteria for the choice of area and location of the park as well as key benefits that a park could bring and the functions and governance arrangements that the park authority should have. The consultation closed on 10 January.

It will be necessary to analyse the responses fully before making decisions about the way forward and it is not possible at this stage to give a timescale of when final decisions will be made.

**Dr Murray:** The minister will be aware that a meeting with stakeholders was held in Dumfries on Monday. I know that the Solway may not be Scottish Natural Heritage's favoured location for the park, but I seek an assurance that its merits will be carefully considered. At that meeting, Claudia Beamish, the Scottish chair of the Socialist Environment and Resources Association, was advised that some people have raised concerns about the implications of a marine national park. I seek the minister's assurance that, where concerns have been expressed, there will be adequate consultation in order to ensure that those views are taken on board if the Solway is chosen as the location of the park.

**Ross Finnie:** As I have said on several occasions, the first thing that we must do is analyse all the responses, which contain many detailed points. We have always made it clear that, after that, there will be further consultation before any specific proposal is established. I hope that, if the options were to include the Solway, further consultation that would address the matters raised by the member would be carried out.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Is the minister aware that the Clyde Fishermen's Association, the Mallaig and North West Fishermen's Association and the Western Isles Fishermen's Association have this week submitted a joint submission, in which they state that

"the respondents are resolutely opposed to the creation of a Marine Park"?

From the correspondence that I have had with him, the minister will be aware that I have received numerous and substantial representations against—and barely any in favour of—the designation of the west Highlands as a coastal and marine national park. Given that the minister has undertaken not to foist marine national park status on any community but has set his face against holding a referendum in which he could

ask the people, how will he gauge local opinion in any meaningful way?

**Ross Finnie:** Naturally, I am well aware of Fergus Ewing's opposition to a marine national park. Indeed, I was aware of it at least 12 weeks in advance of the consultation paper being issued. Obviously, I can respect such a consistent view, even if it is not informed by the documentation that accompanied the consultation.

Regarding all those representations, the whole purpose of consultation—this appears to have eluded Mr Ewing—is that people can submit their views, which are then assessed and taken into account. As I said in my first answer, the formal consultation period closed yesterday and we will now analyse the responses and take people's views into account.

#### **Glasgow Parks Young Park Rangers Scheme**

**4. Paul Martin (Glasgow Springburn) (Lab):** To ask the Scottish Executive how it will monitor the work of Community Service Volunteers in setting up the proposed Glasgow parks young park rangers scheme. (S2O-11629)

**The Minister for Environment and Rural Development (Ross Finnie):** The scheme is one of a number of green-space-related projects that the Executive is supporting this financial year. The conditions of our grant to Community Service Volunteers include a requirement for progress reports to be provided at least every three months during the period of the grant. The first report, covering the period to 31 December 2006, is expected shortly. At the local level, CSV and Glasgow City Council's land services department have agreed management arrangements that include regular monitoring and assessment of the projects that are under way. Those will feed through to the progress reports.

**Paul Martin:** I am grateful for that detailed reply.

Will either the minister or his future deputy minister, Sarah Boyack, take the opportunity to visit Glasgow to ensure that the scheme is a success? Will a minister also take the opportunity to visit the Springburn park facility in my constituency to meet the friends of the park, who have done an effective job in ensuring that pride is put back into the valuable community resources that are Glasgow's parks?

**Ross Finnie:** I do not wish to pre-empt the response that might be given by my future deputy minister—who I hope will be formally appointed later today—but one might anticipate that her diary will be a little more accommodating than my own. If her appointment as deputy minister is confirmed later, I am sure that she will give every consideration to the member's suggestion.

#### **Genetically Modified Food**

**5. Rob Gibson (Highlands and Islands) (SNP):** To ask the Scottish Executive what its position is on the view of Scotland's new chief scientific adviser, Professor Anne Glover, that people should embrace genetically modified food as an answer to poverty, hunger and toxic pollution. (S2O-11645)

**The Minister for Environment and Rural Development (Ross Finnie):** First, as an independent chief scientific adviser to the Scottish Executive, Professor Glover is entitled to express her own views on scientific matters. On genetic modification, she has clearly indicated that the role of scientists is to provide the evidential base but decisions on the wider policy are for politicians. The Executive's position on genetically modified food is unchanged. Our position remains that we want to safeguard human health and to require labelling that allows consumers to make their own choices.

**Rob Gibson:** As the minister will be aware, European consumers have rejected the idea of GM food time and again. Our shoppers increasingly say that they want natural, local and traceable food. This week, Friends of the Earth International produced a report that reveals that GM crops use more pesticides, involve higher costs and produce lower-quality crops. Will the minister encourage Professor Glover to read that report and to give advice that ensures that the clean image of Scotland's food brands remains one of quality, distinctive taste, and safety for the environment in which they grow?

**Ross Finnie:** It would be disappointing if Professor Glover did not keep herself apprised of developments in the scientific evidence on GM foods and food safety. Mr Gibson was moving into areas of food safety that are really for my colleague the Minister for Health and Community Care. As Mr Gibson knows, the Food Standards Agency Scotland takes a keen interest in developments and papers in relation to genetically modified food. The agency has from time to time made pronouncements on these issues.

**Mr Mark Ruskell (Mid Scotland and Fife) (Green):** I stumbled this week across the launch of the Executive's consultation on environmental liability, and I noted that there was no accompanying press release to let people know about it. I also noted that there was no mention of strict liability for environmental damage. The Welsh Assembly Government consultation identifies strict liability as the preferred option, but the Executive's consultation seems to be somewhat lacking. Did Professor Glover have a role in advising the minister's department on the options for the consultation?

**Ross Finnie:** Having stumbled into the consultation, Mr Ruskell appears also to have stumbled into drawing conclusions based on very little evidence. I hope that he did not hurt himself while stumbling—that would have been unfortunate. It stretches credibility too far to suggest that an article in the Sunday papers in some way influenced the publication of a paper on strict liability under the environmental directive. We have launched our consultation and I look forward to hearing Mr Ruskell's response.

### **Agricultural Colleges**

**6. Donald Gorrie (Central Scotland) (LD):** To ask the Scottish Executive what action it is taking to assist agricultural colleges to fulfil their potential in helping to develop the rural economy. (S2O-11592)

**The Minister for Environment and Rural Development (Ross Finnie):** The Scottish Executive assists agricultural colleges directly through the commissioning of services from the Scottish Agricultural College and indirectly through the Scottish Further and Higher Education Funding Council's funding of Barony, Elmwood and Oatridge colleges.

**Donald Gorrie:** The agricultural colleges tell me that—because they are relatively small compared with the big city colleges, and because of the sort of work that they do—they come out rather badly from the existing funding formula. The agricultural colleges feel that, in addition to acting as colleges providing education for individual people, they could make much more of a contribution to the rural economy—for example, by developing interesting projects—if they had a little bit of support. The colleges wonder whether they could receive support from the minister's department as well as from the people who normally support education colleges.

**Ross Finnie:** Donald Gorrie's question was specific to the agricultural colleges. In addition to commissioning substantial amounts of research, education and wider rural development from the Scottish Agricultural College, my department is the prime funder for the Scottish agricultural and biological research institutes, which also contribute to wider rural development.

I would be happy to take up separately with Donald Gorrie the issue of whether Barony College and the other colleges feel that they could contribute more. However, they certainly receive full funding, as I said in my original answer. If there is a gap in relation to the three colleges, I would be happy to discuss that with Donald.

### **Contaminated Land Clean-up Funding (Glasgow)**

**7. Gordon Jackson (Glasgow Govan) (Lab):** To ask the Scottish Executive how Glasgow will benefit from its allocation of the funding to clean up contaminated land. (S2O-11624)

**The Minister for Environment and Rural Development (Ross Finnie):** Glasgow City Council will receive £540,000 from the package of resources announced on 12 December 2006 for specific projects that are aimed at cleaning up contaminated sites in 2007-08. That will enable the council to carry out remediation work at the site of the proposed national indoor sports arena and at four other locations in the Clyde gateway regeneration initiative area in Glasgow's east end.

**Gordon Jackson:** I am delighted to hear that, and I know that some of that money is coming to Govan. I have spoken today to representatives of Govan Workspace who are delighted that they will now be able to do things that they were previously not able to do. However, it is an on-going problem and it is a big programme, as there is a lot of contaminated land in the area. Will the programme to which the minister has referred be a continuing programme? Can we look in future years to further investment in this important and much-needed area?

**Ross Finnie:** I am grateful to the member for mentioning his constituency interest. He is absolutely right to ask about continuing investment. The initial sums for Kintra Street, Dunsmuir Street and Neptune Street are the first part, but the central Govan action plan, which was approved by the council committee in December, has also identified another five sites, some of which will be part of the projects that will have to be considered as part of the wider allocation of funds within the scheme.

### **Health and Community Care**

#### **Community Hospitals (Western Isles)**

**1. Mr Alasdair Morrison (Western Isles) (Lab):** To ask the Scottish Executive what impact the strategy to enhance community hospitals will have on health care in the Western Isles. (S2O-11636)

**The Minister for Health and Community Care (Mr Andy Kerr):** We believe that "Developing Community Hospitals: A Strategy for Scotland" will have a positive effect on health care in the Western Isles. The strategy, published on 20 December 2006, provides a blueprint for national health service boards and their community health partnerships to develop modern, locally sustainable community hospital services.

**Mr Morrison:** I thank the minister for that response, and I also formally put on record my thanks to him for his decisive action in his intervention last summer, which ensured that the management of Western Isles NHS Board was placed firmly back on track.

Does he agree that people in every part of Scotland, whether they live on islands or in mainland Scotland, expect that, as was outlined in Professor Kerr's report, services will, if at all possible, be safely delivered as close to communities as possible, and that that is one of the many reasons why my constituents have such high regard for the staff who deliver services in the Western Isles? My constituents obviously know more about the isles' health service than the nationalist MSP Rob Gibson, who betrayed his ignorance—

**The Presiding Officer (Mr George Reid):** To the question, please.

**Mr Morrison:** Yes, Presiding Officer. Mr Gibson betrayed his ignorance when he asked a parliamentary question before the Christmas break about a hospital that had not even been built. He looked for data for the years between 1998—

**The Presiding Officer:** A question, please, Mr Morrison.

**Mr Morrison:** Does the minister agree that such a staggering level of ignorance demonstrated by a legislator does not inspire confidence, and does he agree that it is a relief that Mr Gibson has nothing to do with the delivery of health services in the Western Isles?

**Mr Kerr:** What inspires confidence is the Kerr report, which provides a national framework. What inspires confidence is "Delivering for Health". Medical leaders—particularly the British Medical Association in Scotland—recognised recently that our strategy, which has community hospitals at its heart, cannot be unpicked. Our vision for the future of health services in Scotland, as set out in "Delivering for Health", demands that new approach, and the report to which Alasdair Morrison referred suits the different needs of all parts of Scotland in different ways. I am sure that that will translate into more effective local services, closer to where people want them.

**Rob Gibson (Highlands and Islands) (SNP):** Will the minister authorise the funding of terminal care units in NHS hospitals in small island communities, such as St Brendan's hospital in Barra, where a local hospice campaign has strong support, so that such facilities can meet local needs locally, instead of there being a wrench for families when their loved ones need to be taken to larger units far away from home?

**Mr Kerr:** I am always happy to consider such ideas. Of course, I would need much more detail on the project to which Rob Gibson refers. We will continue to support the hospice movement throughout Scotland both here and through our national health service, with funding, resources, support and medical and other clinical advice. I repeat that I am happy to consider all proposals like the one that Rob Gibson makes. I am involved in the hospice movement and I understand the key role that hospices play in communities, by doing a different thing from our national health service. I am sure that the hospice service is recognised by all in this chamber.

**Dave Petrie (Highlands and Islands) (Con):** Will the minister give assurances to patients in the Western Isles that such enhancements as have been mentioned will offset some of the frequently documented problems with NHS Highland and NHS 24?

**Mr Kerr:** The member refers to frequently documented problems, but I suggest that he cannot be looking at up-to-date material about the delivery of health care services throughout Scotland, including the Highlands and Islands and the Western Isles. Despite all the press coverage about the management of Western Isles NHS Board, I have to say that the delivery by staff in the Western Isles was second to none. They performed extremely well and their performance was innovative and creative, leading to substantial reductions in waiting times and waiting lists and providing local services such as the renal service.

The member could not have picked a worse time to criticise NHS 24, which has just had its most significant period of demand. During the two four-day holiday periods over Christmas and the new year, demand for the service increased by 15 per cent, but response times were at an historically high level. Patients from up and down the country have e-mailed me and written and talked to me about the high-quality service that they received from NHS 24 during the Christmas and new year breaks.

### **Free Personal Care (Waiting Lists)**

**2. Shona Robison (Dundee East) (SNP):** To ask the Scottish Executive what progress has been made in reducing local authority waiting lists for free personal care. (S2O-11644)

**The Deputy Minister for Health and Community Care (Lewis Macdonald):** Local authorities are responsible for managing their services, which should include the active management of any waiting list for the provision of services to meet an assessed need for community care. We are working with councils and other partners to evaluate the operation of the free



personal care policy and we will publish our findings shortly.

**Shona Robison:** We welcome the comments by the Minister for Finance and Public Service Reform on 13 December, when he conceded that free personal care requires to be more adequately funded. However, does the minister agree that too many people are still on waiting lists for free personal care and that it is unacceptable to expect those people and their families to wait until April for a better financial settlement? What action will the minister take now to end waiting lists, which have been operated by three quarters of Scotland's councils?

**Lewis Macdonald:** If Shona Robison had listened to my answer, she would have understood that it is for local authorities to take action. We are working with local authorities on that. I hope that Shona Robison can find it in herself to welcome the progress that has been made by her local authority, Dundee City Council, which has achieved a significant reduction in the number of service users who are awaiting funding for care home placements and has reduced to nil the waiting list for self-funders, including those in residential homes, in respect of free personal care. Other councils have achieved similar success.

We will continue to work with councils that are struggling to meet their statutory requirements, to provide them with appropriate advice and support so that they can address problems. There is an obligation on councils to deliver services for which a need has been assessed, but we have always acknowledged that there will be circumstances in which a service cannot be delivered instantly and it will take a little time to put the service in place. That is appropriate, as long as the council is seeking to put the service in place, is managing any waiting list and is providing whatever partial service is essential in the meantime.

**Mrs Nanette Milne (North East Scotland) (Con):** In view of on-going concerns about the provision of free personal care, can the minister say when the Executive will publish the results of its review into the funding of the policy?

**Lewis Macdonald:** Yes. As I said, I expect to publish the results shortly. I hope to attend a meeting of the Health Committee during the next few weeks to comment on the findings.

### **Carers (Respite)**

**3. Bill Aitken (Glasgow) (Con):** To ask the Scottish Executive what plans are in place to increase respite provision for carers. (S2O-11584)

**The Deputy Minister for Health and Community Care (Lewis Macdonald):** Local partnerships are required to report to ministers annually on local improvement targets for carers'

assessments and respite services, and recent performance indicators from Audit Scotland indicate that the provision of respite care continues to grow. We have also set up a task group in response to the care 21 report "The Future of Unpaid Care in Scotland", which is updating guidance on access to respite services and gathering further evidence on respite care provision and need.

**Bill Aitken:** Does the minister agree that in Scotland we owe a tremendous amount—morally and in monetary terms—to the people who spend so much time and who sacrifice so much of their own lives supporting people who are less well off than they are? Does he also agree that it is essential that there is sufficient respite provision to help carers, some of whom care for people 24 hours a day?

**Lewis Macdonald:** I agree with Bill Aitken's comments on the important role that is often played by unpaid carers in providing care to relatives and others who need care. We acknowledge that respite provision is a key issue if we are to improve the circumstances in which carers deliver support, which is why we have significantly increased the amount of funding we provide through grant-aided expenditure to local authorities for the delivery of respite care. I am pleased that funding is increasing. Bill Aitken is right to highlight the issue, which carers themselves raised as the care 21 report was prepared. We are taking forward our work on the matter.

