

MEETING OF THE PARLIAMENT

Wednesday 24 October 2007

Session 3

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SCOTTISH MINISTERS AND LAW OFFICERS

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24 October 2007

Scottish Parliament

Wednesday 24 October 2007

[THE PRESIDING OFFICER *opened the meeting at 14:00*]

Time for Reflection

The Presiding Officer (Alex Fergusson): Good afternoon. Our time for reflection leader today is Claire Martin from Holyrood secondary school in Glasgow.

Claire Martin (Holyrood Secondary School, Glasgow): Good afternoon. Thank you for inviting me to lead today's time for reflection—it is a great honour.

As a pupil of a faith-based school, I feel that a continual development of faith alongside learning has made me more aware of the ever-shrinking world around me. At a meeting of our school fair-trade group, we decided that we wanted to run a project to improve the lives of young people our age who lacked the opportunities that we had been able to receive through our education—an education that we often take for granted. It was then that the idea of a backpack appeal was put forward. In partnership with the charity Scottish International Relief, we ran a pupil-led appeal for school pupils in Malawi in which we asked for old school bags with simple everyday objects such as pens, pencils, a T-shirt and a spoon.

The appeal was more successful than any of us thought it would be: 2,006 bags were sent to Malawi, with the transport costs of more than £2,000 covered. As a result, 2,006 children in Malawi were provided with the tools for learning and the tools to end poverty.

Later in the year, we received a film of the children getting their bags. However, while watching the film, I wondered, "Why aren't we all happy too? Why aren't we all clapping and smiling as they are?" The reason was that the reality of everyday life in Malawi had hit us. In the background, there were buildings without windows, doors or paint. There were classes of more than 140 pupils with only one teacher and no desks, no chairs and no books. The film showed us not the completion of our project, but merely the beginning of it. Reflecting on a task can be important but, as I am sure Parliament has found, it is even more important to look forward.

In June next year, 22 pupils from Holyrood secondary school will travel to Malawi to work alongside a community and build two classrooms to provide a sheltered and properly equipped area for pupils to learn in. Within our learning

community, we hope to raise in excess of £50,000 so that, as well as begin that project, we can provide facilities for special educational needs pupils and work as part of the Mary's meals project, which currently feeds more than 200,000 children in Malawi at a cost of only £5.30 a year each.

I now wish to read a small quotation from Mother Teresa, who put into words the motivation for our continuing project:

"Love is not patronising and charity isn't about pity, it is about love. Charity and love are the same—with charity you give love, so don't just give money but reach out your hand instead."

In reflecting on those words, I wish to say what I said at the launch of our backpack appeal last May: education is a human right, and we here today—and I, along with the other young people of Scotland—must fight for it. We must fight for those who do not have a voice, and do our bit to make poverty history.

“Scottish Elections Review”

The Presiding Officer (Alex Fergusson):

Before we move to the next item of business, members should by now be aware that the First Minister has requested that a statement be scheduled on the “Scottish Elections Review”. I have used my powers under rule 13.2.2 of standing orders to allow a statement on that report to proceed in place of the scheduled statement.

The next item of business, therefore, is a statement by Alex Salmond on the Gould report. As the First Minister will take questions at the end of his statement, there should be no interventions.

Margo MacDonald (Lothians) (Ind): On a point of order, Presiding Officer. I apologise for not having been able to give prior notice of this point of order, but I did not know that the business had been changed. Will we have a statement on the First Minister’s American visit and, if so, when?

The Presiding Officer: That is a matter for the Government to bring forward to the Parliamentary Bureau.

14:04

The First Minister (Alex Salmond): Just to help Margo MacDonald, I should say that I will be delighted to make a statement on my visit to the United States if the Parliamentary Bureau is minded to accept it.

Yesterday, Ron Gould delivered his report on the systemic failure that blighted the elections to this Parliament on 3 May this year. I welcome the report and want to place on record my thanks to Mr Gould for his thorough and perceptive analysis: we accept all of his key recommendations in full. I was initially minded to order a judicial inquiry but, given the extent and thoroughness of the report, it is now my view that Parliament and the people would be better served by implementing its recommendations.

The report raises vital questions about the operation of a fair and robust voting system, which is the bedrock of any democracy. The denial of a democratic voice to tens of thousands of our citizens is scandalous. The report does not pull any punches—it concludes, among other things, that part of the reason for what happened was that those who were in charge at the time frequently focused on party advantage over the national interest. Its summary states:

“Through consultations, it became clear to the Review team that both the Scotland Office and the Scottish Executive were frequently focused on partisan political interests in carrying out their responsibilities, overlooking voter interests and operational realities within the electoral administration timetable.”

The report also claims that voters in Scotland were “treated as an afterthought” and that Government ministers and others overlooked the interests of the electorate.

Let me be clear: what happened on 3 May is totally unacceptable in a democratic society and must never be allowed to happen again. The Government will do everything in our power to make sure that it does not. Today, Parliament must commit itself to rebuilding confidence in our electoral system, but we cannot do that on our own. It may seem absurd to many people, but the United Kingdom Government controls and runs the Scottish parliamentary elections.

It did not appear to me from his statement to the House of Commons yesterday afternoon that the Secretary of State for Scotland had fully grasped the gravity of all the issues that were under discussion, although he did accept that the UK Government has lessons to learn from the systemic failures that occurred. He also failed to accept Mr Gould’s first recommendation—that the responsibility for both Parliament and local elections should be assigned to a single jurisdictional body, and that that body should be the Scottish Government. The report states:

“As long as the responsibilities for the decisions which have an impact on the Scottish parliamentary and local government elections are divided between the Scotland Office and the Scottish Government, it cannot be guaranteed that these electoral processes will be conducted effectively, due to the fragmentation of the legislation and decision-making in this context. As a result, we would recommend that exploratory discussions take place with a view toward assigning responsibility for both elections to one jurisdictional entity. In our view, the Scottish Government would be the logical institution.”

In response, the Secretary of State for Scotland simply said:

“I am not persuaded that Mr. Gould’s analysis ... necessarily supports his conclusion.”—[*Official Report, House of Commons*, 23 October 2007; Vol 465, c 166.]

Therefore, yesterday, after the statement I wrote to the Prime Minister to make clear our disappointment with that lukewarm reaction. I urged Gordon Brown to act quickly and positively on the report’s key recommendations and to give a fair hearing to proposals that will enhance parliamentary democracy in this country, and I expressed the hope that, through discussion, we could work together to take forward all of the reforms that Gould has recommended. I should say that at today’s Prime Minister’s question time, Gordon Brown seemed to indicate that the UK Government had accepted Gould’s recommendations.

I want to discuss the report in more detail. The Scottish Government accepts all the report’s recommendations. We will take early action to consult on or, where we can, to implement all the

recommendations that fall within our responsibility. As I have said, a central conclusion—which we absolutely support—is that our Parliament should be in charge of its own elections. That is such a basic and fundamental principle that it should go without saying; indeed, I am at a loss to understand why it was not written into the Scotland Act 1998 from the outset. We need to persuade the UK Government and the UK Parliament to act speedily to bring about that change. A number of other recommendations, including the proposal to establish a chief returning officer for Scotland and the proposal to separate the parliamentary ballot papers in future elections, also need direct action to be taken by the UK Government.

A number of recommendations are aimed directly at local government. For example, it will be for returning officers to take forward arrangements for any new contract for electronic counting of local government ballot papers when the current contract with DRS Data Services expires at the end of this year.

I now want to focus on what the Scottish Government wants to happen as a result of the report and what we will do to make it happen. The report highlighted the complicated systems and structures that have been created over the years to manage our elections, and it identified the complexity of the legislation and the fragmentation of roles and responsibilities as being critical obstacles to problem-free elections. I agree.

The report recommends that the legislation be rationalised and consolidated and that a chief returning officer be appointed to oversee both Scottish Parliament and local government elections. The Government agrees and wishes an early meeting with the UK Government to make that happen.

From what the Secretary of State for Scotland said yesterday, it appears that the UK Government believes that decoupling Parliament and local government elections will, in itself, solve the problems, but that is entirely to ignore a central conclusion of the report—that there should be a single jurisdictional body and a single line of political responsibility.

We will reconvene the elections steering group in Scotland. We will strengthen its role in the lead-up to the next set of elections in order to ensure that we deliver a clear timetable for action that is realistic and achievable.

On ballot papers, the report is specific. Even a limited preliminary testing sample in 2006 showed a 4 per cent rejection rate, which is precisely what happened on 3 May. Many people will find it astonishing that although the flaws in the system had been identified, nothing was done to rectify

matters before the election. This Government will not repeat those mistakes. Ballot papers will be designed with the voter in mind and will be thoroughly tested well in advance of the date of the election.

I accept the recommendation that we look at options for allowing equitable positioning on the ballot paper. The report suggests a draw to determine ballot paper position as one option for levelling the playing field for all candidates, regardless of party. I support that recommendation.

I note the report's proposal that in order to prevent any confusion in the future, the registered names of all parties should appear first on all regional ballot papers. Although I do not necessarily accept that the fact that that practice was not followed on 3 May led to confusion among Scottish voters, I will support the recommendation.

Postal voting is an important feature of Scottish elections, especially for many of our rural and island communities, and for our less mobile residents who depend on a reliable postal voting system. Many of those people were let down at the May elections. The situation could have been much worse if many council election officials had not taken swift action, when they could, to ensure that absent postal votes were replaced. I will ensure that the recommendations in the report that relate to postal voting are acted on. Postal ballot packs must be better designed and better issued. It is just common sense that people must get them in good time to return them for their votes to be counted.

I also accept the report's recommendation that the closing date for nominations be brought forward, leaving a clear 23 days between close of nominations and polling day.

The report concludes that electronic counting, of itself, was not responsible for the extent to which ballot papers were rejected. However, there were problems with electronic counting on 3 May, so we need to rebuild confidence that the system can deliver on time and in a consistent manner. First, we need to ensure that we fully plan and risk manage the electronic counting element of future elections. Secondly, we must ensure that all doubtful ballot papers are adjudicated consistently.

Finally—and crucially—I return to the need for clear responsibility for elections and election policy. I absolutely accept the report's premises that decision making is fragmented and that the institutional arrangements for administering elections in Scotland are complex and overtly subject to political interference. The way to get rid of fragmentation is to give this Parliament responsibility for its own elections, which would be logical, fair and in the best interests of the Scottish

people. I call on Parliament to support that key recommendation of the Gould report.

I also accept that combined elections do a disservice to local government and to local government candidates. Local politicians should be elected on local issues, which can get lost in the context of national issues in a combined election.

Presiding Officer, the people of Scotland will be appalled to learn from the Gould report the extent of the failures of the people who were responsible for running the last election. However, they will now care even more that we act to put things right. What happened on 3 May must never happen again; accepting the report and all its conclusions is the first step to ensuring that it does not.

The Presiding Officer: As I indicated previously, the First Minister will now take questions on the issues that were raised in his statement. I intend to allow about 20 minutes for questions, after which we will move on to the next item of business. It will be helpful if members who wish to ask a question will press their request-to-speak buttons now. I call Andy Kerr first, to be followed by Annabel Goldie.

Andy Kerr (East Kilbride) (Lab): I thank the First Minister for an advance copy of his statement.

Clearly, we all accept that there were significant problems with the elections in May—of course, that is why Ron Gould was tasked with examining the election process and why, I believe, we should seriously consider all his recommendations.

All major political parties supported the use of a single ballot paper, so does the First Minister, like the Labour Party, accept in retrospect that that was wrong? Why, in his statement, did he reject the view of Mr Gould that putting “Alex Salmond for First Minister” on the ballot paper could have caused voter confusion?

The First Minister’s statement made no reference to consultation of other parties in Parliament. I take this opportunity to remind him that this is a Parliament of minorities. Does he therefore agree that all recommendations must first be considered on a cross-party basis if we are in the future to avoid accusations of partisanship?

Finally, Mr Gould was explicit that all parties must share the blame and he specifically criticised the use of the phrase “Alex Salmond for First Minister”. The Labour Party has accepted responsibility for our part in the frustration that was felt across Scotland following the May elections: the Secretary of State for Scotland apologised yesterday, Douglas Alexander has apologised and, today, I apologise on behalf of the Labour Party in the Scottish Parliament. However, the

criticisms apply to all parties and, of course, particularly to the use of the Scottish National Party’s “sloganising” agenda. Is the First Minister also therefore prepared to apologise to the Scottish people?