**Mr John Swinney (North Tayside) (SNP):** The minister will be aware of recommendation 20, on the improvement of respite care services, in the care 21 report. Does he recognise that respite care is perhaps the biggest issue that concerns carers? As Mr Aitken said, carers are perfectly willing to deliver the required level of support to those in their families or others, but a little bit of respite support would make all the difference to carers in Scotland. Will the minister give Parliament a sense of the quantum improvement in respite services that the task group is considering? How does he monitor whether local authorities are delivering his expectations through increased GAE funding?

**Lewis Macdonald:** The task group is currently assessing evidence. I do not want to prejudge its conclusions. However, recommendation 20 in the care 21 report, to which Mr Swinney referred, indicated a significant level of need and we do not dispute it. That is why we have more than quadrupled support for local authorities for the provision of respite care.

It is not for central Government to dictate in detail how local authorities spend their funds. We ask Audit Scotland to monitor closely the

performance indicators that are reported by local authorities in order to judge whether those performance indicators reflect accurately the increased level of provision. There is, perhaps, some debate around the margins, but the trends are clearly in the right direction.

### **Lanark Community Casualty Facility**

**4. Karen Gillon (Clydesdale) (Lab):** To ask the Scottish Executive when it expects the new community casualty facility in Lanark to be operational. (S2O-11619)

**The Deputy Minister for Health and Community Care (Lewis Macdonald):** I am advised by NHS Lanarkshire that the Lanark community casualty unit will be operational by this time next year.

**Karen Gillon:** I am sure that the facility will be very much appreciated by my constituents. When NHS Lanarkshire determines the level of service that will be available in the community casualty facility, will the minister urge it to ensure that there is adequate consultation of all stakeholders, particularly local service users and patients, who are crucial to the success of the facility and moving demand away from the front door of Wishaw general's accident and emergency unit?

**Lewis Macdonald:** I am happy to provide that assurance. Karen Gillon referred to the need for community casualty units to deal with the demand in communities. We recognise that, which is why I am pleased that NHS Lanarkshire will be able to make the CCU operational as early as it can. I understand that it will consider further the levels of service in the unit. I expect it to make the availability of services in the unit as widely known as possible. I also expect it to continue to consult local stakeholders, including Karen Gillon, other stakeholders to whom she referred and the local public partnership forum, in order to assess need and the wishes of the local community in developing the services at that unit.

### **Accident and Emergency Services (Ayr Hospital)**

**5. Mr Adam Ingram (South of Scotland) (SNP):** To ask the Scottish Executive, further to the recent announcement by the Minister for Health and Community Care about accident and emergency services in Ayrshire and Arran, when the downgrading of Ayr hospital's accident and emergency department will begin. (S2O-11650)

**The Minister for Health and Community Care (Mr Andy Kerr):** The plans are not about downgrading Ayr hospital. The proposals that I approved under NHS Ayrshire and Arran's review of services project will result in more than £40 million of capital investment in Ayr hospital. Ayr

will become the major planned care hospital for Ayrshire and Arran, with dedicated in-patient facilities, theatres and the support services that are necessary to provide a wide range of safe, effective and highly specialised services. The £30 million that the Executive is making available will allow the cancer unit to be developed two years ahead of plan and the theatre unit to be progressed one year ahead of plan.

Five community casualty units will be developed, including one at Ayr, which will operate 24 hours a day, seven days a week. The majority of patients—around 60 per cent—who currently attend A and E will continue to attend the community casualty facility in Ayr. The difference is that they will receive their treatment faster from an appropriate member of the health care team and in a better environment. I have made clear that all five community casualty facilities must be up and running before any changes are made to A and E services at Ayr hospital. The proposals will result in the development of Ayr hospital as a centre of excellence serving the whole population of Ayrshire and Arran into the future.

**Mr Ingram:** I pick the minister up on his pledge to maintain Ayr hospital's A and E unit until all community casualty facilities and community-based services are in place. Is not it the case, as Professor David Kerr has intimated to local elected representatives, that such a pledge cannot be fulfilled in the real world? Staffing the new services will require redeployment of existing staff who are currently based at Ayr hospital. In other words, building up the new services can be achieved only by winding down the existing A and E department. The pledge is worthless, is it not?

**Mr Kerr:** The member is thoroughly mistaken, and he is putting doubt in the minds of the community in Ayrshire and Arran when there is none. I have made it clear to NHS Ayrshire and Arran that the community casualty facilities must be up and running before any changes can take place to the A and E unit in Ayr hospital, and I have received an assurance from Professor Stevely, who is on the board. I dutifully request that the member stop putting about misinformation about the investment that we are making and that he stop using the language of closure and downgrading when we are seeking to improve the services for the community in Ayrshire and Arran.

### **St John's Hospital (Admissions)**

**6. Bristow Muldoon (Livingston) (Lab):** To ask the Scottish Executive what progress has been made towards rezoning medical admissions to St John's hospital in Livingston. (S2O-11637)

**The Minister for Health and Community Care (Mr Andy Kerr):** As the member will be aware, that is a matter for NHS Lothian. However, I

understand that the NHS board is on course to meet its target of February 2008 for completion of the work. It has carried out preliminary scoping work on current patient flows and travel and transport issues and has established a range of basic principles. The board now intends to engage with patient groups—including representatives from West Lothian—at a workshop on 1 February. The aim will be to develop firm proposals for further consultation. That is a positive step, as input from people who are likely to use services at St John's is crucial.

**Bristow Muldoon:** I am sure that the minister will be aware that, in late 2004, NHS Lothian gave a number of key commitments to maintain the sustainability of services at St John's. Several have been met, including those on maintaining intensive therapy unit services, additional consultant posts in obstetrics, a centre for head and neck surgery, and university teaching status.

Does the minister agree that rezoning additional medical admissions, along with the commensurate transfer of medical nursing staff to St John's, is essential to maintaining the sustainability of a number of departments, given the further reductions in doctors' working hours that will happen from 2009?

**Mr Kerr:** I detect a developing theme—one of investment from the Executive on the issues that Bristow Muldoon raises. That includes the renal unit, the centre for mothers with severe post-natal depression, the phototherapy unit, an enhancement of cardiology services, university teaching hospital status and on-going work on short-stay surgical patients. The other part of the theme is the Scottish National Party's issuing of a leaflet saying that the hospital was going to close, again creating mischief and unnecessary concern in communities. Our record of investment in a hospital that the SNP said would close shows that to be nonsense.

Zoning is critical, and I am happy that the board is making progress. As we do in our NHS, we will include the local community in the discussions.

**Fiona Hyslop (Lothians) (SNP):** In a note of positive unity, I echo Bristow Muldoon's emphasis that rezoning is vital for St John's. I want also to point out that the SNP has never indicated that the hospital would close.

I seek reassurance from the minister that some of the rezoning and reallocation of emergency cases from the Western general hospital to Edinburgh royal infirmary at the beginning and end of the day should not compromise any decision to rezone areas of west Edinburgh when deciding on rezoning for St John's.

**Mr Kerr:** The latter point is part of the process that the board will be involved in. The purpose of

the consultation is to ensure that such views are taken on board. I, too, share the view that zoning is extremely important for St John's, and I am sure that the process will go extremely well.

**Mrs Mary Mulligan (Linlithgow) (Lab):** The rezoning is essential to ensure the optimal use of St John's hospital, but it will also provide a more effective and efficient service for the people of Edinburgh and the Lothians. Does the minister agree that the key to making it work will be ensuring that Edinburgh patients can reach St John's hospital, just as my constituents have issues about travelling to hospitals in Edinburgh? What progress has he made in discussing with transport colleagues in the Executive how best to meet the transport needs of all patients?

**Mr Kerr:** We continue to work with the boards, the Scottish Ambulance Service and others on the transport challenges that we face. With investment, we have continued to improve the ambulance service and patient transport significantly. I take the member's point about building a service that connects the single system that we have in our NHS in Scotland to allow patients from all parts of Scotland to use appropriate NHS facilities. We will continue to do that. As in Lothian, that can be done elsewhere in Scotland, such as in Ayrshire and Glasgow, only with proper and appropriate transport. I will continue to work with individual boards on their transport plans. An increasing emphasis is now being placed on the recruitment of transport specialists, as it is on investment in patient transport. I should, of course, mention in that regard our continuing investment in the Scottish Ambulance Service.

## Community Care

**7. Dr Jean Turner (Strathkelvin and Bearsden) (Ind):** To ask the Scottish Executive what plans it has to improve the quality of the care provided in the community if primary care levels are increased above the current 98 per cent as a result of the planned reduction in hospital intervention. (S2O-11586)

**The Minister for Health and Community Care (Mr Andy Kerr):** I do not recognise the figure of 98 per cent in the member's question. I have said on many occasions that 90 per cent of patients' interaction with the national health service starts and ends in primary care, which may be what the member is referring to. Continuous improvement in the quality of care is paramount to all health services, whether they are provided in hospital or community settings.

We will continue to deliver improvements in the quality of care that is provided in the community through a range of measures, including significant investment in premises modernisation; the new

community pharmacy contract, which has been extremely successful to date; further development of the quality elements of the general practitioner contract; and service redesign initiatives, such as the new community nursing model and our strategy for community hospitals.

**Dr Turner:** As the minister will appreciate, it is essential to retain experienced nurses within primary care, particularly given that they may have to deal with more complex cases. Over recent weeks, many nurses have told me of their complete demoralisation because of their new banding under agenda for change. Nurses with between 20 and 30 years of experience, and who have additional certificates in, for example, the treatment of asthma and leg ulcers, have been put into the same band as newly qualified nurses. If something cannot be done about that, it will be difficult for us to retain them. What can be done to retain our experienced nurses, whom we definitely need to keep?

**Mr Kerr:** I agree absolutely with the member's final point on the need to retain nursing professionals in the health service. The agenda for change process is the most significant industrial change in the history of the NHS in Scotland. The changes are being made hand in hand—in absolute partnership—with the trade unions and workforce representatives. Measures are in place in every part of the process to ensure that appeals can be made and consideration given to cases where people feel that their grade as a result of agenda for change is not right. Appeals are part of agenda for change and we want them to be heard. Agenda for change is a big job, but it is being done in absolute partnership with the trade unions. It was set up in that manner in order to ensure the quality of and confidence in the process.

Integral to agenda for change is the knowledge and skills framework, which looks at investing in the skills of our staff. Of course, we want to reward staff correctly and appropriately, as we should do. We also want to build their skills in order that they can provide better services to the community.

## **Custodial Sentences and Weapons (Scotland) Bill: Stage 1**

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S2M-5336, in the name of Cathy Jamieson, that the Parliament agrees to the general principles of the Custodial Sentences and Weapons (Scotland) Bill.

14:58

**The Minister for Justice (Cathy Jamieson):** Just over two years ago, when I launched the Scottish Executive's criminal justice plan, I said that reducing reoffending must be a priority for every part of the criminal justice system. At that time, we knew that various steps needed to be taken. The Management of Offenders etc (Scotland) Act 2005 was passed and the eight new community justice authorities are due to assume their full responsibilities in April 2007. Reform of summary justice will also make a real difference. Building on that progress, and on our achievements in cutting crime in our communities, we must step up our efforts to target those who persistently reoffend.

The bill that we are considering today is another major step along the way. It will end the automatic, unconditional early-release system that is currently in place and replace it with a regime that balances public protection with longer-term work to address the causes of individuals' offending behaviour.

I am pleased that the Justice 2 Committee has recommended support for the bill. I am grateful to the committee, as I am to those who gave evidence, for their helpful and informed comments. We are considering the committee's report carefully and will provide by the end of the month a full response to the points it has raised, but I can say now that we have identified some matters, for example the measures on clarity in sentencing, that we accept would benefit from some fine tuning. We look forward to working with the committee on those matters during stage 2.

The new regime will ensure that sentences are managed in a structured way that allows for a proportionate response to the crime and to the risk posed by the offender, and which tries to address the causes of crime by looking at the needs of the offender.

For the first time, all offenders will be under some form of restriction for the entire sentence. For sentences of 15 days or more, there will be a combination of custody and community, and the Parole Board for Scotland will be able to ensure that some offenders are detained for longer if their behaviour in prison continues to cause concern.

For those who commit serious or serial offences, long prison terms will still be the appropriate punishment. Those who commit murder or serious violent or sexual offences will still be dealt with through the mandatory life sentence, the new order for lifelong restriction and the extended sentence. There has perhaps been some confusion about the issue, so I want to make it clear that people in those circumstances will not be affected by the proposal in the bill.

We know that prison is not the complete answer. We must maximise the work that is done in prison, including that which is done with serious offenders, so that their risk is better managed when they move back into the community.

Thankfully, those who commit very serious offences are still in the minority; most of the offenders we deal with are trapped in the revolving door of persistent reoffending. There is currently no requirement on them to address their behaviour in the community.

I agree with those who gave evidence to the committee that it is better to manage the transition back into the community than to open the prison gates and let offenders walk away, as currently happens in the vast majority of cases. That is why the bill will require everyone who is sentenced to 15 days or more to meet some form of licence conditions when they are released after serving the custodial part of the sentence. It is also why we chose 15 days or more as the threshold for the new combined structure. We want the new structure to apply to the maximum possible number of offenders. Fifteen days is the minimum period that will enable a basic assessment to be made and restrictions to be applied.

The terms of the licence conditions will be as tough as they need to be to protect the public and to get the offender to address the issues that cause him or her to continue to reoffend. The approach will also ensure that resources are targeted appropriately.

Some have questioned how much can be done in the community with shorter sentences. Intervention must be proportionate. I believe that public protection will be strengthened by ensuring that offenders get both the appropriate level of restriction and the support that they require for rehabilitation.

Some concerns have been voiced about the impact of our plans on prison numbers and on local authorities. Many of the people who gave evidence to the committee, and committee members, have raised those issues. From the very start, we have been very clear about the costs and impact of the measures. We set them out in a straightforward way in the financial memorandum. They are not inconsiderable, but we accept that

tackling reoffending and enhancing public safety cannot be done cheaply.

We have said that capacity will be available to enable the Scottish Prison Service and local authorities to cope with the changes and to provide the proportionate support that is required. It is important to remember that we are doing this in the context of investing a record amount—about £1.5 million a week—in redeveloping the prison estate. There has been new build at six prisons, and a further three new accommodation blocks will be finished this year. Three prisons have been completely redeveloped and there will be two new prisons, at Addiewell and Low Moss.

We are using existing resources effectively and efficiently and we are already planning to put the right structures in place.

When we asked the judicially led Sentencing Commission for Scotland to look at the current system of early release—because we had committed to change it—we knew that there would be hard choices. We know that some people feel that the answer is simply to lock up more offenders for longer, but we believe that the measures that we propose today will deliver much more than that simplistic, one-dimensional solution.

**Phil Gallie (South of Scotland) (Con):** The minister talks about people wanting to lock up more offenders for longer, but no one wants to do that. We want to lock up fewer offenders. We see the Scottish Prison Service as a deterrent to those who would offend.

**Cathy Jamieson:** I am glad to hear Mr Gallie's conversion to the cause of reducing reoffending and ensuring that we do not have to lock up as many people in the future. I look forward to his support for and comments on the bill at stage 2 in committee, and at stage 3. I reassure him that the purpose of the bill is to change the system so that we tackle the problem of reoffending and the causes of offending. We want to make it less likely that people who have been through our prison system and come back into the community return to prison.

**Stewart Stevenson (Banff and Buchan) (SNP):** The minister will be aware that in certain parts of the country, notably the north-east, less than half of the target number of supervisory meetings between criminal justice social workers and sex offenders are taking place. I broadly support what the minister is trying to do, but can she give us an indication of how we will find not just the extra money that is needed but the people to do the jobs that are required in criminal justice social work?