The First Minister: Well, I am surprised—and no less delighted that he is standing in—that Andy Kerr is asking me the questions today.

I say to Andy Kerr that, in the early days of 1955, Robert Salmond did not name his first-born son Alex with a view to his getting further up the ballot paper in the Scottish elections in 2007. Party descriptions and strategies have been used by many parties in elections, normally without causing mass confusion among the electorate.

I noticed that Andy Kerr used the word “partisanship”, which is exactly the accusation that Gould levels against ministers in London and, indeed, ministers who were in this Parliament. However, there is a distinction: on the one hand, political parties have been known to advance partisan arguments—it is called politics—but on the other hand, people who become ministers are expected to rise above that when they are planning free and fair elections. [*Interruption.*]

The Presiding Officer: Order.

The First Minister: That is why it is crucial that we implement all the recommendations of the Gould report. I did not detect from Andy Kerr’s questioning any sign that the Labour Party in Scotland would implement and support the very first recommendation in the report—that this Parliament should be responsible for its own elections. I have to say that anybody who thinks the contrary must subscribe to the theory that Big Brother knows best—or, in this case, that Wee Brother knows best.

Annabel Goldie (West of Scotland) (Con): I, too, thank the First Minister for an advance copy of his statement. I do agree with him that we must rebuild confidence in our electoral system.

The root cause of all the problems on 3 May was the holding of two elections on the same day. Surprisingly, and regrettably, the First Minister relegated that most important aspect to a footnote in his remarks. It is perfectly clear that a different voting system, electronic counting and a combined ballot paper were always, individually, going to be challenges, but chaos was frankly inevitable when they were all put together through having two elections on the same day. That, not the manufacturing of some illusory spat with Westminster, is the kernel of the problem.

Does the First Minister agree that, if Labour and the Liberal Democrats had backed the Scottish Conservative bill in the Parliament in 2005 that would have decoupled the elections, the mayhem

would have been avoided? What mechanism does the First Minister propose for a decoupling bill and what is the timescale? We certainly owe it to serving councillors and our councils to enable them to plan for the consequences of decoupling.

The First Minister: The proposal to make Parliament responsible for both sets of elections is the first recommendation in the Gould report. That was not manufactured by me, by the SNP or by the Government—it was Gould's first recommendation. He was appointed by the Electoral Commission, not by me, and the Electoral Commission drew up his remit. The report is independent—certainly, it is independent of the Government. It is incumbent on all of us not just to pay close attention to the recommendations, but to be prepared to implement all of them, rather than just to pick and mix the ones that we like or do not like.

Gould does not argue that the key problem was there being simultaneous elections for local government and Parliament; to an extent, he argues to the contrary. However, he recommends that the elections be decoupled and I support that recommendation. One difficulty is that having two voting systems on the same day makes the process of explaining the elections all the more difficult, particularly when a new system is being introduced, because two explanations have to be made for the two elections. Although Gould praises the VoteScotland campaign for its efforts, that is a substantial difficulty.

I intend to act quickly and to consult on proposals with a view to introducing legislation to decouple the elections for local government and the Scottish Parliament. I will do that in plenty of time, so that all the parties can agree on when it will be best to hold the local government elections. That is a recommendation of the Gould report; all of us who are interested in making progress on restoring confidence in parliamentary democracy in Scotland should support it.

Nicol Stephen (Aberdeen South) (LD): I agree that responsibility for the elections should pass to the Scottish Parliament. The Scotland Office has very few tasks to perform, yet on its single remaining executive task, it failed. That is why the people of Scotland were entitled to hear an apology from the former Secretary of State for Scotland. The scandal puts a black mark against Douglas Alexander's ministerial competence and leaves a question mark over his future ministerial career.

However, the First Minister should also apologise. His decision to rename his party as "Alex Salmond for First Minister" is strongly criticised in the Gould report. Ron Gould, in his thorough and perceptive analysis, called it "sloganisation" and a "naming strategy" to

"achieve a higher position on the ballot paper."

That led to a misconception, which was a reason why so many voters left one parliamentary ballot paper unmarked. Thousands of people lost their votes because of a tactic to put the SNP under the letter A, rather than the letter S.

The whole mess surely makes the case for the introduction of the single transferable vote for the Scottish Parliament elections. The STV system worked well for local government elections and would work well for the Scottish Parliament elections. Will the First Minister support that?

The First Minister: It was, of course, open to the Scottish Liberal Democrats to describe their party as "Nicol Stephen for Deputy First Minister" or as "Nicol Stephen for First Minister" but the Liberal Democrats did not, for one reason or another, think that that would be an advantage in the election campaign. The rules on descriptions in elections were drawn up by the Electoral Commission. Earlier, I mentioned the suggestion that my name and the christening tactic had been part of a strategy. That really did not happen, way back in 1955.

I turn to the substance of the question. A decision on the single transferable vote—which I am inclined to support—is not justified by the report. There is nothing in the Gould recommendations to suggest that the present two-ballot system—the additional member system—cannot work effectively. We have had two elections without the problems that we had in the most recent election. The arguments for STV must stand on their own merits and not rest on the Gould report.

However, I agree with Mr Stephen on the question of responsibility and the line of responsibility. I remind him that the criticisms that have been made of Government ministers are specific and damning. The consultation showed that the Scotland Office and the Scottish Executive

"frequently focused on partisan political interests ... overlooking the interests of the voter and operational realities"

of the election timetable. I gently remind Mr Stephen that he was the Deputy First Minister in that Executive.

The Presiding Officer: We come now to back-bench questions. The shorter they are, the more we will get into the nine minutes that are available.

Alex Neil (Central Scotland) (SNP): I welcome the First Minister's acceptance of all the recommendations in the Gould report. In particular, I seek his assurance that candidates and agents will in the future have the democratic right to examine rejected papers. That right was refused them last May.

I draw the First Minister's attention to the apology that was issued this morning by Douglas Alexander, who had the primary ministerial responsibility for the fiasco. Does the First Minister agree that an apology is not sufficient in this instance? When someone uses ministerial power to try to manipulate an election for their own party, it should be a matter for resignation, not just for an apology.