**Cathy Jamieson:** I thank Stewart Stevenson for his intervention. We have discussed the issue a

number of times, so I know of his commitment to solving some of the problems in the prison system and in criminal justice social work, especially in the north-east. The community justice authorities offer us the opportunity to begin to get away from thinking that problems of offender management can be tackled simply through prison or social work responses. There are creative ways in which we can begin to supervise people, to hold them to account in the community and to get them into the appropriate services. That is different from the approach that was taken in the past.

**Tommy Sheridan (Glasgow) (Sol):** Will the minister take a short intervention?

**Cathy Jamieson:** I would like to move on—the Presiding Officer is looking at me.

Our success will be measured by results. I believe that we will see the real benefits of the new scheme, which will contribute effectively to reducing reoffending.

I will now move on to an issue that will be of interest to Mr Sheridan. The bill is not just about ending automatic early release; it also brings in a general ban on the sale of swords, except for legitimate religious, cultural and sporting purposes, that is underpinned by a licensing system for retailers who sell swords and non-domestic knives. Because those measures are not as controversial as the others in the bill, they have not been debated to the same extent. It is nevertheless important that we recognise that the bill introduces those measures, which will be backed by very strong enforcement, including the extension to police and trading standards officers of powers of entry and seizure when they have reasonable grounds to suspect that an offence has been committed.

As with the first part of the bill, the provisions relating to swords and non-domestic knives do not stand alone. In partnership with the police and the violence reduction unit, we have taken concerted action to stamp out the blades menace that has claimed too many lives and scarred too many people in Scotland.

**Tommy Sheridan:** Will the minister give way on that point?

**Mr Andrew Welsh (Angus) (SNP)** *rose*—

**Cathy Jamieson:** I will take a short intervention from Mr Sheridan.

**The Deputy Presiding Officer:** Be very brief, Mr Sheridan.

**Tommy Sheridan:** I will. Although I support everything the minister has said so far, I am sure that prevention is a much better approach. Does the minister believe that there is room in the Scottish Executive budget for funding of an

exercise similar to the show racism the red card campaign, to make the carrying of knives and blades an utterly alien concept—not a culture, but a cancer. The show racism the red card campaign worked in football. Can we develop something similar with regard to knives?

**Cathy Jamieson:** Of course. I am sure that Mr Sheridan is aware of the work that is already under way, especially the let's not scar another generation campaign, which we are running in conjunction with the violence reduction unit. I agree with the member that we must continue to educate our young people—in particular, our young men—that carrying knives is not sensible. As we know, people who carry knives are much more likely than others to end up as victims of knife crime.

I remind the chamber that the bill delivers the final parts of the five-point plan on tackling knife crime that the First Minister announced just over two years ago.

In the past year, serious violent crime has fallen to its lowest level since devolution and the incidence of fatal stabbings has fallen dramatically—to half the previous level—but there is still much more to do, and the bill will take us in the right direction.

Taken together, I think that the reforms that are set out in the bill will deliver a package of measures that will build on the progress that has been made on cutting crime, reduce the rate of reoffending and further strengthen public safety for all our communities. I therefore commend the bill to Parliament.

I move,

That the Parliament agrees to the general principles of the Custodial Sentences and Weapons (Scotland) Bill.

15:10

**Mr Kenny MacAskill (Lothians) (SNP):** I thank the minister for introducing the bill and for the comments she made in her speech. We generally support the direction in which she is travelling, and we have a great deal of sympathy on some of the difficulties she is facing. At stage 1, we are dealing with the bill's general principles. We in the Scottish National Party are fully in sympathy with the two issues that the Executive is seeking to address through the bill: how to deal with weapons and sentencing policy. I wish to deal with both.

The matter that the minister has accepted is less problematic is how we deal with weapons. The proposals are a follow-on from the strategy to target the scourge of knife crime, which afflicts not just Glasgow or the central belt, but the whole of Scotland. The minister has coined the phrase "booze-and-blade culture". She is quite correct.

Sadly, it blights Scotland, and we need to take action against it. We fully support endeavours to tackle those who use weapons and to address the supply of weapons.

Many of us—probably all of us—have received correspondence from various individuals protesting that they are buying or using weapons for legitimate means. We should bear it in mind that the current Lord Advocate and the previous Lord Advocate have given undertakings that the matter will be dealt with through commonsense measures. We have to trust the common sense of the Crown Office, procurators fiscal and the police. In passing the bill, nobody will be seeking to penalise those who carry out mock historical sword fights or who take part in highland dancing; we are seeking to address the booze-and-blade culture that cannot be allowed to continue.

It is not simply a matter of legislation and enforcement. As Mr Sheridan and others have said, and as my colleague, Andrew Welsh, has mentioned in debates in the past, it is also about how we educate people on, and address, a certain culture. Legislation there must be, however, and action must be taken. The Executive can be assured of our full support on the weapons aspect of the bill.

The other aspect of the bill, which concerns sentencing, has been driven primarily by the need—which I and the SNP have fully supported—to end the absurdity of automatic early release. Not only do we have some sympathy with the direction in which the Executive is going, we realise that there are difficulties to address.

It is all very well to say that we wish to end early release, but we must recognise, as the minister herself said, that it is not simply a matter of punishment or incarcerating those who have committed serious offences, or even of ensuring that communities and people are protected from those who present a danger; we must also ensure that we do not simply open the door and release people once their sentence has been served. In any democratic society, unless there is some good reason for imposing an order of lifelong restriction, people are entitled to be released at that stage. We must endeavour to ensure that they are not a continuing danger, and we must avoid the cycle of crime that, along with the booze-and-blade culture, blights Scotland. Reoffending is the basic problem that we face in addition to that culture.

It is easier to say that early release should end than to determine how the issue should be addressed. Although we fully support the bill's general principles on sentencing, we recognise that there are difficulties and that the bill as it stands is not capable of being delivered. It will require substantial amendment. We hope that the minister will take account not only of the

Executive's amendments at stage 2, which will doubtless have come to mind, but of the issues that have been raised by sheriffs and academics such as Roger Houchin.

There are particular matters that we feel have to be addressed. They include some more minor issues, but the concept of the Parole Board for Scotland almost as a sentencing body appears fundamentally wrong to us. The Parole Board's role is to protect the public and to decide whether somebody is deserving of release. There is an argument, to which I think there is some substance, that it is not appropriate, perhaps even under the terms of the European convention on human rights or the separation of powers, for the Parole Board almost to impinge on sentencing. *[Interruption.]* That is not what the board was created for. We should not put the Parole Board in a position where it must decide what sentences people must serve, as opposed to when they can be, or are entitled to be, released. *[Interruption.]*

I do not doubt that the minister is well aware of the points that have been made about the deterrence aspect of sentencing. In imposing a sentence, the judiciary has to consider not only what punishment would fit the crime but a variety of other matters. There is merit in the point that Roger Houchin made in his submission to the Justice 2 Committee. How do we quantify empirically what deterrence is? How do we determine whether it works and what proportion of the sentence should be for deterrence?

Historically, a view was taken that there was a clear social problem with razor gangs and we expected the courts to ratchet up the sentencing of members of such gangs to make it clear that their behaviour was unacceptable. We acknowledged the problem and recalibrated the sentence rather than clarified what factor of any sentence was for deterrence.

We hope that the minister and her deputy will consider how we can square the circle, so that we can keep the judiciary on board. By all means let us ensure that we end the absurdity of early release, but let us also ensure that we do not compound the problems that we have by creating a system that is not fit for purpose—which seems to be the phraseology for many judicial matters—and is not viewed as satisfactory by those at the front line of sentencing policy and those who are involved in dealing with the readmission of offenders to society, whether the Parole Board or experts such as Roger Houchin.

A great deal of trust and faith is being put in criminal justice authorities. We accept that, as well as incarcerating offenders, we have to deal with their rehabilitation and monitor them to ensure that they do not reoffend. We need to ensure that greater emphasis is put on, and more resources

are allocated to, dealing with offenders once they are released. I accept that some of the practicalities of implementation cannot be dealt with in the bill, but we have to get a grip and ensure that there is constant monitoring of offenders. In dealing with reoffending, we have to consider not only the period of punishment that people will serve in prison, but how to ensure that they are properly monitored and assisted to be rehabilitated into our society.

**The Deputy Presiding Officer:** Before I call the next speaker, I remind members, and members of the public, that their mobile phones should be off.

15:17

**Bill Aitken (Glasgow) (Con):** The bill comes before the Parliament today as a result of serious concerns about the existing system of early release and the extent of knife crime.

I think that there is a unanimous view throughout the chamber that something needs to be done about the latter. It is a depressing commentary on some aspects of Scottish society that so many young men in particular put a knife in their pocket as they go out for an evening's entertainment, rather as they would put on deodorant and aftershave. Although we might wish that that were not the case, the Executive and Parliament would be failing in their duty if they did not take all possible measures to reduce the level of knife crime and its accompanying human and emotional tragedies. On that basis, we fully support part 3 of the bill. It will certainly not be a panacea, but it will help.

We have been known to criticise the introduction of more and more regulation, but we feel that the licensing of knife dealers is a positive step, although just how effective it will be remains to be seen. It is certainly worth trying. If the bill is to have any impact, it is essential that the person who sells the knife requires proof of identity from the purchaser and that a record of that is kept.

In respect of part 3, we are content to allow the situation to develop, but we have serious concerns about the sentencing and early-release provisions.

As Kenny MacAskill said, the existing approach to sentencing in Scotland is absurd—and it has been the theme of many a debate in this Parliament. I have to concede that the previous Conservative Government was wrong to increase the remission percentages, but it has to be given some credit for trying to do something about it—which Labour blocked when it came to power.

Of course, matters have been made worse by the farcical situation under the European convention on human rights, whereby remission can no longer be interfered with. In effect,

remission is early release that does not have to be earned.

Week after week, usually as a result of a horrendous crime being committed by an offender on early release, the Minister for Justice and the First Minister have assured Annabel Goldie, Margaret Mitchell and me that something will be done to deal with the matter. We now know what action is being taken. In effect, instead of early release we have provision for very early release.

All that is required is legislation that states that the sentence that is passed down is the sentence that will be served—in other words, that six months means six months and that four years means four years. Instead, a hotch-potch of measures is proposed that will confuse matters even more. Under the existing provisions, a six-year sentence means four years. Under the new system, it could mean three years.

**Cathy Jamieson:** Does Mr Aitken accept that it is important that we reform the way in which offenders are managed in order to reduce the likelihood of their reoffending? Does he accept that, under the proposals in the bill, there is an opportunity for people to spend longer in the custody part than they would under the present system?

**Bill Aitken:** There is an easy remedy. All that is required is for the sentence to be handed down—four years or whatever—and for a further order to be made stating that the person should be under supervision for another two years, three years or whatever period the judge decides.

Under the bill, six years could mean three years. It certainly could not mean any more than four and a half years. If the Executive is seeking to end early release, by what convoluted, Kafkaesque logic have they arrived at the proposed system? The Executive claims that it is ending early release, but that is simply not true. I notice that there was a slight change in the wording this afternoon, in that Cathy Jamieson said that the Executive is committed to ending unearned automatic release without supervision. I noted that. That is exactly what the minister said.

The part of the sentence that is served in the community will be monitored by the social work department, but it will not be a custodial sentence. The matter becomes even more ludicrous when one considers that the resources that are needed to cope with the number of people who will be on licence are unlikely to be present.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Will the member take an intervention?

**Bill Aitken:** I do not have time. Sorry.



It is inevitable that the licence that will be granted to most offenders will contain only one condition—that they be of good behaviour. Paragraph 25 of the policy memorandum makes that clear. What is the point of the community part of the sentence if the bill has no teeth in that respect? Why not simply state on the licence that any reoffending will result in the licence being revoked and the offender's being taken back to jail? Alternatively, why not deal with the matter as the Parole Board suggests and create a separate offence that is similar to that of bail aggravation under the Criminal Procedure (Scotland) Act 1995? Any offence that the person committed while they were on licence would be an aggravation to any subsequent offence that they committed.

The practicalities of the legislation have not been thought through, although I take some comfort from what the minister said today, not least that the bill will be reviewed by the Justice 2 Committee at stage 2. Apart from anything else, it will take about 10 minutes to sentence every accused, who will be left in a state of confusion about what is going on.

We recognise that the law has changed as a result of the Bonomy proposals and the Du Plooy judgment, but I wonder whether those should be revisited as well. Although discounts for pleas are an invaluable part of the process, it is frankly ludicrous to grant an automatic discount to someone who has no defence.

The bill is a dishonest piece of legislation that will not do what the Executive claims it will do. The loss of judicial independence is worrying. The Parole Board will behind closed doors make decisions about people's liberty. That is unacceptable. We will seek radically to amend the bill at stage 2.

15:24

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** If I am correct, we just heard from the Conservatives a speech that called for the abolition of the Parole Board. It is the Parole Board's role not only to ensure the safety of the public but to decide whether someone represents a risk and whether they should be in the community. That is part of the bill.

The conclusion in the Justice 2 Committee's report is:

"This is a complex Bill and there are a number of questions to be answered and issues to be clarified by the Executive. Notwithstanding this, the Committee, by majority, recommends that the Parliament agrees to the general principles of this Bill."

It is interesting that the Conservative member of the committee merely abstained rather than voted

against the bill. We suspect that Mr Aitken would have behaved differently.

This morning, I read Mr Aitken's comments, in which I am normally interested because of his experience in such matters. He said that the bill is a measure to empty the prisons. He obviously has not read the financial memorandum that accompanies the bill or any piece of evidence that the Justice 2 Committee received—and he plainly has not read the committee's report. If the bill is passed in its current form, an increase of between 700 and 1,100 in the average daily prison population is forecast, which would take the average daily prison population to just under 8,000 in year 5. The number of citizens incarcerated per 1,000 of the population would be the fourth highest in the world. The bill will certainly not empty the jails, and that is in the context of a falling crime rate in Scotland.

I will speak almost exclusively about sentencing. The bill's principles are absolutely correct and follow good work by the Sentencing Commission.

**Phil Gallie:** The minister talked about trying to reduce the number of people in our prisons, yet Jeremy Purvis suggests that the bill will increase the prison population. Surely Jeremy Purvis, rather than Bill Aitken, has got it wrong.

**Jeremy Purvis:** The issue is how the reforms will operate. As the financial memorandum says, the consequence of the reforms will be an increased prison population. The principle behind the bill is not wrong; the question is how it will operate.

The debate is about the future. The bill is about more than management and procedures. Any judicial sentence must pass a simple test: whether it will punish in a way that is appropriate to the offence; whether it will rehabilitate, to reduce the chance that a person will commit the same offence again, or another offence; whether the victim will have some satisfaction; whether resources will be pointed in the proper direction to be effective and to reduce reoffending.

The evidence that the committee received was unanimous: very short-term custodial sentences do not work. They satisfy none of the criteria I mentioned. People who trumpet short-term prison sentences actually support a softer option in many cases. Prison sentences often allow people to play the system. A justice of the peace told me of an offender who had worked out precisely how many nights in prison he would serve for his offence—and he was fine with it. He was told that the sentence would be seven nights. He would be out after half that time. If he was sentenced on a Thursday, he would be taken to prison on Friday morning. As prisons do not release people on Sundays, he would be released on Friday night

and would say thanks very much. Prison works? No. In many cases, prison is soft on crime and is the soft option.

When the JP in question issued a supervised attendance order for considerably longer than the custodial sentence would have lasted, the offender's face went white, because it was a much tougher option. That offender was happy with the revolving door of very short-term prison sentences, as are many offenders and—so it seems—Mr Aitken.

Passionate advocates of very short prison sentences are not passionate advocates of safer communities and reducing reoffending.

**Colin Fox (Lothians) (SSP):** The member has been right to raise that matter in committee and is right to do so again today. Short-term sentences in custody do not work. How does he reconcile that with his earlier point that he expects the prison population to rise to 8,000, with many more short sentences as a consequence?