The First Minister: I am more interested in the future of Scottish elections than in the future of Douglas Alexander. The future of Douglas Alexander is a matter for the Prime Minister.

I want to put forward a hypothesis. Let us imagine that the Lord Chancellor has introduced a new voting system for a UK general election, and that that voting system, the lack of preparation and the lack of a timetable—and all the other things that are identified in the Gould report—have led to the rejection of more than one million ballot papers. That would be the proportionate figure. Does anyone seriously believe that a UK Government minister who did that in a UK general election would stay in office? Does anyone believe that it would be tenable for any minister under those circumstances to refuse to accept the first recommendation of an independent report into the elections?

George Foulkes (Lothians) (Lab): Has the First Minister read the very last paragraph of the Gould report? It says:

"In all fairness, however, it is important not to lose sight of the many positive aspects and good intentions of those involved in assembling and conducting the 3 May 2007 elections."

The paragraph continues:

"Much credit is due to all involved in the election for the degree of success achieved despite the hurdles involved."

The First Minister blames people: he rises to the occasion, as always, by lowering himself to party political propaganda. Two can play at that game.

I have received a letter from the chairman of the Electoral Commission, which says that one of the top three complaints that the commission received was—I do not think that members will find it difficult to guess it—the use of the phrase

"Alex Salmond for First Minister".

Why, for once in his lifetime, will the First Minister not do what Andy Kerr has done, what Douglas Alexander has done, and what the Prime Minister has done, and apologise for his failings?

The First Minister: I am glad that the Electoral Commission is receiving Lord Foulkes's letters.

When Lord Foulkes starts bandying about phrases such as "party political", I know that he is on very weak ground indeed. He would do well to

reflect on the fact that one of the unintended but welcome consequences of the SNP vote having increased by 10 per cent in both the constituency and the regional ballots in the election is his presence in the chamber.

Patrick Harvie (Glasgow) (Green): As the First Minister has done, many members of the public will accept the logic in the suggestion that this Parliament should be responsible for its own elections. However, does the First Minister accept that there will be people—perhaps it would be uncharitable to say that they are more cynical than I—who would suggest that that change in itself would not remove the possibility of political, shall we say, jockeying for position? Does he accept that one of the reasons why the public can have confidence in the report is that it was conducted independently? Given that, and if the First Minister is successful in persuading the UK Government to move power for conducting elections to this Parliament, what role does he envisage for building independent scrutiny of management of election decisions by people who are not part of party politics?

The First Minister: There are two issues. First, if the UK Government can be persuaded to accept the recommendations of the report—as the Prime Minister seemed to imply it would at Prime Minister's question time today—an important first step would be a parliamentary debate and vote to accept the recommendations of the report in this Parliament.

Secondly, Gould's suggestion about removing the possibility of political influence from ministers in running the election—or "partisanship" as it is described throughout the report—through the appointment of a chief returning officer seems to me to be a valuable one, which should be considered and implemented. The consequences that would flow from that would give the process additional protection from partisanship and political manipulation.

Tricia Marwick (Central Fife) (SNP): Does the First Minister agree that a good Scots word to describe the conduct of the election campaign in May is "boorach"? The people who suffered for it were the people of Scotland.

I, too, am interested in a number of the recommendations in the report, and I am grateful that the First Minister has indicated that he will accept them. Not the least of those, as he has already mentioned, is the need to have a chief returning officer. It was simply unacceptable not just at this election but at previous elections that the whole process was so fragmented, and that individual returning officers were allowed to make decisions. How quickly will he have discussions with the UK Government about its role in the matter? Will he seek from that Government a

timetable to introduce the recommendations and changes in the Gould report?

The First Minister: I wrote to the Prime Minister yesterday, immediately after the Secretary of State for Scotland's statement in the UK Parliament. I have no idea whether his comments at question time today were in any sense a response to that letter, but I hope that we can move forward by agreeing to accept the recommendations of the report in full as opposed to trying to pick and mix the ones that we like and reject the ones that we do not like.

The report is, on any terms, totally independent of this Government and Parliament. It was commissioned by the Electoral Commission under the commission's terms of reference. It is a comprehensive report and, although many of us in all parties may not be as enthusiastic about some recommendations as we are about others, surely the test is to accept the recommendations in their totality. If we do that, we can and will restore faith in parliamentary democracy in Scotland.

The Presiding Officer: I understand that Michael McMahon has deferred to Duncan McNeil. This will be the last question.

Duncan McNeil (Greenock and Inverclyde) (Lab): While—predictably—we debate today who is to blame and avoid blaming ourselves, as a Parliament we cannot avoid the responsibility for putting things right. I believe that we should proceed on a cross-party basis. In my capacity as convener of the Local Government and Communities Committee, I have written to Ron Gould and the Electoral Commission, inviting them to give evidence on the report.

The First Minister will be aware that the remit of the Local Government and Communities Committee is such that it can focus only on local government elections. Would the First Minister support an extension of the committee's remit to allow it take evidence on the Scottish Parliament elections and produce a report that the whole Parliament could debate? Our Parliament needs to face up to its responsibility and to put things right. I seek the First Minister's support for widening the committee's remit.

The First Minister: The first thing to do is to have a parliamentary debate and allow Parliament to put forward its position as a response to the Gould report. I say with due respect to the convener of the Local Government and Communities Committee that if we have a full parliamentary debate, accept things as parliamentary matters and are guided by the majority view in the chamber, we will not go far wrong.

I say to all parties and all members that we will not, however, do ourselves a service if we look to

implement only some aspects of the report. If we are to implement changes in time to decouple the local government and Parliament elections and to implement the recommendation on a single line of accountability over Scottish elections, we will have to move quickly. One of the things that went wrong with this year's elections was that things were done in haste at the last minute, which led to spatchcock legislation and proposals.

Let the parliamentary debate take place as soon as the Parliamentary Bureau would like to schedule it—we will see what the majority will of Parliament is. For my part, as First Minister, I hope that Parliament will implement all the report's recommendations.

Margo MacDonald: On a point of order, Presiding Officer. I do not wish to challenge the chair but, in such a debate, which concerns Parliament and not merely one party—or even all the parties—and in which we are considering the effect on Parliament's composition of how the elections were conducted, we should have found time to hear an independent voice. Parliament's founders meant for more independent voices to be heard. It is arguable that the conduct of the election and the electoral procedure militated against that.