**Jeremy Purvis:** That depends on whether the bill is amended. The Parliament's job is to scrutinise legislation.

One of my concerns is that the length of the custody part of a sentence is to be determined not by public protection but by the level of retribution that is required. Nowhere else in legislation could I find the concept of retribution. How sheriffs are to define it is unclear. If they are to define a new concept for the decision that they must take on whether to incarcerate someone, that will inevitably change sentencing practice rather than just sentencing management. There was a blank when the committee asked officials about the definition of "retribution". I hope that the minister will consider that matter further.

The problem is that sheriffs will not be required to consider the new concept of retribution when they set the headline sentence; they will be required to do so when they set the custody part—I am talking about 50 to 75 per cent of the overall headline sentence. Things should be the other way around. The custody part should be set on public safety grounds and the overall headline sentence should be set bearing in mind factors such as punishment and victim satisfaction.

There is also concern that there will be a revolving door if licence conditions are breached. Only those who must serve sentences of longer than six months will have supervision. If those conditions, or conditions that have been set for short-term offences, are breached, the person may be recalled, but they will have to be released unless the Parole Board thinks there is a risk to the public, which is a much higher threshold. Other options to withdraw very short-term sentences

would make the bill much stronger and would not result in a prison population that is not effective.

15:31

**Mr David Davidson (North East Scotland) (Con):** I thank the clerks and the Scottish Parliament information centre for their support in helping the Justice 2 Committee to consider the bill, and I thank all those who provided written evidence and who gave oral evidence in committee meetings.

The sentencing part of the bill seeks to end the current unconditional early-release system—witnesses who gave evidence to the committee widely welcome that proposal. The early-release system is to be replaced by new combined custodial and community sentences that will apply to anyone who is sentenced to more than 15 days in custody. We understand that the Executive intends to provide a clearer and more understandable system for managing offenders, which will take account of public safety by targeting risk and will place victims' interests at the heart of the system. Those aims have been universally welcomed, but the committee heard serious concerns about whether the bill as drafted will achieve those outcomes. I welcome the minister's assurance that she will come back to us on those concerns and provide clarification because many questions were asked at stage 1.

I turn to resources and thresholds. Major concerns were expressed about the choice of 15 days as the threshold for the new combined sentences. Some witnesses are worried that the threshold is arbitrary and that it could create anomalies. The committee accepts that any threshold will result in anomalies, but we have sought clarification from the minister on why the 15-day threshold was chosen.

Sentencers, such as the Sheriffs Association, voiced detailed concerns about how the new provisions will operate. It is important that the factors that sentencers must take into account be clear. We have asked the minister to reconsider that matter and to examine the burdens that may fall on sentencers if they are routinely required to provide post-sentencing reports to the Parole Board. If individual sentencers set a custody part of more than 50 per cent of the sentence, there will be a serious impact on the costs that will arise as a result of the legislation. That, together with more prisoners returning to custody following breaches of licence, and the requirement for all sentences under 15 days to be served in full, will result in an increased number of people in prison. Prison numbers are already at an all-time high and overcrowding problems were highlighted by many witnesses. The committee noted their concerns and the concern that the Finance Committee

expressed that the planning process to consider the impact of the additional prisoners is at only an early stage.

The bill will result in up to 8,600 offenders per annum serving part of their sentences on licence in the community, rather than being released unconditionally. The Convention of Scottish Local Authorities, the Association of Directors of Social Work, academics and groups that work with offenders expressed serious concerns about the effects of those provisions. A common theme is the fear that the volume of offenders who would come through the system would undermine the bill's aim of targeting higher-risk offenders. Several groups pointed to the limited effectiveness of short-term sentences and said that more community disposals should be employed. It was also proposed that supervision requirements should apply only to offenders who are sentenced to more than a year in custody.

The committee shares the apprehensions that have been expressed about the thresholds in the bill and whether they will provide the most effective way of targeting resources. We have also asked the Executive to consider existing research, and to consider what needs to be done to encourage confidence in the justice system and the benefits of non-custodial disposals.

Questions were asked about the process for assessing the risk that offenders pose. The Justice 2 Committee remains concerned that key decisions about who will undertake the assessment and who will refer cases to the Parole Board are yet to be made. The Risk Management Authority also questioned whether it is realistic to conduct formal risk assessment for short-term prisoners. The committee is concerned that the bill may create false expectations about risk assessment and management and so has asked for more clarity about the proposed risk assessment processes.

The bill does not specify the conditions for release of an offender on licence, so the committee recommends that such conditions be included in the bill.

**Stewart Stevenson:** Will Mr Davidson, in his capacity as the Conservative committee member who dissented, point to the principles within the bill with which he has difficulties?

**Mr Davidson:** The reason for my dissension is simple: I feel that the bill does not do what it says on the tin and is not yet in a form that is worthy of support.

An offender who has served less than six months will be required merely to be of good behaviour, not to reoffend and not to leave the country. Some witnesses are concerned that the conditions are not more meaningful. Prisoners are

likely to receive prison social workers and qualified case workers only if they serve more than a year and are considered to pose a risk of serious harm. The committee is concerned about the type, quality and scope of post-release supervision and support, which still seem to be unclear. It is also unclear whether all offenders who breach licence conditions by committing minor offences will be subject to recall by the Scottish ministers, so we have asked for more information on that point.

Although the Parole Board welcomed much of the bill, it is concerned about the proposal to reduce tribunals to two members, rather than the current three, and to require their decisions to be unanimous. The bill also restates provisions that authorise home-detention curfews, although it is not intended that they will be used in the early stage of the bill's implementation.

Part 3 of the bill introduces a licensing regime on weapons, as the minister said. Ministers will be able to specify conditions on the licences, and local authorities will be able to specify additional ones. The committee is content with the definitions and scope of the provisions in part 3, but awaits full clarification from the minister. We look forward to that and will hold her to the promise that she made today that she will clarify by the end of this month all the points that we raised in our report.

The committee agreed by majority to support the general principles of the bill.

15:38

**Bill Butler (Glasgow Anniesland) (Lab):** I support the motion in the name of the minister. As a member of the Justice 2 Committee, I record my appreciation of the excellent support that the clerking team, SPICe and the committee's two advisers gave to the committee during its stage 1 interrogation of the bill.

Part 3 of the bill flows from the First Minister's five-point plan, which was announced in November 2004. The first three elements of the plan—doubling to four years the sentence for the possession of a knife in a public place, the power of arrest on suspicion of carrying a knife and increasing the minimum age for the purchase of knives from 16 to 18—now have legislative force, and a licensing scheme for the sale of non-domestic knives and swords is set out in part 3 of the bill. The committee—rightly, I believe—supports those licensing provisions. In its evidence, Strathclyde police's violence reduction unit made it clear that most assaults on the street use weapons such as locking knives, which are more portable than other knives and can be easily concealed. The committee concurred with the unit's view that the licensing proposals

"will assist in reducing access to such weapons and will send out a message to communities within Scotland."

The committee notes and welcomes the comments that the deputy minister made when she gave evidence and acknowledged that the bill's provisions can provide only a partial solution to the problem of knife crime. However, I believe that the proposals, along with the other legislative action that has already been taken, and allied to educational measures, can allow us to take a major step forward in ending the needless bloodshed that is cutting short too many young lives in Scotland. I am sure that that sentiment will be echoed throughout the chamber.

I want to focus on some aspects of parts 1 and 2 of the bill, which contain provisions relating to custodial sentences and aim to deliver the Executive's commitment to end automatic unconditional early release of offenders. I am certain that most, if not all, colleagues in the chamber and the citizens of Scotland will welcome this much-needed reform of the present provisions in respect of release of offenders. As I recall, everyone who gave evidence to the committee supported this necessary change and the complementary commitment in the bill to achieve greater clarity in sentencing, which is what people want.

However, work must be done at stage 2 to clarify how certain proposals will work in practice. First, there is the issue of the 15-day threshold for applying the custody and community sentence regime. The bill envisages that the current system of automatic and sometimes unconditional early release will be replaced by a new sentence-management regime for custodial sentences of 15 days or more, comprising a custody part and a community part. Given that the threshold for triggering the combined sentence is 15 days, I would like to concentrate on a number of concerns that were raised during stage 1 pertaining to the efficacy and the effects of short-term sentences.

Many people who gave evidence voiced considerable apprehension about the possible effects of the thresholds in the bill; for example, some witnesses fear that the thresholds will lead to ineffective targeting of finite resources. The Scottish Consortium on Crime and Criminal Justice expressed in a frank fashion considerable doubts about the efficacy of the threshold, and it suggested that an increase for post-release supervision to six months would take 7,000 to 8,000 offenders out of the system. On the other hand, as members can see in paragraph 63 of the report, the Risk Management Authority stated that its preference would be for a cut-off point of sentences of one year.

In effect, concerns about the threshold for post-release supervision emphasise the desire to limit

the number of very-short-sentence, low-risk-of-harm prisoners coming into custody, so that resources can be focused on prisoners who pose greater risk. That, with the related issue of prison numbers, needs to be thoroughly examined at stage 2 in order that resources can be targeted effectively. We need to produce a legislative framework that will allow the most appropriate mix of custody and community and which will win the confidence of Scotland's citizens because it provides not a soft option but a smart option, punishes appropriately and rehabilitates effectively. Effective rehabilitation combined with appropriate condign punishment is the mix that is required by the people of Scotland.

Of course, there are a number of other important areas that will have to be considered during stage 2, including the type, quality and scope of post-release support and supervision. However, I believe that the aims of the bill are correct. On that basis, I support the motion in the minister's name.

15:43

**Michael Matheson (Central Scotland) (SNP):**

Although I joined the Justice 2 Committee only recently and so was not present to hear a lot of evidence that the committee took, it became clear to me at an early stage that the general principles of the bill are broadly sound. However, the evidence that I heard also made it clear that the bill requires considerable amendment at stage 2 and, possibly, at stage 3 to ensure that its underlying policy objectives can be achieved.

I have long been of the view that there is a need for greater transparency in our sentencing process and I supported the legislation that was scrutinised by the Justice 1 Committee, which brought in the tariff system that gives greater transparency in relation to life sentences. That is particularly beneficial to victims who now know, when they leave the court, exactly how long the prisoner will spend in prison before even being considered for release.

I know, however, that it is much more complex to achieve something similar in respect of shorter-term sentences. The concerns that are raised in the Justice 2 Committee's report on the bill illustrate the nature of the difficulties that the Executive must address if we are to achieve greater transparency in sentencing while maintaining public confidence throughout the process.

As David Davidson and Bill Butler briefly mentioned, the measures in the bill include a 15-day threshold. Evidence that we received highlighted the potentially perverse logic that is contained within that proposed timescale. As the bill stands, an offender who is sentenced to a

sentence of less than 15 days will be required to spend the whole period in custody, whereas an offender who is sentenced to 20 days will potentially be released within 10 days.

**Cathy Jamieson:** I will make a point of information in response to the issue that Michael Matheson and other members have raised. Members might find it helpful to understand that offenders who serve less than 15 days make up a very small percentage of the prison population. For example, of the daily prison population in 2005-06, the average number of people who had been sentenced to less than 15 days was just two. That figure excludes fine defaulters, who come by a different route. The bill tries to capture as many people as possible in the combined sentence structure. I hope that members find that helpful.

**Michael Matheson:** That is helpful, but it also raises a question about the value of locking up people for such short periods, given that there are so few of them.

An interesting point is that, when the committee took evidence from the minister, the explanation that we received for why the 15-day threshold was chosen was that 15 days was considered to be the minimum period in the community that is practical for engaging with an offender. However, if an offender is given a sentence of 20 days and is released after spending 50 per cent of that time in custody, the community part of his sentence will, in effect, be 10 days—it will be shorter than the 15 days that is needed for practical engagement. Practical engagement is the key issue. It is all very well to say that we can engage with offenders during their sentences, but the question is whether such engagement will be meaningful in tackling offending behaviour. I remain concerned about whether the engagement will be practical or meaningful. The committee has made it plain that a clear rationale must be given for the 15-day threshold. I accept that the minister has given some clarification on that today, but I remain to be convinced about the way in which the Executive arrived at that threshold.

A second issue of concern is the risk assessment process, which clearly has an important part to play in ensuring public confidence and protecting the public. Committee members had generally assumed that the risk assessment during the custodial part of an offender's sentence would be undertaken by Scottish Prison Service staff, but it became clear from Tony Cameron's evidence that that had not been agreed and—as we all know—what Tony Cameron says, goes. Obviously, it is important that the responsibility for leading on the risk assessments should be clear. We accept that risk assessments should involve joint working between the SPS and community social work services, but

one body must be given clear responsibility for the process.

An additional issue is the quality of risk assessment that can be achieved with offenders who are in prison for short periods. The Risk Management Authority, which provides the Executive with expertise on the issue, said that a two-year period is needed to carry out a detailed and dynamic risk assessment that will be meaningful and purposeful. Therefore, we need a little reality in respect of how effectively the risk management process will play out on the ground.

In conclusion, I welcome the general principles of the bill, but it clearly needs to be amended not only for technical reasons but to ensure that its policy objectives can be effectively implemented at the end of the day.

15:49

**Maureen Macmillan (Highlands and Islands) (Lab):** The present system of automatic and unconditional early release of prisoners is rightly discredited; the system alarms victims and communities because they cannot understand why a person who has been sentenced to four years can be released after only two and can be kept under supervision only in particular circumstances—for example, if the person is a sex offender.

The Custodial Sentences and Weapons (Scotland) Bill should provide more clarity for victims and the public alike. There should be a clear public announcement in court by the sheriff of the minimum time that an offender will spend in jail. That time will be at least half, and up to three quarters, of the sentence. There will be a risk assessment in prison for those who will serve less than three quarters of their sentence in custody. That assessment will decide—in real time—whether a prisoner should be allowed to complete their sentence in the community. Crucially, it will also decide whether the rehabilitation programmes and support services that have been begun in prison will continue in the community where the prisoner will serve the remainder of their sentence under licence conditions.

The principles of the bill have been warmly welcomed. Once enacted, the bill will work alongside the Management of Offenders etc (Scotland) Act 2005, which requires close co-operation between the Scottish Prison Service and the community justice associations, and builds on the integrated case management that has already been developed to deal with certain categories of offenders.

Much of the focus of debate in the Justice 2 Committee was on the custodial part of the sentence—especially on the perceived anomaly of

the 15-day cut-off, whereby a 15-day sentence will be served totally in custody, but anything more will be served half in custody and half in the community. As other members have said, wherever the cut-off is, there will be an anomaly. The minister said that there is a minimum time in which rehabilitation measures are possible, but we need a fuller explanation of the minister's thinking. The minister might wish to consider whether there will be particular impacts on female offenders, who tend to be at the lower end of the tariff and who might need support.

We must not overlook the fact that the part of the sentence that is served in the community is just as important as the part of the sentence that is served in jail. Bill Whyte of the criminal justice social work development centre said in evidence:

"I value the bill's recognition that a period in the community should be part of the sentence ... because that is what is likely to give us a chance to connect."—[*Official Report, Justice 2 Committee*, 14 November 2006; c 2967.]

The question that is therefore raised is this: can we have a seamless transition when we consider the numbers of prisoners that it is predicted will come through the prison system? It would be wonderful to be able to offer all offenders a gold standard of support after they leave prison, but there is concern that practical realities will mean that, if there is no prioritisation of resources to those who are most in need, resources will be spread too thinly, to the detriment of all.

I am sure that the Executive has given thought to that and, although I do not expect to see such practicalities in the bill, it would be useful to hear from the minister how priorities will be judged and who will make the judgments. As has been mentioned by other members, one solution that was mooted in evidence was that we should do away with short-term custodial sentences for minor offenders. Witnesses could not, however, agree on a cut-off point.