The Presiding Officer: I am sorry. It is not only independent voices that were unable to be heard. Many other members had pressed their buttons, but I am afraid that time militated against my calling anybody else.

Iain Smith (North East Fife) (LD): On a point of order, Presiding Officer. I ask you to reflect on the time that is allocated to statements in order to ensure that there is an adequate opportunity for all members of Parliament to ask questions. The 30-minute statement allowed little time for back-bench questions—indeed, no questions were taken from the back benchers of either the Liberal Democrats or the Conservatives. That is not an acceptable position. I hope that you will reflect on that.

The Presiding Officer: I will certainly reflect on it.

Waiting Times

The Presiding Officer (Alex Fergusson): The next item of business is a statement by Nicola Sturgeon on waiting times. The cabinet secretary will take questions at the end of her statement, which will be a 15-minute statement; therefore, there should be no interventions.

14:38

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I was asked to make a statement on the Government's approach to waiting times and I am delighted to do so. We are aiming clearly and firmly at driving waiting down and putting patients' interests first at all times.

I have already informed the Parliament of the arrangements that we have put in place to abolish hidden waiting lists and introduce important changes in the way that waiting times will be measured from next January. Those new arrangements will be more transparent, more consistent and fairer. All patients will be covered by national maximum waiting time targets. No longer will thousands of patients be excluded from the guarantee through the use of so-called availability status codes.

National health service boards continue to make excellent progress in reviewing the cases of patients who hold availability status codes and treating them where appropriate. I can announce that the latest management information indicates that the number of patients on the in-patient and day-case waiting list with an availability status code fell to just above 19,000 at the end of August. That is a reduction of more than 10,000 on the 31 March hidden waiting list figure that we inherited from the previous Administration.

I expect a continued steep decline in the number of patients with availability status codes in the coming weeks. It is clear that the NHS is on track to ensure that the codes are phased out by the end of this year. I very much appreciate the hard work that NHS boards are undertaking to ensure that ASC patients are seen or treated. They have also worked hard to ensure that the new approach is in place and working by the end of the year.

I am determined that the new system will be completely transparent and open to scrutiny—unlike the current system. That is why we have taken a wide range of actions to ensure that patients are aware of the new arrangements and what they will mean for them. NHS 24 is also providing an advice line for patients who want to know more about how the new approach works and how it affects them. I have personally written to all general practitioners seeking their help in

ensuring that their patients understand the new arrangements.

In addition, the information services division of NHS National Services Scotland will undertake quality assurance of the new arrangements in the first half of next year; it will produce a report that will be sent to me and which I will publish. Representatives of patients will help guide that work to ensure that it addresses any public concerns about how the guidance is applied.

Moreover, I am very pleased indeed that the Auditor General for Scotland shares my view that this is a matter of significant public interest. I can confirm that he has agreed that Audit Scotland will review how the new approach is being applied once the system is up and running. That should enable us to determine whether the new arrangements are being operated consistently and fairly by NHS boards and are benefiting patients. If any issues or problems are identified, we will take action.

When we debated the issue in the Parliament last month, it was claimed that the new arrangements would be bureaucratic and would place a massive administrative burden on NHS boards. We have been given no evidence whatsoever for those statements. Indeed, in our annual review meetings, and in contacts with NHS board senior staff, the service has indicated that the new approach will not place a big administrative burden on staff. On the contrary, the new arrangements, supported by better information technology systems to track patients throughout their journey of care, should mean less form filling. There will be less manual record keeping for hard-pressed NHS staff. Further, as I have already said, I expect that, as the NHS continues to drive down waiting times, there should be fewer complaints, less need to review patients' cases repeatedly and higher levels of patient satisfaction generally.

From next January, availability status codes—and hidden waiting lists—will be gone for good and national maximum waiting time targets will apply to all patients. That will mean faster treatment for many thousands of patients across Scotland.

On behalf of many patients, I commend the NHS in Scotland for reducing waiting times in line with existing targets. Excellent progress has been made towards meeting the targets for the end of this year. Already, all patients requiring admission to hospital for in-patient or day-case treatment, apart from patients with availability status codes, are admitted within 18 weeks and practically all patients who require to see a consultant at an out-patient clinic, following referral by their GP, now receive an appointment well within the 18-week target. However, it is important to recognise that

that can still mean a whole patient journey from GP referral to hospital admission for treatment that can exceed nine months, if diagnostic tests are included. In other words, excellent progress has been made, but more needs to be done.

That is why I have announced that we will work closely with the NHS to achieve, from December 2011, a maximum wait of 18 weeks from GP referral to treatment. That commitment is made neither lightly nor in isolation. I know that there is widespread support for that pledge from the public and patients. There is a clear recognition that patient expectations are rising and the NHS, as a public service, knows that it must respond.

That target is ambitious. We are currently asking the public about a range of initiatives, including this one, in our discussion document "Better Health, Better Care". We will produce an action plan in December this year to draw together the results of that work. It will reinforce the importance of collaboration and partnership working and set out our priorities for accelerating the process of change in the coming years.

The action plan will set out in detail how we plan to ensure delivery of the 18-week whole patient journey target by the end of 2011. It will also set out the range of services covered. As members are aware, I have already signalled our intention to include audiology services within the target to ensure that all those patients, across Scotland, get the right treatment swiftly.

When we debated this issue last month, a number of assertions were made about how maximum waiting time targets would distort clinical priorities. I totally refute those claims, and I remind members that both the existing targets that we are working towards and the 18-week total journey target are maximum waiting times. Within those, clinicians have the flexibility and freedom to ensure that clinical priority is given to patients who need to be seen or treated more quickly. Within the current national maximum waiting time target of 18 weeks, almost 40 per cent of patients are admitted for treatment within one month of going on the waiting list. Clinicians are already ensuring that patients who need swift treatment get that treatment.

We have already identified categories of patient for whom the maximum waiting time will not be fast enough and in which quicker treatment is necessary. That is why we remain committed to the NHS achieving shorter waits for urgently referred cancer patients. We are determined to deliver the 62-day target from the end of this year, and we are supporting NHS boards to ensure that that happens. We remain committed to supporting the NHS to deliver the 16-week total journey target for patients with coronary heart disease by the end of 2007. Cancer and cardiac patients have the

greatest clinical need. Clinicians and all NHS staff are committed to providing care as quickly as possible, and we will continue to support them in achieving that.