The debate has been going on for several years, and I feel that the committee was sidetracked somewhat from the main aspects of the bill. It is now perfectly possible for sheriffs to sentence offenders to community disposals. The number of sheriffs who do so is increasing; such disposals are increasingly seen as being neither soft nor ineffective. However, persuading sheriffs to increase the use of such disposals is outwith the scope of the bill, which deals with how custodial sentences should be managed when they are imposed. I hope that the Executive will do all that it can to promote the use of community disposals instead of prison disposals.

Sheriffs take a while to become comfortable with new sentences; naturally, they take time to examine them. We are told that they are somewhat uncertain about section 6 of the bill,

which outlines the criteria that should be used in sentencing. It would be helpful if ministers could clarify that. I was pleased to hear the minister's commitment that the section would be reviewed.

Concerns have also been expressed that sheriffs may recalibrate sentences to retain the status quo—although ministers have indicated that that should not happen.

Another area of concern is the process of recall to prison if licence is breached. If release on licence is to be meaningful, a breach must be dealt with when it occurs. However, that raises questions of resources—for example, for the Parole Board, which will review the case, and for the Prison Service, which will provide accommodation. It has been suggested that there could be a revolving-door scenario. Questions have also been asked about the number of members of the Parole Board. Many of the questions will be answered when the detailed information work by the planning group is completed. I know that many of the bodies that asked those questions are members of the planning group, so I assume that they will address their own concerns. I look forward to their solutions.

I turn to the proposals in part 3 to restrict the sale of non-domestic knives and swords. I am sure that there is no one in the chamber who will not welcome those restrictions. We have heard over a number of months—not just during our consideration of the bill—from the violence reduction unit and from accident and emergency consultants about the seriousness of the knife-carrying culture that exists principally in west-central Scotland, although it is not exclusive to that area. Some other parts of the country may, in fact, have been complacent. I fear that that has been true of the area that I represent, although the Northern constabulary has recently expressed concerns about an increase in knife carrying and in the use of knives as weapons in assaults and robberies—in one case, a bayonet was used—and has said that any measure that stops casual carrying, mostly by young men, of those lethal weapons is to be commended. Victims and perpetrators are interchangeable and fatalities or serious injury can occur through panic and ignorance of basic anatomy. Let us do all that we can to stop it.

I support the principles of the bill and recommend it to Parliament.

15:56

**Phil Gallie (South of Scotland) (Con):** I have to say that I am disappointed with the contents of a long-promised bill. Outside this Parliament building, out in the community, there is general

disillusionment with the justice system, and what is required is reassurance for the law-abiding general public. To my mind, simplicity is needed in the way in which courts deal with those who are found guilty of crimes, but the bill gives us complexity. Bill Butler talked about clarity, and I believe that he had it right. Maureen Macmillan also hinted at that; she felt that there needs to be greater understanding by the public. Quite honestly, I do not think that the bill will achieve that.

My party's aim since the first days of the Parliament has been to end automatic early release, but that will not be achieved by the fulfilment of the aims of the bill. Kenny MacAskill asked how we could achieve our aim. If he looks back at Michael Forsyth's Crime and Punishment (Scotland) Act 1997, he will see that we certainly could have achieved the aim of ending automatic early release in a reasonable manner. That act provided a practical approach that the public could understand. Judges and sheriffs made the decisions, and convicted persons and victims knew exactly what the determination of the judges and sheriffs meant.

**Jeremy Purvis:** Will Mr Gallie give way?

**Phil Gallie:** I will finish this point first.

The 1997 act recognised the need for encouragement for those who were sent to prison by allowing for an element of remission, albeit for a sixth of the sentence. I advise Jeremy Purvis that the Parole Board would have had a role in determining whether that sixth should be allowed or not.

**Jeremy Purvis:** I shall be careful not to intrude on Mr Gallie's disagreement with his front-bench spokesman on interference with the integrity and independence of the judiciary. However, I want to know what the rationale is behind remission of a sixth of the sentence. If the Conservatives' policy is to have some remission, they must accept that there is a degree of discretion, and part of that discretion is to do with the rehabilitation of the prisoner. Why is it a sixth?

**Phil Gallie:** A sixth was set in the act as a limiting factor. The proportion of the sentence could perhaps be moved a little bit, but it could certainly not be moved to a half, or even more, as is suggested in the bill that we are debating. I turn the argument back to Jeremy Purvis and his ministers and ask them why we should accept the levels of remission that they have proposed. The judge and the sheriffs should determine the length of the sentence, and thereafter we should leave it at that, although remission somewhere along the line would be reasonable.

The 1997 act was supported by Labour Party members, by the Scottish nationalists and by the

Tories. Why did the Labour Government not implement it after it was returned? The Liberals voted against the Crime and Punishment (Scotland) Bill, so I suppose that they have a right to object to the point that I am making.

I accept that the Tories can take some criticism, because our Prisoners and Criminal Proceedings (Scotland) Act 1993 introduced a flawed approach to automatic release. Bill Walker and I—two Tories—were the only people to object to the bill; everyone else went along with it.

In the early days of the Scottish Parliament, no less a person than Jim Wallace, who was Minister for Justice at the time, said that prisoner numbers would fall dramatically. He was so confident that that would happen that he accepted cuts in the Scottish prison budget. His thinking at the time seems to have been flawed, as was that of the Government when it took certain steps on prison management. Jeremy Purvis talked about the swell in prison numbers and the fact that prison numbers will continue to rise. If we end the current system of automatic early release, prison numbers will undoubtedly pick up, although that will happen only in the short term.

We are currently recycling criminals, to the detriment of the courts and prisons through which former prisoners constantly pass, and to the detriment of society, because we have created a situation in which people who have not paid their dues to society return to society to reoffend. Today's edition of *The Scotsman* reports that a 67-year-old man has been sentenced to seven years in prison for possession of cocaine. The man was sentenced to five years in 1997 for robbery and to eight years in 2001 for possession of cocaine—that is his track record.

**The Deputy Presiding Officer (Murray Tosh):** You should wind up now, Mr Gallie.

**Phil Gallie:** The guy has been sentenced to 20 years in total, but under the current arrangements he will almost certainly be out of prison by 2010. The case underlines my concerns and the public's confusion.

On knives—

**The Deputy Presiding Officer:** Mr Gallie, you are over time. I would appreciate it if you could wind up.

**Phil Gallie:** I am sorry; I am winding up.

I welcome the suggestion that changes be made to the licensing of knives and suggest that it would be commendable of the Government to include in the bill some of the sentencing provisions in my Carrying of Knives etc (Scotland) Act 1993.

16:03

**Jackie Baillie (Dumbarton) (Lab):** Like Bill Butler, I thank the Justice 2 Committee clerks, our advisers, ministers and their officials, and everyone who gave evidence to the committee, because I can muster considerably more enthusiasm for the bill than can Phil Gallie. I very much welcome the bill, which delivers on our commitment to end automatic unconditional early release.

There is no doubt that there is considerable public concern about sentencing. Like many members who have spoken in the debate, I am aware of the distress that victims and communities feel when someone who has been convicted of a crime is released early and is back on the streets, with no requirement for the person to report to the authorities or for further action to be taken. People just do not understand that. We must ensure that there is clarity and transparency in sentencing. The bill lays the foundations for such an approach and will improve communities' understanding.

As other members said, the bill contains proposals for an overall sentence that will consist of two elements: a custody part and a community part. A minimum of 50 per cent of the overall sentence must be served in custody, so if a person is sentenced to a combined term of four years, made up of two years in custody and two years on licence in the community, they will serve the whole of the two-year custodial sentence in jail. They will not be released early—indeed, the custody part of the sentence can be increased to 75 per cent of the overall sentence. I welcome that approach.

I want to highlight two issues on which the committee thinks that further clarification from the minister is necessary. First, I turn to the bill's provision on the home detention curfew. The home detention curfew has been an extremely useful initiative, releasing certain prisoners—when it is appropriate to do so because they are low-risk offenders—to serve the remainder of their sentences in the community. However, although the home detention curfew has been relatively successful, I am genuinely concerned that the clarity that will be brought to sentencing by the main provisions of the bill will, in effect, be undermined. Rather than a guaranteed minimum of 50 per cent of the sentence being served in jail, less time might be a consequence of the home detention curfew. The minister has, helpfully, said that the Executive does not envisage the use of the home detention curfew in the early stages of the bill's implementation. That is welcome. However, there is genuine concern that the clarity and transparency that ministers, rightly, seek to deliver in sentencing may be undermined. On that basis, I hope that the issue can be reviewed.

Secondly, I welcome the proposal for there to be a community part to each sentence as a means of helping the rehabilitation and reintegration of offenders. We know that the seamless continuation of rehabilitation programmes that are started in prison and continued in the community is desirable to address offending behaviour and reduce the risk of reoffending. Unlike the previous system, which was introduced by the Tories, the community sentence will have conditions attached to it, making clear what is expected of the prisoner. There might be a requirement to attend drug or alcohol counselling; a restriction on travel and movement; supervision by the police; or tagging. Serious breaches will be dealt with swiftly, with offenders being recalled to custody.

The concern that was expressed to the committee is that, in the case of short sentences, it would be difficult to do a meaningful amount of work with offenders either in custody or in the community to rehabilitate them. It would, equally, be difficult to put in place meaningful supervision and assessments of need in respect of the shortest sentences. I have some sympathy with the suggestion that it would be better to target resources at the serious offenders who are on longer sentences. Ministers themselves may well have suggested that. I wonder, therefore, whether ministers will consider a system of assessment and supervision that is proportionate and which reflects the reality of what can be achieved, given the length of the sentences.

Part 3 covers restrictions on the sale of weapons. I remember when the First Minister announced a five-point action plan to tackle the problem of knife crime. It was widely welcomed by the police, who tackle knife crime in our communities daily; by health professionals, who deal with the serious damage that knives do to victims; and, importantly, by communities themselves, who suffer the consequences of knife crime. The First Minister said that the Executive would double the length of the sentence for possession of a knife from two years to four years. He also said that we would ensure that the police made more use of stop-and-search powers and had powers to arrest people whom they suspected of carrying knives. He said that we would increase the minimum age for the purchase of knives from 16 to 18; that we would introduce a licensing scheme for the sale of non-domestic knives; and that we would ban the sale of swords. The bill completes the work that was started in the Police, Public Order and Criminal Justice (Scotland) Act 2006 in September, and it is very welcome.

Each year, we see people being injured and, in some cases, dying at the hands of knife-wielding young men. In many cases, the attacks are not premeditated but spring from the mistaken belief that people who carry knives are somehow



protecting themselves. The statistics tell us how foolish that view is. The minister is absolutely right to focus on the booze-and-blade culture in Scotland. If, through these measures and a process of education, we can help to end the needless bloodshed that is cutting short young lives, the bill will have made a considerable difference. I welcome the proposals—more important, my community welcomes the proposals—and I urge support for the general principles of the bill.

16:09

**Colin Fox (Lothians) (SSP):** The bill's policy objectives, which have been mentioned by most members who have spoken in the debate so far, are laudable. I want to see a clearer, more understandable system for the management of offenders while they are in custody or on licence in the community—a system that takes account of public safety by managing risk and which has the interests of victims at its heart. The problem, however, is that the bill does not meet those objectives. Any examination of the evidence that was given to the Justice 2 Committee will show that it is a widely held view that the bill fails to fulfil the objectives that are set out in the policy.

The Scottish Consortium on Crime and Criminal Justice told the committee that it

"regrets very much that the Scottish Executive is choosing to follow a path that, far from achieving the ... intentions, would incur huge costs and have serious negative ... consequences for the criminal justice system and for the safety of Scottish communities."

Likewise, Sacro said that although the bill aims to make the sentencing system clearer, it will not achieve that end but will lead to resources being absorbed when they could be spent more effectively elsewhere in the system.

The community justice authorities added:

"We ... concur with the ambition of the Bill but are concerned that, as described, the Bill's purpose will not be fulfilled and may serve to further undermine rather than promote public confidence and understanding."

The Justice 2 Committee report—I am sure that all members in the chamber have read it—said that

"the Committee supports the policy objectives of the Bill"

but

"calls into question whether the measures in the Bill, as currently constituted, can achieve the stated objectives."

In all candour, I must say that I wondered, in listening to Jackie Baillie's comments, whether she was actually on the Justice 2 Committee. A conclusion in our report flies in the face of most of what she just said.

For me, things started to go badly wrong with the bill when the impact on the prison population became clear. Ministers and officials repeatedly told the committee that nothing in the bill will require judges to change their sentencing practice, but virtually every witness from whom we heard suggested that they will. The Scottish Prison Service's representative, Rachel Gwyon, told us that the measures in the bill will increase the daily prison population in this country by between 700 and 1,100 people. That is when the alarm bells started ringing. A prison population that is, as Jeremy Purvis pointed out, already at record levels and chronically overcrowded will be increased by 20 per cent. No wonder HM prisons inspectorate highlighted again its growing apprehension about a return to the 1990s disruption and riots in our prisons.

So, despite the view across the board that short-term sentences in custody are wholly ineffective and are a hugely expensive failure as far as reducing reoffending is concerned, here we have a bill that is determined to take us further up that dead end, with more people going to jail and serving longer sentences.

The community justice authorities' evidence told us that they feared that the bill would overwhelm the SPS, local authorities and independent providers because it "has ineffectiveness built in".

Jackie Baillie and the other members who said that the bill will lead to greater clarity in sentencing should consider some of the evidence that was put in front of the committee. The bill's policy memorandum says:

"A transparent sentencing regime will improve public confidence in the criminal justice system."

That is right, but again it appears that the bill does not provide it. Andrew Coyle, the professor of prison studies at King's College in London, said:

"The aim of the present Bill 'to achieve greater clarity in sentencing' is admirable. However, it is not immediately apparent that the Bill will achieve its aim. Even when approaching it in a positive manner one needs a calculator and a great deal of patience to unravel the arithmetic of what a prison sentence will mean in the future."

If Andrew Coyle, with his credentials in criminal justice, cannot fathom out the system, what hope is there for the rest of us?

Whatever can Professor Coyle have meant? Perhaps the Sheriffs Association evidence will tell us. It said that it

"does not consider that the provisions of this Bill will achieve the objective of delivering clarity and transparency in sentencing... Although the custody part of a sentence ... will be imposed and announced at the public sentencing hearing, it will not be possible to predict or state ... what the duration of the period that will actually be spent in prison will turn out to be or what the conditions of licence during the community part of the sentence will be."

**The Deputy Presiding Officer:** You have one minute, Mr Fox.

**Jeremy Purvis:** Will the member give way?

**Colin Fox:** I am sorry, but I do not have time.

The Sheriffs Association goes on, in an unusually humorous vein, to ridicule the bill's proposals with the example of an offender who is found guilty of assault to severe disfigurement. I do not have time to read the joke, but it is on page 219 of the evidence if members are interested.

As others have said, there are many anomalies in the bill. I welcome the community-based sentences, given the conditions on which they will be made. From experience, we know that such sentences have a far better chance of success. I also welcome the fact that, for the first time on record, more community disposals than custodial disposals were made last year. I am sure that the minister will touch on that in her closing speech. The paradox is that the bill will lead to fewer community disposals and to more people spending more time in jail.

**The Deputy Presiding Officer:** You must close, Mr Fox.

**Colin Fox:** Agreed.

None of the Labour or Liberal members touched on the supervision and support that will have to be given. My final point relates to the evidence that we heard from Roger Houchin on support for community sentences. In his evidence, which is interesting and worthy of examination, he said:

"The most profound shortcomings of the Bill, however, concern the very limited consideration it gives to the community part of the sentence ... it places all the obligations on the offender ... But ... makes only the scantest of references to any public duties to enable"

the offender to have access to

"opportunities ... support and service in areas of housing, employment, education and training, relationships, cultural and social life, financial management and health care"

to help their full rehabilitation.

It is unusual for a committee to produce a stage 1 report that contains so many criticisms of a bill and so many questions for the Executive to answer. The bill unravelled during the evidence-taking sessions—

**The Deputy Presiding Officer:** You must close, Mr Fox.

**Colin Fox:** I am convinced that it will not work. For those reasons, the Scottish Socialist Party will not support the bill at 5 o'clock.

**The Deputy Presiding Officer:** My regrets to Mr Harvie. I have to go to closing speeches.

16:16

**Mike Pringle (Edinburgh South) (LD):** I welcome the bill and support the motion.

As the minister said, the bill is the Executive's promise to end automatic, unconditional early release from prison. That said, the entitlement to any early release has to have the prisoner's co-operation. He or she must conform to any obligations that are set down, the minimum of which is that they were of good behaviour during their prison term. As Jackie Baillie said, if the prisoner is deemed a risk to the public, the term can revert to 75 per cent. Many other obligations can be imposed, but they will depend on the type of offence and the personal circumstances of the prisoner. Examples include the requirement to participate in a range of programmes on offending behaviour or addiction.

It is important that the new provision should work. The courts will have to ensure that the guilty party is fully aware of the sentence that is being passed and the consequences of any breach. The length of the sentence, minimum term in custody, and licence and any other conditions will need to be clearly understood. The obligation will be on defence agents to be more proactive in ensuring that their clients know about the process.

I have a couple of issues to raise—indeed, they are linked; I refer to 15-day sentences and fine defaulters. As the convener of the Justice 2 Committee, David Davidson, said in his speech, those areas were of considerable concern to the committee. The minister referred several times to 15 days. The question is: if a sentence of 15 days is imposed, should it be served in full? As Michael Matheson said, if that is the case, someone who is sentenced to 30 days would serve only 15 days, but someone who is sentenced to 15 days would serve the total sentence. I accept what the minister said: the number of people who receive such a sentence is quite small. However, many who are given such sentences are fine defaulters.

Under the bill, all fine defaulters will serve in full any custodial sentence that is imposed on them. My colleague Jeremy Purvis referred to the present system, under which someone who is sentenced to seven days can go into prison and be out that morning. Indeed, as Bill Aitken said, they can be out in an hour. That is wrong. All sentences of seven days should also be served in full. However, a compromise has to be made in terms of seven-day and 15-day sentences.

Much work has been done to keep fine defaulters out of prison—we have had considerable success in that area. The introduction of fines enforcement officers in the Criminal Proceedings etc (Scotland) Bill—which we will, I am sure, pass next Thursday—will also

address the issue. However, the question remains: should fine defaulters be treated differently from other offenders? My view is that they should not; we should do all that we can to keep them out of prison. That is especially the case with regard to fine defaulters who are sent to Cornton Vale.

I agree with Kenny MacAskill and other members—it was perhaps the only point on which I agreed with Bill Aitken—that carrying a knife has become a culture in Scotland. We must reverse that trend, which has taken place all over Scotland.

Recently, there was a very serious murder, which involved a knife, in my constituency of Edinburgh South. The person was the first to have suffered such a serious and brutal attack in my constituency while I have been an MSP; I accept that members in other parts of the country are more aware of the problem than I am. The murder of any 17-year-old in such circumstances, wherever it happens, is shocking and must be condemned by all.

I was interested to hear that the bill would be discussed yesterday on Radio Scotland at 11.30 with Cathy MacDonald. I was in the Justice 1 Committee at the time, but the wonderful play-it-again resource on the BBC website allowed me to go back and listen to it later—the internet truly is a wonderful thing. The discussion was on the issue of knife crime, which some people in the medical profession now call a public health problem. A professor from the University of Glasgow made the case very well that among certain demographics in Glasgow, knife death is more of a risk than cancer or strokes. It was very good to hear on the programme how the police and doctors are combining to combat the problem.

That shows that tackling knife crime is crucial. I agree with the committee that a licensing scheme for non-domestic knives is a positive way forward, but other measures must be kept under review. I agree with Bill Butler that this is not the end of the issue; it is not the end of the process with regard to knife crime. We must keep it constantly under review.

This is a good bill that contains good measures, but, as I said, it might not be the end of the problem. I support the general principles of the bill.

16:22

**Margaret Mitchell (Central Scotland) (Con):** Important issues are addressed in this complex bill: custodial sentences, community sentences and the ending of unconditional automatic early release, together with issues that relate to weapons and in particular the sale of knives and the restriction on the sale of swords.

The bill's proposals derive from the recommendations made by the Sentencing Commission for Scotland and the report published in 2006. Those recommendations come against a background of the Scottish Executive's objectives to reform the system of automatic unconditional early release and, crucially, to achieve greater clarity in sentencing.

The question is: does the bill do what it says on the tin and provide clarity? The answer is a resounding no. As my colleague Bill Aitken pointed out, it certainly does not end automatic early release. As the Subordinate Legislation Committee states, the provisions—in particular section 6(10)—that give ministers the power to vary the proportion of the custody part of sentences are ambiguous and risk being reinterpreted in the future.

The Justice 2 Committee questions whether the measures in the bill will achieve the stated objectives and seeks a clearer explanation of why the 15-day cut-off has been chosen as the point at which the combined custody and community sentence kicks in. In other words, the clarity that the ministers sought to achieve is non-existent. Instead, more confusion and uncertainty is created.

The Justice 2 Committee highlights the point. It states that

“Clarity is required about the circumstances in which reference is being made to the risk of re-offending, risk of harm or the risk of serious harm.”

It adds that

“more information is required about precisely what kind of risk assessment processes are anticipated, about who will carry them out and about exactly how they are expected to contribute to reducing re-offending.”

On breach and recall, the committee wants clarification and further detail on the notification process

“for the police in terms of those coming out of prison on licence and in terms of notifying Scottish Ministers of those who have committed an offence while on licence.”

Similarly, the committee welcomed the minister's confirmation that the home detention curfew is not intended to be used in the initial period of the bill's implementation, but was nonetheless concerned that its continued existence as an option was likely to lead, yet again, to a lack of clarity and transparency.

I turn to the provisions in part 3 of the bill, covering weapons. Part 3 introduces a licensing scheme for non-domestic knives, as part of the overall objective of reducing knife crime in Scotland, and has been widely welcomed as a positive measure. However, the criminal law committee of the Law Society of Scotland remains

“concerned that the licensing of non-domestic knives may well, however, result in those involved in violence simply changing their weapon of choice to a domestic knife”

and is, therefore, strongly of the view that other, non-legislative measures

“must be adopted.”

In view of the absence of clarity in the bill, coupled with the legitimate concern that the Justice 2 Committee expressed about the totally inadequate timescale within which it was required to issue its call for evidence, consider the evidence that was received, set out and conduct the necessary oral evidence-taking sessions, and draft and consider its report on the bill, it is difficult not to come to the conclusion that the issues that the bill seeks to address, especially regarding clarity, would have been simply and effectively addressed if any one of the amendments to end automatic early release that Bill Aitken lodged in the Parliament on four separate occasions had not been voted down by all the other parties. Those amendments would have ended automatic early release and restored honesty in sentencing. More to the point, they would have established the clarity in sentencing that the bill so spectacularly lacks.

I end by saying that the Scottish Executive's rush to legislate by pushing through the bill reflects badly on the Scottish Parliament. The Conservative party will not vote against the bill today only because of the provisions for the licensing scheme, which are the sole saving grace in this pathetic effort from the Executive.

16:27

**Stewart Stevenson (Banff and Buchan) (SNP):** It is appropriate that I start by referring to Margaret Mitchell's concluding remarks concerning previous attempts to address the issue of early release. On three separate occasions in the chamber, I asked Annabel Goldie to tell me the price of the change that she proposed, but on each occasion she was unable to do so. It is difficult to support proposals that do not have a price on them, even if one thinks that the policy position that they support should be pursued. I suggest to my Conservative friends—I take the risk of describing them thus—that they should consider the wider implications of proposals and avoid knee-jerk reactions.

SNP members have a number of significant criticisms of the detail of the bill, which we will pursue at stage 2 and, if necessary, beyond. However, we have no doubt that the fundamental question that we should address when considering how to vote at 5 o'clock is, does the bill meet a need? The answer, without question, is yes. I say that, of course, with regard to part 3 of the bill,

which deals with knife crime and on which I will comment later. However, I also say it with regard to the provisions on sentencing. The existing system has fallen into disrepute and is in need of reform.

**Phil Gallie:** I take the member back to the point that he made earlier about costing and to the Crime and Punishment (Scotland) Act 1997, which the SNP supported. A money bill, giving the costs, went through with the 1997 act and answered the questions that the member has asked.

**Stewart Stevenson:** Phil Gallie makes a fair point. However, the costs today are of course substantially different from the costs that applied at that time, for a whole variety of reasons. When discussing the matter with Annabel Goldie, I even suggested that the costs might come to £100,000 per cell place, in an attempt to draw out of her her view as to what they might be. Answer came there none—and I am sorry about that. Phil Gallie's liberal credentials in the debate have been substantially enhanced—up to the point when he told us that he joined Bill Walker in voting. Even without knowing the vote, I immediately know that liberal credentials could have formed no part of any vote that Bill Walker was involved in.

Will the bill rebuild public confidence? That is the question. When a judge makes a statement of sentence at the end of a trial, they must—after the bill is passed—be able to deliver absolute clarity to those members of the public who are present, be they victims or spectators, and to the press, if they are present, so that someone can note in their diary the fact that the person who committed the offence, of which some member of the public or their relative or friend was a victim, will not be out before such-and-such a date. That is probably the test that the public will apply to that aspect of the bill. There is scope in the bill, perhaps with some work at stage 2, to deliver on that objective. That is sufficient cause to support the principles encompassed in the bill.

We have to consider what happens when the gates of the prison open and the prisoner is released into the wider community. The bill describes very well what we should be trying to do. Section 36, on curfew licences, states:

“the Scottish Ministers must have regard to the need to—

(a) protect the public at large,

(b) prevent re-offending by the prisoner, and

(c) secure the successful re-integration of the prisoner into the community.”

I suggest that that describes extremely well the whole purpose of what we should be trying to do under the bill—although those words happen to appear at that particular point in the bill just

because of the draftsman's construction. Those are good tests to apply to the whole bill.

Let me apply that test to the 15-day sentence threshold. The minister helpfully told us that only two prisoner places, on average, are occupied by people who are sentenced to fewer than 15 days. The threshold is set at 15 days because that is the period during which one can do a basic assessment of the needs of the prisoner and build a programme to assist with their rehabilitation, thus serving the purposes that are set out in the bill, to which I referred. If it takes that long—if people are to go to prison at all—they should go for that 15-day period, so that we can assess their needs. On the other hand, if their crime is not sufficient to justify their going to prison for that period, we should not send them to prison at all. That is a simple point.

I wish to consider one or two aspects of the part of the bill that deals with knives. The bill covers issues to do with knife dealers. Those who wish to use a weapon for nefarious purposes and who consciously seek one to inflict harm may acquire their knives by other means. It appears that auctions can provide a way for knives to be commercially disposed of without a licence. Knives will still be carried. We must somewhat focus on the issue of people carrying them and how we deal with that adequately, as well as the supply of knives, which the bill so helpfully addresses.

I thank the Law Society of Scotland for extending my vocabulary. Given that I am not a lawyer, I had not met the word "obtemper" before, but I shall treasure it from now on. Obtemper is a super word and I shall try to use it on as many occasions as possible. I have said obtemper three times so far. The Scottish National Party supports the bill.

16:35

**The Deputy Minister for Justice (Johann Lamont):** I still do not know what obtemper means, unless it describes my speaking style when I am under pressure. I will go and look at the dictionary when I leave the chamber.

I thank members, who spoke so clearly in the debate. I acknowledge the interest in the bill and I would have been surprised if members had not spoken on it in such a thoughtful manner. We have had a useful and constructive discussion—with perhaps some honourable exceptions. We acknowledge the seriousness with which many members have approached the debate and the points that they have made. We will certainly reflect on those points and engage with everyone as we progress through the later stages of the bill. We all understand the importance of the issues involved and do not understate the significance of

the critical points that have been raised. I am grateful for the general tone of the debate and I know that members will continue to contribute in the same way as we proceed.

We will of course provide a full response to the Justice 2 Committee's stage 1 report on the bill before the end of the month and will continue to work with not just the Justice 2 Committee, but all others who have an interest in the matter to ensure that the bill is as robust and fit for purpose as it can be.

Like Michael Matheson, I came to the bill slightly late and I record my thanks to all those on the committee, officials and others who have supported me in getting to this stage. I will, of course, use the fact that I came to the bill late as an alibi if I come under pressure from questions.

I remind Parliament that the bill is about not what might have been, but what will be. It is about building on our already substantial package of reforms aimed at tackling reoffending to produce a more effective sentence and management regime that incorporates both custody and community parts.

I listened to what Kenny MacAskill said and was struck by the consensual tone of his serious contribution. I say to him that we want to work with the judiciary. It is critical that we work with those who have a direct interest in the effectiveness of the bill. The bill has been shaped by the judiciary and politicians, but it has also been shaped by the experience that has been articulated by victims of crime. I commend those who, since the Parliament came into existence, have had the courage to speak up. Victims of crime, who have felt further victimised by the justice system, have given practical expression to how that experience felt. I commend constituents of mine—I know that other members have similar experiences—who have said that they are determined that no other family should have to experience what they did. The bill is part of the process of addressing the demand on us from the people of Scotland.

We understand that clarity is important. Taking account of the helpful comments that have been made, we will see where we need to make things clearer and we will continue to consider measures for achieving greater clarity. As the Minister for Justice said, we are already identifying some parts of the provisions that could benefit from fine-tuning and will take steps at stage 2 to do that. Section 6 has been flagged up, so we will consider it carefully.

We are committed to ending the current time-driven system of early release that determines what will happen to an offender based solely on the length of the sentence. We believe that that approach is no longer effective and does not give

confidence. We will replace it with a framework that delivers effective punishment and public safety and gives offenders the chance to stop offending, if they are prepared to take that chance.

We believe that the custodial sentence measures strike the right balance between punishment and rehabilitation. The proposals do not change how the courts go about their business. If a judge thinks that custody is the right option in a particular case, he or she should continue to apply the same considerations, which must include public safety, as they do now in reaching that conclusion.

Somebody asked how judges balance all those issues. We employ judges and sheriffs to apply their experience, expertise and knowledge to the process and to make that judgment. That will not change. The bill will not change how sentencers arrive at decisions on whether custody is appropriate. They will continue to take account of all the information that is available to them, including any concerns about the risk to public safety.

I do not know what kind of calculator Colin Fox requires to calculate the sentence in a case where the judge says, "Your sentence is four years. Two years will be served in prison and two years will be served on licence in the community, unless you are deemed to be a risk, in which case you may spend up to a maximum of three years in custody." That seems clear to me. Also, I say to Colin Fox that the bill is not about reducing community disposals, because it deals not with sentencing policy but with sentence management. The judge or sheriff will make a judgment about whether custody is appropriate. They might decide that it is not appropriate, in which circumstances they will make a community disposal.

**Colin Fox:** Will the minister take an intervention?

**Johann Lamont:** If I may, I will press on.

On the point about confidence and trust in the community part, the bill might have the consequence of giving sentencers more confidence that the community believes that a community disposal is reasonable. That will be a long-term process, but it is a serious prospect. The public, and especially the victim, will know when the sentence is handed down how long the offender should expect to spend in prison for punishment. They will also know that, if the offender's risk assessment continues to cause concern and the judge has not imposed the maximum punishment period, the offender can be kept in prison for longer.

**Colin Fox:** The Sheriffs Association's evidence to the Justice 2 Committee, which is on page 219 of volume 2 of the committee's report, entirely

refutes what the minister just said—that is, that the victim will be clear, on the day of the sentence, about the periods that the offender will serve in custody and outside. I ask the minister to look at page 219 and to clarify the matter.