I turn to the issue of legally binding waiting time guarantees. I have already made it clear that we intend to consult widely on our proposal for a patients' rights bill. That will involve inviting comments on how to implement legally binding waiting time guarantees. Allegations have been made, by the Liberal Democrats in particular, that legally binding waiting time guarantees will lead to a lawyer at every bedside. That is a ludicrous suggestion, and it is totally divorced from reality.

Our proposals are not about encouraging litigation, because that is not what patients want—they want swift, high-quality treatment. Our commitment is to ensure that health boards see and treat patients quickly. We want waiting time guarantees that are meaningful and which benefit all patients. We will consult on the best way of doing that and we look forward to receiving the views of NHS staff, patients and the general public.

We want to provide, for example, clear safeguards for a patient when an NHS board is unable to meet the waiting time guarantee for admission for a routine procedure. We want NHS boards to take urgent steps to ensure that a patient is still treated quickly in that situation. Those steps would include arranging treatment elsewhere in the NHS in Scotland, for example at the Golden Jubilee national hospital or at the regional treatment centre in Stracathro. If that was not possible, the board would be obliged to secure treatment in the NHS elsewhere in the United Kingdom or, in exceptional cases, the patient would be offered treatment overseas. The NHS board would meet the costs of the treatment and of any travel. Only when all those options had been exhausted and the guarantee still could not be met would there ever be a role for the courts—and we will consult on what that role should be. We want to know what people think about those issues, and we want everyone to have the opportunity to comment.

I am extremely puzzled—and have been puzzled throughout this debate—by the hostility to a patients' rights bill, to national maximum waiting times and to legally binding waiting times that has been shown by many members, most recently in last month's parliamentary debate. That is particularly true of the Liberal Democrats, whose colleagues south of the border appear to share our views. Norman Lamb MP, the Liberal Democrat shadow health secretary, published a paper on 13 September that includes proposals for a patients' contract, which is described as

"a declaration of entitlements that every citizen has of right."

Those entitlements include maximum waiting times and a proposal that if a patient does not get their treatment within a guaranteed waiting time, they will have a right to treatment elsewhere. Whatever internal problems are experienced by other parties, I am happy to affirm where we stand on the important issues of patients and access to NHS services. As I said at the beginning, this Government is firmly on the side of the patient. However, we will continue to support the NHS to improve further its already impressive performance.

The Government will end hidden waiting lists. The Government will ensure that the public and members have full information about how the new approach will work in practice. The Government will press forward to deliver an 18-week maximum wait from GP referral to treatment for patients throughout Scotland by the end of 2011. The Government will also consult on patients' rights—that is another first, as far as I am aware. The consultation will include consideration of how best to give real clout to patients in Scotland so that waiting time guarantees mean what they say.

I hope that today's statement and the opportunity for questions that follows will help to ensure that everyone understands our proposals. I want us all to support putting patients at the centre of their care and ensuring they receive the swift, high-quality treatment that every patient in Scotland deserves.

The Deputy Presiding Officer (Alasdair Morgan): The Cabinet Secretary for Health and Wellbeing will take questions on the issues raised in her statement. I intend to allow about 25 minutes for questions, after which we will move to the next item of business.

Margaret Curran (Glasgow Baillieston) (Lab): I thank the health secretary for her statement and for providing an advance copy. I have to say, though, that I was a bit surprised by the tone of her statement. I know that it is uncommon for Nicola Sturgeon to do so, but I thought that she might show a degree of humility, given that she faced a humiliating defeat in the chamber last month. *[Interruption.]* Presiding Officer, I had the courtesy to listen to Nicola Sturgeon. I would appreciate it if the Scottish National Party members had the courtesy to listen to my question.

Earlier, we heard the First Minister say that he will be guided by the majority view of the Parliament. It is most disappointing that the health secretary does not share that approach. In the past, the SNP placed great emphasis on the will of the Parliament and quoted that will when it suited

it to do so. For it to disregard a motion that the Parliament passed a matter of a few weeks ago is at least a serious discourtesy and at most an undemocratic practice.

Whether the health secretary likes it or not, the Parliament took the view that she was to bring forward a comprehensive assessment identifying the additional administrative and bureaucratic burdens that the proposals—essentially, legally binding guarantees—will place on the NHS. Nicola Sturgeon thinks that her assertion on the matter is enough, but it is not.

I have a number of direct questions for the cabinet secretary. How can she assert that lawyers will not be introduced into Scotland's hospital wards? How can the SNP introduce a legal guarantee without recourse to law? How can there be recourse to law without the involvement of lawyers? What financial modelling, if any, have her officials done on the impact of introducing legally binding guarantees? Will she publish that financial modelling?

Further, Nicola Sturgeon quoted Norman Lamb and referred to other options that are available to clinicians in relation to waiting time guarantees. She quoted Norman Lamb specifically in saying that patients have the right to treatment elsewhere. Before the courts become involved, will health boards be allowed to sign new contracts with the private sector to enable them to meet existing and new commitments, or will the Government, as it said during the election campaign, stop health boards from signing new contracts with the private sector?

Nicola Sturgeon: I thank Margaret Curran for her questions. The last time that we debated the matter, the will of Parliament was for me to come back to the Parliament and make a statement on the Government's policy on waiting times. That is what I did today. I submit that that shows considerable respect for the Parliament, which is something that I have.

Margaret Curran accuses me of not showing enough humility. I will gloss over the irony of that, but I suggest to her that she is slightly confused. Following the debate last month, Margaret Curran and the Labour members voted against national waiting time guarantees. All her predecessors, to their credit, spent all their time in office trying to ensure that patients got speedy recourse to treatment. Before accusing me on issues of my party's policy, Margaret Curran should sort out her position on a matter that is of vital importance to patients.

If Margaret Curran had listened to my statement, she would have heard some of the answers to her specific questions. The point of legally binding waiting time guarantees is not to give patients

recourse to the courts, although in exceptional cases, subject to our consultation, that may be an option. Many patients who are waiting for treatment now would already have recourse to the courts—to judicial review, for example. However, a patient who is waiting for treatment does not want to go to court; they want to be treated, and I have outlined today a series of proposals that are designed to ensure that patients are treated.

On the specific detail of the proposals, I have said a number of times that we will introduce a consultation. During that consultation, all members of the Parliament, all parties, all members of the public and all patients will have ample opportunity to make known their views and points. I can give an assurance that the Government will listen to them all.

Mary Scanlon (Highlands and Islands) (Con): I, too, thank the Cabinet Secretary for Health and Wellbeing for her statement. I welcome the Scottish National Party's U-turn and its full commitment to the regional treatment centre at Stracathro, which is an excellent example of the independent sector collaborating with the NHS. I also welcome the inclusion of audiology in the targets.

I have two questions. First, the cabinet secretary stated:

"All patients will be covered by national maximum waiting time targets."

Given her commitment last month to address patient groups outside the guarantee, can she confirm today that that will include patients who require mental health treatment, infertility treatment and referrals for drug and alcohol detoxification and rehabilitation?

Secondly, although the role of the Scottish regional treatment centre at Stracathro is acknowledged, will the cabinet secretary today commit to utilise all resources in the independent sector in Scotland where appropriate to meet the waiting time targets in future?

Nicola Sturgeon: I thank Mary Scanlon for her question, and in answering it I apologise to Margaret Curran—I should have given to her the answer that I am about to give to Mary Scanlon as she raised the same point.

The Government's view on the private sector is not in doubt—I have made it clear on many occasions. Health boards can continue, as they have done in the past, to use existing private sector capacity if that helps them at the margins to cut waiting times for patients. However, I differ from members of other parties in that I do not want taxpayers' money to be invested deliberately to build up private sector capacity that can compete with the health service. That is what is happening

in England and what the previous Government said that it wanted to happen in Scotland, but it is not something that this Government will preside over.

Mary Scanlon's other point, which is very important, was about the coverage of waiting time targets. When I referred in my statement to all patients being covered by national waiting time targets, I meant that all patients who are covered by existing targets will be covered by the new targets, with the addition of audiology patients, who we have already said will come within the ambit of the targets. I would like to go further, and one issue that we have consulted on, and will continue to consult on as we develop the 18-week target, is the other groups and services that it would be appropriate to include. As in the past, I would be pleased to hear Mary Scanlon's views on what might be appropriate.

Ross Finnie (West of Scotland) (LD): I also thank the cabinet secretary for an advance copy of her statement, and I welcome the continuing improvements in waiting times, which of course began under the previous Executive. I particularly welcome the cabinet secretary's addition of audiology services to the list of those that are covered by the waiting time target.

I want to pursue the issue, raised by Margaret Curran, of the obligations placed on the Government by the motion from the last parliamentary debate on NHS waiting times. You are right that it called on you to make a statement, and I acknowledge that that is precisely what you have just done. However, you have simply repeated your assertion—which you are entitled to do; I am not quibbling about your right to do it—in your statement that—

The Deputy Presiding Officer: Order. It was not my statement, Mr Finnie.

Ross Finnie: I am sorry—the statement of the cabinet secretary. I do apologise, Presiding Officer. You would never have made such a statement, because it included personal remarks, which would be uncharacteristic of the Presiding Officer.

The motion also called on the Government to publish an assessment so that, rather than the assertion of the cabinet secretary, we might have a more objective assessment of the implications of the proposals. That is not my opinion; it is what the motion said. I hope that, if the cabinet secretary is keen to comply with the will of Parliament, she will comply with all parts of the motion.

I seek clarification on the issue that Mary Scanlon raised. I am grateful that the cabinet secretary says that the NHS will use existing private sector capacity. I do not think that anybody has said otherwise. I have certainly never stated

that I want to increase that capacity. However, that was explicitly excluded from her statement. The statement referred to the Golden Jubilee national hospital, Stracathro and the NHS elsewhere in the UK, and went on to refer to treatment overseas. It was inferred that the cabinet secretary would almost be happier for a patient to be treated overseas than to be treated more locally if the capacity was available.

Although the cabinet secretary continues to be of the view that the proposals will not introduce a more litigious mentality into the health service, she concedes that there might be a role for the courts. In the questions that she asks in the consultation, will she seek to give a lead, in order that we might reduce to the absolute minimum any prospect of such a mentality being introduced?

Nicola Sturgeon: I thank Ross Finnie for his comments and questions. I am glad that he has welcomed the improvements in waiting times, but I gently point out to him that those improvements were made possible by the waiting time guarantees that he appeared to oppose during the previous debate on the issue.

I do not quibble with the wording of the motion that was passed, to which Ross Finnie referred. I have come back to Parliament, as Parliament asked me to do, to make a statement. As I have said repeatedly, I will publish a consultation paper on the proposed patients' rights bill so that the issues can be fully debated not just with members in the Parliament but with the wider Scottish public.

Many years ago—I cannot remember how many—I was the Opposition health spokesperson. Even back then, I said on many occasions that when an NHS board cannot meet a waiting time guarantee for a patient within NHS facilities, if a bed is available in a private hospital of course it should be used to get the patient treated. That is what I mean by using existing private sector capacity if it is to the tactical advantage of the NHS. The difference is that I do not want taxpayers' money to be invested in building up the private sector. I respect the fact that that is not Ross Finnie's position either, but it was the position of the previous Government. I do not mean this as an insult, but it may be the position of the Conservative party—if that is not true, I stand to be corrected. However, it is not the position of the present Government.

Ross Finnie's last question was on the role of the courts. Any of the many thousands of patients who have had an availability status code over the past few years could have sought at any time, if they had wanted, a judicial review of the action of their health board in their situation. The point is that patients do not want to go to court when they need treatment; they want treatment. The focus of

our proposals will be on ensuring speedy, high-quality treatment. I look forward to more discussion of these points when we introduce the proposals.

Christine Grahame (South of Scotland) (SNP): I thank the cabinet secretary for her statement and for clarifying that, in many cases, there is a role for the courts in disputes over health matters, although such cases will be few and far between.

Given that the statement by Norman Lamb, the Liberal Democrat shadow health spokesperson at Westminster, adopted SNP policy on a patient's contract, does she expect to gain the support of the Scottish Liberal Democrats for her proposals?