**Johann Lamont:** Obviously, we have to continue the dialogue with all those who have an interest, including the Sheriffs Association, but the provisions seem to me to be particularly straightforward. If someone is given a four-year headline sentence, they will spend two years in prison and two years on licence in the community unless it is deemed inappropriate for them to leave prison after 50 per cent, in which case they will stay there for longer. As always, however, I am happy to continue the dialogue.

If it is proposed that the offender should be kept in prison for longer, the case will be referred to the Parole Board, which will review the case and, if necessary, direct that a further period should be spent in custody. Such offenders should find that the conditions that are placed on their licence are tougher as a result.

Jeremy Purvis raised an issue about the definition of retribution, but he will know that, since 2001, the punishment part for a life sentence prisoner must satisfy the requirements for retribution and deterrence. It is therefore reasonable to accept that that concept is familiar to the judiciary.

I was disappointed by the tone of Bill Aitken's speech. To be honest, the Scottish Socialist Party and the Tories have become a bit of a sideshow in relation to the difficult matter of balancing the two sides of the argument. The debate is partly about an issue of trust. People must have confidence that the custody part is real, that it will be taken seriously, and that the sentence that is handed out will be served. People on one side of the argument want the provisions on the custody part to be strong. However, if there is to be trust in the system, we must also give people confidence that the whole sentence matters and that the community part is a serious part of the sentence and not an easy option or a box to be ticked when the person gets out of prison.

Building that confidence is a long-term job, but we must recognise the need to balance what is coming from the two sides of the argument. That relates also to the debate about whether short-term sentences work. The answer depends on what we want them to do. Of course, sentences must be proportionate to the seriousness of the offence that has been committed. Somebody who is sentenced to 15 days will have committed a different offence from somebody who is sentenced to 15 years. That is obvious.

Sentences might signal society's view of

particular offences or they might relieve the community of particular problems in the short term, but the custody part will not be the only part of someone's sentence. I recognise the point about sentences of 15 days, but Michael Matheson should be careful not to create the impression that a sentence that includes a custody part and a community part is less serious than a sentence that is served only in custody. We hope to have further dialogue on that.

There is a huge number of significant issues, but I have run out of time. We will talk further to the committee about licensing conditions and resources.

I reiterate that we have given a reassurance that we will not think about using the home detention curfew power until the new provisions are firmly bedded in and are working effectively. We certainly do not want to cut across clarity.

As for weapons, I said that the bill was part of the solution, not a partial solution. The bill will take measures that will make a huge difference, but they are not all that will be done. It does not help to have the counsel of despair that because we cannot do everything about knife crime immediately, we should do nothing and so undermine the drive towards the seriousness with which the licensing process will operate.

I hope that members will support the bill because of both its elements. It should provide more confidence in the system and, by addressing knife crime, should keep people out of the system. I urge members to support the bill's general principles.

## **Custodial Sentences and Weapons (Scotland) Bill: Financial Resolution**

16:45

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

The next item of business is consideration of motion S2M-5346, in the name of Tom McCabe, on a financial resolution in respect of the Custodial Sentences and Weapons (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Custodial Sentences and Weapons (Scotland) Bill, agrees to any increase in expenditure—

(a) charged on the Scottish Consolidated Fund; and

(b) payable out of that Fund for existing purposes,

in consequence of the Act.—[*Johann Lamont.*]

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

## Minister and Junior Minister

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of motions S2M-5390 and S2M-5391, in the name of the First Minister, on the appointment of a minister and junior minister.

16:46

**The First Minister (Mr Jack McConnell):** I am happy to move both motions at the same time and to speak to both in one speech, which I hope will be brief.

First, I formally record my thanks to Malcolm Chisholm for his time as the Minister for Communities and previously as the Minister for Health and Community Care and the Deputy Minister for Health and Community Care. During his time as the Minister for Communities, the Charities and Trustee Investment (Scotland) Act 2005 was implemented, which has put the public interest at the heart of governance arrangements for charities. Implementation of the central heating programme for elderly citizens has continued—the 75,000<sup>th</sup> central heating system was installed just before Christmas. The impact of that scheme on reducing dampness in Scottish homes, improving older people's quality of life and tackling fuel poverty is unparalleled.

During that time, we have also had the Parliament's agreement to, and the implementation of, the Planning etc (Scotland) Act 2006. That was a considerable achievement that will make a huge difference to the whole of Scotland. I praise Malcolm Chisholm for that and thank him for his time, and I am sure that all members want me to do so. *[Applause.]*

Secondly, I nominate with pleasure Rhona Brankin to join the Cabinet as the Minister for Communities. As the Deputy Minister for Environment and Rural Development, she has made a considerable impact, not least on matters such as green space and air quality and through leadership on the protection of natural sites and our natural species. We know that she cares passionately about the Highlands—I look forward to visiting that region tomorrow. She has done an excellent job in that post.

The big priorities for the Minister for Communities in the few months that are left in the session include the continued implementation of our strategies for housing and regeneration. Investment is being made in housing—not just through community ownership, but through supporting starter homes and in other ways. The national strategy for regeneration targets the areas that need support most and will ensure that we have new vehicles to attract private investment

and make the best use of public investment. The strategies for housing and regeneration will make a difference to ordinary communities in the way that the Parliament was established to.

A key priority for Rhona Brankin will be her work on closing the opportunity gap and tackling poverty throughout Scotland. The number of children, old people and others who live in poverty in Scotland has reduced massively since 1997 and since the Parliament was established in 1999. Continuing and leading that work across the Executive will obviously be a priority. I am sure that working with voluntary and equality groups in Scotland that make a big difference in the field and ensuring that their engagement in the process continues in the remaining months of the session will be uppermost in Rhona Brankin's mind.

The immediate, number 1 priority for the Minister for Communities will be to move on in the Parliament the strategy for improving services for older people—looking after them so that we engage them in the process and ensure that they have a constructive and positive role in our society that allows them to share their talents and experiences with younger generations—and to progress the strategy for a Scotland with an aging population, which we will publish in the coming weeks. As a result of her health portfolio work in particular, prior to her appointment as Deputy Minister for Environment and Rural Development, Rhona Brankin is ideally placed to see that strategy through to its publication.

I have real pleasure in nominating Sarah Boyack for the post of Deputy Minister for Environment and Rural Development. We all know that she achieved a number of things when she had ministerial responsibility for the environment and transport, among other things, and that there will be a lasting legacy from that time. One of the Parliament's great achievements has been the creation of Scotland's national parks. That righted a wrong that had existed since John Muir and others were creating national parks elsewhere in the world more than a century ago. I am sure that Sarah Boyack is proud of that achievement. She can also be proud of her more recent achievements as convener of the Environment and Rural Development Committee. She will have the opportunity to bring her experience as convener of the committee to her portfolio and to the ministerial team in the remaining months of the session, and to ensure that we see our programme through and make a real difference to the environment and Scotland's rural communities.

I commend the motions to the Parliament and hope that members support them.

I move,

That the Parliament agrees that Rhona Brankin be appointed as a Minister.



That the Parliament agrees that Sarah Boyack be appointed as a junior Scottish Minister.

16:52

**Nicola Sturgeon (Glasgow) (SNP):** Given his warm words about the nominees, I conclude that the First Minister must bitterly regret sacking them when he became First Minister. However, I wish Rhona Brankin and Sarah Boyack well in their new positions.

Given the imminent election, both appointments have a temporary feel. Notwithstanding that, I hope that Ms Brankin's short period in office will be more harmonious and constructive than the circumstances and manner of her appointment. I mean no personal slight to her—saying that immediately distinguishes me from most of her Labour colleagues—in saying that she has been nominated for one reason. Having decided to toe Tony Blair's line on Trident, the First Minister was simply unable to stomach anyone in his Cabinet being prepared to stick to their principles. Malcolm Chisholm was, to use his own words, given no choice but to resign from the Cabinet.

The episode has highlighted the depth of Labour's divisions on Trident, but it has also exposed the personal animosity that exists in Labour's ranks. The sheer vitriol in the comments that Labour back benchers and front benchers have made about Rhona Brankin has been breathtaking. I will not be so ungracious as to repeat any remark that has been made about her, but it is worth repeating that Mr McConnell's Labour colleagues now think that he has lost the plot. They are in touch with the rest of the Scottish population on that score at least.

Individual ministers' personalities are a secondary consideration. The hard fact is that the Government has simply run out of steam. With every day that passes, the Government looks and sounds more like the Tories circa 1997. It is divided, and everything that it says and does is negative and depressing. It talks down Scotland's potential at every opportunity. Roll on May, when Scotland will have the opportunity to elect a new team of ministers—a Scottish National Party Government that has ideas and ambition and which is positive about Scotland and the abilities of the Scottish people to build a country that is every bit as successful as our small, independent European neighbours.

16:55

**Bill Aitken (Glasgow) (Con):** Many members of the Executive have risen without trace but, after the events of the past couple of days, Rhona Brankin is certainly not one of them. Her path and mine have not crossed often over the past seven

and a half years, but I have always found her a pleasant person, so what could have caused the monstrosity that she has received in the papers in the past couple of days? It is astonishing. One MSP says that there is no-one who rates her, and another describes the appointment as a reward for incompetence. A further MSP describes the appointment as unbelievable and suggests that the First Minister has completely lost the plot, which confirms a view that has long been held by Conservative members, and another colleague says that she is the least competent member of the Labour group. I find that surprising. What has the poor woman done to be the cause of all that vitriol?

However, in a spirit of generosity, Conservative members congratulate Rhona Brankin on her appointment and wish her well. She faces some serious tasks in the few months ahead: she will have to sort out the problem with the Glasgow Housing Association; there are still planning difficulties; and the programme on the installation of central heating for pensioners is in considerable difficulty.

At the same time, we congratulate the new Deputy Minister for Environment and Rural Development, Sarah Boyack, who also seems to be quite a congenial person and does not seem to have caused the ire of her colleagues.

Who is to blame for the criticism of Rhona Brankin? The blame seems to stop with the First Minister, whose judgment on many issues is completely awry. It seems that his back benchers recognise that fact and are now speaking out against him. It would be harsh and churlish not to wish the two new appointees all the best, and I am sure that they will be voted in by the majority of the Parliament, if not unanimously. However, the First Minister has serious questions to ask himself about the handling of the matter.

**The Presiding Officer:** The question is, that motion S2M-5390, in the name of the First Minister, on the appointment of a minister, be agreed to.

*Motion agreed to.*

That the Parliament agrees that Rhona Brankin be appointed as a Minister

**The Presiding Officer:** The question is, that motion S2M-5391, in the name of the First Minister, on the appointment of a junior Scottish minister, be agreed to.

*Motion agreed to.*

That the Parliament agrees that Sarah Boyack be appointed as a junior Scottish Minister.

## Parliamentary Bureau Motions

16:58

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of three Parliamentary Bureau motions. I ask George Lyon to move motions S2M-5395 to S2M-5397, on substitution on committees.

*Motions moved,*

That the Parliament agrees that Carolyn Leckie be appointed as the Scottish Socialist Party substitute on the Justice 2 Committee.

That the Parliament agrees that Frances Curran be appointed as the Scottish Socialist Party substitute on the Equal Opportunities Committee.

That the Parliament agrees that Colin Fox be appointed as the Scottish Socialist Party substitute on the Public Petitions Committee.—[*George Lyon.*]

**The Presiding Officer:** As we are not yet quite at 5 o' clock, I suspend the meeting until 5 pm.

16:59

*Meeting suspended.*

17:00

*On resuming—*

## Decision Time

**The Presiding Officer (Mr George Reid):** In relation to this morning's debate on education, with specific reference to skills academies, if the amendment in the name of Robert Brown is agreed to, the amendment in the name of Fiona Hyslop will fall. In relation to this morning's debate on health, with specific reference to accident and emergency unit provision, if the amendment in the name of Andy Kerr is agreed to, the amendments in the name of Carolyn Leckie and Shona Robison will fall.

The first question is, that amendment S2M-5386.4, in the name of Robert Brown, which seeks to amend motion S2M-5386, in the name of Murdo Fraser, on education, with specific reference to skills academies, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 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)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Crawford, Bruce (Mid Scotland and Fife) (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)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (Sol)  
 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)  
 Watt, Ms Maureen (North East Scotland) (SNP)

Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### ABSTENTIONS

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

**The Presiding Officer:** The result of the division is: For 64, Against 45, Abstentions 8.

*Amendment agreed to.*

**The Presiding Officer:** The amendment in the name of Fiona Hyslop falls.

The next question is, that motion S2M-5386, in the name of Murdo Fraser, on education, with specific reference to skills academies, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 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, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Crawford, Bruce (Mid Scotland and Fife) (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)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (Sol)  
 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)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)

White, Ms Sandra (Glasgow) (SNP)

#### ABSTENTIONS

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

**The Presiding Officer:** The result of the division is: For 65, Against 45, Abstentions 8.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament welcomes the priority given to improving education standards by the Scottish Executive, local authorities, schools and other partners; recognises that the Executive's investment in new and refurbished schools, increased teacher numbers, reducing class sizes, strong parental involvement and stable industrial relations is providing the right environment for real and lasting change for Scotland's children; welcomes the new opportunities that are being developed through A Curriculum for Excellence and Determined to Succeed, including enabling young people across Scotland aged 14 to 16 to undertake vocational learning in further education colleges as part of the school-based curriculum; believes that a strong and relevant education system is fundamental to securing a smart, successful Scotland in which all our 16 to 19 year-olds are in education, employment or training, and calls for steadily improving opportunities for young people to achieve success in education including, particularly, opportunities to study a wider range of vocational options.

**The Presiding Officer:** The next question is, that amendment S2M-5389.3, in the name of Andy Kerr, which seeks to amend motion S2M-5389, in the name of Nanette Milne, on health, with specific reference to accident and emergency unit provision, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 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, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Crawford, Bruce (Mid Scotland and Fife) (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)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (Sol)  
 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)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

#### ABSTENTIONS

Corrie, Donald (Central Scotland) (LD)

**The Presiding Officer:** The result of the division is: For 63, Against 54, Abstentions 1.

*Amendment agreed to.*

**The Presiding Officer:** The amendments in the name of Carolyn Leckie and Shona Robison fall.

The next question is, that motion S2M-5389, in the name of Nanette Milne, on health, with specific reference to accident and emergency unit provision, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)

Gorrie, Donald (Central Scotland) (LD)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Mr Kenneth (Eastwood) (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, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Baird, Shiona (North East Scotland) (Green)  
 Ballance, Chris (South of Scotland) (Green)  
 Ballard, Mark (Lothians) (Green)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Byrne, Ms Rosemary (South of Scotland) (Sol)  
 Crawford, Bruce (Mid Scotland and Fife) (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)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fox, Colin (Lothians) (SSP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 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)  
 Leckie, Carolyn (Central Scotland) (SSP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 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)  
 Petrie, Dave (Highlands and Islands) (Con)  
 Robison, Shona (Dundee East) (SNP)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Sheridan, Tommy (Glasgow) (Sol)  
 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)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 66, Against 52, Abstentions 0.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament reaffirms its view that Delivering for Health provides a coherent and consensual basis for service change in NHS Scotland; notes the support expressed in previous debates by Members from across the Parliament and health stakeholders for key aspects of the policy, including promoting local access to services and balancing local delivery with the need to have centres of excellence that provide high-quality, modern, specialist care, focusing on primary care services, separating scheduled and unscheduled care and providing community casualty units; commends the progress being made to implement the key directions set out in Delivering for Health; supports the unparalleled investment in health and health improvement made by the Scottish Executive; welcomes the requirement for investment in primary care and in community casualty services before changes are made to existing accident and emergency services; commends the hard work and outstanding commitment of NHS staff to new and flexible ways of working needed to provide modern and responsive services; supports the principle of a modern, well-resourced NHS in Scotland, free at the point of need, and believes that any necessary changes in the NHS in Scotland should be based on the needs of local communities.

**The Presiding Officer:** The next question is, that motion S2M-5336, in the name of Cathy Jamieson, that the Parliament agrees to the general principles of the Custodial Sentences and Weapons (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Adam, Brian (Aberdeen North) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Canavan, Dennis (Falkirk West) (Ind)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (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)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (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)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)

Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robison, Shona (Dundee East) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Watt, Ms Maureen (North East Scotland) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**AGAINST**

Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)

**ABSTENTIONS**

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

**The Presiding Officer:** The result of the division is: For 87, Against 2, Abstentions 28.

*Motion agreed to.*

That the Parliament agrees to the general principles of the Custodial Sentences and Weapons (Scotland) Bill.

**The Presiding Officer:** The next question is, that motion S2M-5346, in the name of Tom McCabe, on a financial resolution in respect of the Custodial Sentences and Weapons (Scotland) Bill, be agreed to.

*Motion agreed to.*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Custodial Sentences and Weapons (Scotland) Bill, agrees to any increase in expenditure—

(a) charged on the Scottish Consolidated Fund; and

(b) payable out of that Fund for existing purposes,

in consequence of the Act.

**The Presiding Officer:** I now propose to put a single question on motions S2M-5395 to S2M-5397, on substitution on committees. Any member who does not agree should shout “Object” now.

There being no objections, the final question is, that motions S2M-5395 to S2M-5397, in the name of Margaret Curran, on substitution on committees, be agreed to.

*Motions agreed to.*

That the Parliament agrees that Carolyn Leckie be appointed as the Scottish Socialist Party substitute on the Justice 2 Committee.

That the Parliament agrees that Frances Curran be appointed as the Scottish Socialist Party substitute on the Equal Opportunities Committee.

That the Parliament agrees that Colin Fox be appointed as the Scottish Socialist Party substitute on the Public Petitions Committee.

## North-west Kilmarnock Primary Care Neighbourhood Services Centre

**The Deputy Presiding Officer (Trish Godman):** The final item of business today is a members’ business debate on motion S2M-5332, in the name of Margaret Jamieson, on neighbourhood services. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament congratulates East Ayrshire Council and NHS Ayrshire and Arran on the establishment of the North West Kilmarnock Primary Care Neighbourhood Services Centre, an ambitious multi-agency partnership project delivering world-class public services for local communities through the co-location of interconnected public bodies at a single site where those who need them most can access them, exemplifying the practice of building public services around the people who use them.

17:08

**Margaret Jamieson (Kilmarnock and Loudoun) (Lab):** The opening for business last month of the £9.4 million north-west Kilmarnock centre, which is in my constituency, is a further example of the development of neighbourhood services centres in East Ayrshire. The north-west Kilmarnock centre is the third such centre to have been developed in recent years in a way that addresses the needs of specific communities. It takes the concept of integrated public services to a new level.

The vision and impact that such centres bring to communities has been recognised at United Kingdom level through a leadership award from the Office of Public Management and awards from the *Health Service Journal* and the United Kingdom agency NHS Estates, as well as recognition from the Labour Party. Those awards followed the opening of the first area centre in Dalmellington in the constituency of my colleague Cathy Jamieson. The Auditor General for Scotland’s recent best-value audit report of East Ayrshire Council specifically highlights the impact that such centres have.

Those developments did not happen by accident; it took vision on the part of East Ayrshire councillors to pursue this method of delivery of services to improve the life chances of people in areas of deprivation within the council area.

North-west Kilmarnock displays some of the most alarming health and deprivation statistics in East Ayrshire. It has almost three times as many adults who are unable to work because of illness or disability, four times as many children who are living in workless households and almost twice as many adults who are dying as a result of coronary



heart disease as there are in the least-disadvantaged areas of East Ayrshire.

The developments tested the true commitment of other public service agencies to partnership working and joint resourcing. NHS Ayrshire and Arran had undertaken a review of its estate and identified north-west Kilmarnock as a hub for the provision of health care services. Community planning became the vehicle for identifying the shared needs of the community. The buy-in of the community was then explored to determine how people wanted their services to be delivered in order to meet their needs. The community continues to be consulted via a citizens panel. Community groups are also involved.

I wish I could have brought pictures of this third-generation centre tonight to show to members. The centre accommodates a general practitioner branch practice, the local housing team, podiatry services, midwives and nine clinical suites, which provide accommodation for a range of consultants, senior registrars and clinicians, including a dermatologist, a psychiatrist and a psychologist. It accommodates the Hunter sports centre, a day-care centre for elderly people and mental health services for children, adults and elderly adults. It also accommodates community psychiatric nurses, physiotherapy, paediatric clinics, group therapy—including music therapy and art therapy—occupational therapy, a community learning and development team, social work services, chronic disease prevention services and rehabilitation services. It accommodates the Hillbank nursery and family centre, 10 NHS dental surgeries and Scotland's only teach-and-treat facility, which is operated by the University of Glasgow.

The GP surgery, albeit that it is a branch surgery, is very welcome. It is the first in Kilmarnock to move from the town centre. I thank Dr Allan Green, the deputy medical director, for making that possible. The 10 dental surgeries at north-west Kilmarnock will serve the wider population of Kilmarnock by providing NHS facilities where previously there was very little NHS provision. The wide range of services that I have just listed was put together by officers in the public sector who genuinely believe in partnership and who have the drive to ensure the delivery of services for communities that need them.

In particular, I would like to thank the chief executive of East Ayrshire Council, Fiona Lees, and the former director of estates of NHS Ayrshire and Arran, Heather Knox, and their respective teams. The trust between the two organisations was made easier by the trust that those two women have for each other. We owe much to them—they worked tirelessly to ensure that bids were made to various Scottish Executive

departments. That was a risky process, because if one bid had not succeeded the whole pile would have collapsed. That issue is being addressed in the Audit Committee's review of community planning partnerships. I hope that the minister will comment on that tonight.

The north-west Kilmarnock area centre is the future model of delivery of integrated public services. The services will deliver health improvement, reduce "did not attends" at out-patient clinics, further reduce waiting times and ensure that comprehensive packages of care are accessible in the immediate neighbourhood. I commend that approach to other public sector organisations if they truly want to make a difference for the communities that they serve. I look forward to the delivery of the fourth-generation and fifth-generation centres in Crosshouse and Galston in the coming years.

17:15

**Donald Gorrie (Central Scotland) (LD):** I am happy to support Margaret Jamieson. I cannot add detail to what she has said, because I have not yet visited the centre, so I must make a big effort to include it in my commitments in Kilmarnock the next time I visit facilities in that area. As she says, the way forward for local services is to bring them together in one place, to make them accessible and to get them to co-operate better.

I had experience of a similar activity 10 or 15 years ago, when I was a councillor in part of west Edinburgh. We got two groups of offices to co-operate a bit, but their co-operation did not extend to the garden, so for six months nobody looked after the garden at all and it became totally weed-ridden. It required heavy political pressure to get those wretched people even to attend to the garden—the centre in Kilmarnock has obviously done better than that.

There is an old cliché about taking a horse to water and making it drink. Successive Governments produce quite good services for people, as does local government, but the services often do not get to the people who are meant to receive them. The Kilmarnock centre obviously represents a good effort, although one can never guarantee a 100 per cent success rate. Scots are always difficult, and one or two will always turn up their noses at what they are offered, but that sort of co-operation allows people to get services in one place where they can be dealt with efficiently. Trailing round different departments, national or local, can put a lot of people off.

The involvement of the community in such initiatives can be a basis for real community democracy, which we are still not very good at

delivering. Getting local or voluntary groups involved together in one place allows them to co-operate with the council and the health board so that, between us all, we can produce a much better service. I warmly welcome the new centre and the fact that we are debating it to show how strongly we approve of it. I hope that other councils will, in their own way, develop similar initiatives.

17:18

**Dave Petrie (Highlands and Islands) (Con):** I thank Margaret Jamieson for bringing the issue to the chamber and I join her in congratulating the north-west Kilmarnock primary care neighbourhood services centre, which provides a wide range of services from a single point in a highly deprived area. The centre results from a successful partnership between East Ayrshire Council and Ayrshire and Arran NHS Board.

Margaret Jamieson has already mentioned some of the services that are available. Of particular interest to me are the mental health, nursery, crèche and family centre facilities. As she rightly said, the Kilmarnock project could provide the blueprint for similar schemes in other deprived areas and I hope that it will be a catalyst for such development. However, it is important to monitor such initiatives and I would be interested to see an Executive report on how the scheme has improved the situation and helped to combat inner-city social exclusion in that part of North Lanarkshire.

My party supports better partnership between social, health and community service providers, which can prevent much duplication and improve communication between the different services. It is also important to support community groups, as Donald Gorrie said, as they help to create community spirit and to address many health and employability issues, particularly in highly deprived areas.

It is important that money invested is well spent. Investment for the sake of it that does not secure clear results is a missed opportunity for investment elsewhere. However, I am sure that that will not be the case with the neighbourhood services centre, in which I understand that around £9.3 million has been invested.

It is important to note that the centre represents a central-belt solution to social exclusion and poverty. Such a scheme might not be possible in the Highlands and Islands—my area—where the population is more sparsely dispersed and catchment areas are larger. I would like to hear what the minister plans to do about social exclusion and severe poverty in more rural and island regions.

I will continue to monitor the progress of the north-west Kilmarnock primary care

neighbourhood services centre and, like Donald Gorrie, I hope to visit it some time, to consider the effect that it has had on the health and well-being of the surrounding population. Society faces big problems with poverty. Social mobility is falling and I am losing faith in Labour's ability to tackle the problem effectively. It is important that we try as hard as we can to end the blight on our society. We must give everything a chance to work. We welcome the initiative and look forward to the extension of the approach throughout Scotland.

17:21

**Robin Harper (Lothians) (Green):** I had the honour of joining the Audit Committee on a visit to the north-west Kilmarnock primary care neighbourhood services centre before it opened. We were shown round the empty building by enthusiastic staff, who told us what would happen there.

The approach represents an acknowledgement that in areas of multiple deprivation individuals are multiply deprived. A person who presents to one service might not identify their biggest problem; they might have two or three other problems. The beauty of the neighbourhood services centre is that people can be transferred quickly and easily from one service to another, so that they can receive the best help that is available. In the keenness of the staff whom I met, I recognised the development of an ethos of public service that is without equal in Scotland. I am certain that the centre will provide a magnificent example of what can be done when all social services work together and that it will be a beacon of light throughout Scotland.

Dave Petrie was right to say that neighbourhood services centres are not necessarily the answer to problems in rural Scotland. However, I am convinced that such centres must be the way forward in urban areas of multiple deprivation.

Dave Petrie was also right to talk about monitoring—I raised that issue during the Audit Committee's visit, as Margaret Jamieson knows. Advantage should be taken of modern techniques—I say "modern", but sociometrics has been around for 30 or 40 years—to measure how the community feels better about itself.

Children, in particular, will benefit from the approach, in an enormous number of ways. I do not have time to go into detail but, for example, the existence of the centre will make it much easier for a disposition of the children's panel that involves two or three agencies to be put into effect.

I was affected by a story that we were told about police attitudes to young people in East Ayrshire, which reflects the ethos that is developing. We heard that if a problem arises in one of the small

villages—Dave Petrie should note that this relates to a rural area—the police send a van, not so that they can threaten to impose antisocial behaviour orders but so that they can offer the young people a lift to the nearest youth club. I think that that is wonderful.

I thank Margaret Jamieson for securing the debate. I am sure that the people who work in the centre will be pleased that attention has been drawn to the wonderful work that they are beginning to do. I hope that the centre will be carefully monitored and that the rest of Scotland will learn as much as possible from the initiative.

17:24

**The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon):** I congratulate Margaret Jamieson on securing the debate. I am sure that the project that she has outlined has secured the support of all those who have spoken in the debate. I welcome the opportunity to highlight the way in which the Executive is working to drive forward the reform of public services in Scotland, providing the user focus that Margaret Jamieson mentions in her motion and described in her speech.

The Executive's vision is for world-class public services that provide the people of Scotland with a platform on which to build better lives for themselves and their children. Sustainable partnerships such as the north-west Kilmarnock primary care neighbourhood services centre are enabling public bodies such as East Ayrshire Council and Ayrshire and Arran NHS Board to work together for the benefit of the end user. They are a role model for others to follow throughout Scotland. We want organisations to work together to deliver a seamless service to local people in East Ayrshire, and we hope to see that type of model rolled out throughout the rest of Scotland where that is appropriate.

The list of services that Margaret Jamieson described indicates what can be achieved when two organisations come together. The amount of money that they have committed to the centre—more than £4 million is being put up by East Ayrshire Council, £5 million is being put up by Ayrshire and Arran NHS Board and there is a contribution from the Executive—shows the scale of the project and the commitment that has been put into making the centre a success.

The Executive also has an initiative called on the ground—a multi-organisational programme that is delivering more joined-up and efficient public services across Scotland through the delivery partners of the Scottish Executive Environment and Rural Affairs Department family of public bodies. That project may address some of the

concerns that Mr Petrie raised about public sector reform and the joining up of services in rural areas. It provides a mechanism through which we seek opportunities not only to share services and facilities but to build a habit of joint working. Developing that ingrained approach to joint working is essential. Even with co-located facilities, we must ensure that there is an underpinning cultural change to enable the transformation of public services in Scotland.

During my summer tour visits as part of the extensive dialogue process following the publication of "Transforming Public Services: The Next Phase of Reform", I saw several examples of co-located services. In each one, the key to success was the overarching drive by all the staff—regardless of which public agency they worked with—to place the welfare of the user at the heart of their work. Whether it was in child protection, as I saw in the Borders, or in other examples that were shown to me throughout Scotland, the key to success was the public agencies working together and pulling together to share information and to deliver for the end users and customers whom they served in their particular areas.

Too often, attempts at closer working, let alone co-location projects, fail because of a clash of cultures or a communication failure. However, there are encouraging signs that public sector leaders are clearly setting out the need for all staff to work closely together and are taking action to encourage and enable that closer working. It seems that the two ladies whom Margaret Jamieson spoke about set an example of such leadership in ensuring that both organisations were willing to commit not only to working together but to bidding to the Executive for extra funding to enable the project to get off the ground. That appears to have been at the heart of the success of the project in East Ayrshire.

**Robin Harper:** It is also important to note that the chief of police in East Ayrshire is a woman.

**George Lyon:** Point taken. Maybe that is the key to the success, but let me not go there.

As I said, "Transforming Public Services: The Next Phase of Reform" sets out the Executive's vision for transformed public services in Scotland. In nine geographic events across Scotland, we have talked and listened to nearly 300 leaders of public service delivery organisations from throughout Scotland. In addition, we have held specific sector events, for example with the voluntary sector, the police and fire and rescue. The key message that we have been getting is that user-focused customer services are central to any reform agenda, as is a willingness to work together.

The reform dialogue will continue into February, with further events for front-line staff and public service users, but several clear themes have already emerged: broad support for the Executive's principles of reform; enthusiasm for joining up services across community planning partnerships; some excellent examples of success; and concern about the current levels of monitoring and scrutiny. We have agreed to set up the Crerar committee to examine the last of those issues. There is also a clear wish for the Executive to provide strong leadership. Please believe me: we will provide that leadership in ensuring that public sector reform is delivered.

Many important reforms have already taken place in the past four to five years. They include the abolition of health trusts and the introduction of the single transferable vote for the next local government elections. Many new initiatives for public sector reform are already under way in Scotland. The Glasgow pathfinder project is a classic example, and the project in Stirling and Clackmannanshire is another of the most prominent.

Let us recognise and praise the work that has been done so far. I am very happy to support Margaret Jamieson's motion, and I am sure that I speak for all members in wishing the north-west Kilmarnock centre well for its formal opening and every success in the future.

*Meeting closed at 17:31.*

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