Nicola Sturgeon: I will continue to work hard to persuade the Scottish Liberal Democrats of the sense in our policies and in the policies of their colleagues south of the border. My principal concern in putting forward these proposals is not the view of any one political party, even the SNP; it is a judgment of what I think is in the interests of patients. That will guide all the decisions that I make as long as I am in this job.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I refer members to my declaration of interests, particularly my membership of the British Medical Association, the Royal College of General Practitioners and Unite.

First, I want to change the debate slightly and examine the bureaucratic aspects that the minister has denied could exist. I am really concerned about the fact that there are three ways in which a patient can initially be offered two appointments. The minister's previous statement changed the terms to say that patients had to be offered two appointments. I have no problems with a verbal offer or a patient-focused booking offer, but a written offer of two appointments will create a bureaucratic nightmare. Offering two appointments at once will cause real organisational difficulties. Has that idea been tried and tested? If so, were there any problems?

Secondly, the clock—to which the Labour Party referred prior to the election—is something on which all members can agree. However, there is a difference between having a clock that stops and throwing the clock out of the window. In the minister's new system, no fewer than 13 different codes will take the patient off the waiting list. It is not that they will be on a waiting list that does not work too well; they will not be on a waiting list at all. There is no indication that patients will be consulted about that, although they will be informed. There is no indication that general practitioners will be—

The Deputy Presiding Officer: Can we get to the question, please?

Dr Simpson: What has the minister done to ensure that patients will be informed? What consultation has she had with general practitioners to ensure that they are comfortable with the proposed new system? What pilots have been run on the system? What information technology is in place already? We have had IT problems in the past. Will patients have a right to appeal against the hospital manager's decision to kick them off the waiting list? That is unheard of.

Nicola Sturgeon: I thought that Richard Simpson was in the chamber when I made my previous statement, but from what he has just asked me I am beginning to think that I was seeing things.

I will deal with the two-appointments issue before talking about the clock. I remind Richard Simpson that, under the current system, a patient who asks to rearrange an appointment will, in all likelihood, be given an availability status code that means that their guarantee will be removed for all time and they will have no certainty about when or if they will ever be treated. The new system will be infinitely better than the one it will replace.

Richard Simpson mentioned bureaucratic nightmares. The whole thrust of the NHS is to move towards more IT-based systems and more patient-focused booking, which is the sort of process that we want to accelerate. He also said that I denied that there was more bureaucracy. I did, but my denial was based on the experiences and views that have been reported to me by people who are working in the NHS front line. They do not think that the new system will add extra administration or bureaucracy, and I respectfully suggest to Richard Simpson that their views matter more than the views of anyone in this chamber.

On the issue of clocks stopping and starting, someone who could not be treated for a clinical reason previously would lose their guarantee completely. The clock system is therefore much better than the system it replaces.

I doubt that Richard Simpson was listening to my previous statement. Yes, NHS boards will be under an obligation to inform patients when and why their clock has stopped, and to keep the situation under regular review, which is unlike the availability status code situation.

All of that will form part of the review that will be undertaken internally and by Audit Scotland. If the new system does not work in the way that I intend it to, Audit Scotland will reveal that and action will be taken.

On Richard Simpson's final point about patients having a right of appeal, I said in my earlier statement that, for the first time, patients will have the right to request the information on their waiting

times that is held by the NHS and managers, and if they do not agree with it they will have the right to appeal.

Alex Neil (Central Scotland) (SNP): I want to ask about a practical issue concerning patients in NHS Lanarkshire who phone up to postpone an appointment with a consultant. In one case, a patient who had to postpone her appointment because of flu was offered a second appointment two days after the original one. When she refused the offer on the ground that she did not know whether she would be cured of the flu by then, she was told that, under the new SNP Government policy, as she had been offered two appointments she would have to go to the back of the queue. Can the cabinet secretary clarify that position?

Nicola Sturgeon: First, as I am sure Alex Neil is aware, I think that the patient whom he has described—although I do not know all the circumstances—would, under the old system, have lost her waiting time guarantee altogether. Clearly, that is unsatisfactory. If Alex Neil writes to me about that case, I will of course look into it.

I remind him that, under the system that I described in my statement, patients will have to be given adequate notice of a subsequent appointment. Clearly, the system appears not to have worked adequately in the situation that he describes. If that turns out to be the case, I will be happy to take up the matter with the relevant NHS board.

Jackson Carlaw (West of Scotland) (Con): The cabinet secretary referred to her tour of annual review meetings with Scotland's NHS boards. Along with several hundred members of the public, I toddled along to the review that Greater Glasgow and Clyde NHS Board held in open session during the recess. The board confirmed that, following the cabinet secretary's abolition of ASCs, its systems are ready to accommodate her individual patient clocks initiative, which is a welcome point of reassurance. Has the cabinet secretary received similar assurances from the other health boards that she has yet to meet?

In contrast, members of the public waited a very long time indeed—if not quite 18 weeks—only to be told that her much-touted question-and-answer session was to be one in which no spontaneous questions could be asked. In the reviews that remain, may I urge her not to walk in fear of the public but to let them speak on waiting times and other matters, especially as the meetings are billed as including a participative element?

Nicola Sturgeon: I take this opportunity to pay tribute to Jackson Carlaw for sitting through the entire annual review of NHS Greater Glasgow and Clyde—as far I could tell, he was the only MSP for

the area to do so. It says a lot about his commitment to the issues.

I say clearly that, yes, I have had such assurances from other NHS boards, which is important. NHS boards tell me that they are ready and able to implement the new arrangements. The situation will be scrutinised heavily, so that any problems can be dealt with.

I sympathise with Jackson Carlaw's point about the ability of members of the public to ask questions. As he knows, we introduced question-and-answer sessions for the first time this year. They were advertised in advance of all reviews, so that the public could submit questions in advance. Having advertised the sessions in that way, health boards were right to go through with them in that way this year. However, I have said that I want such sessions to be more firmly embedded and made more meaningful in every annual review in future years. I am happy to listen to suggestions as to how they could be made so.

James Kelly (Glasgow Rutherglen) (Lab): I seek further clarification on a point that was raised by my colleague Richard Simpson. In her statement, the cabinet secretary said that the new arrangements will be supported by better IT systems. Will those be new IT systems or existing IT systems that have been amended for purpose? What cost will be involved in those IT changes? Furthermore, will existing health board budgets be compromised as a result of the costs of implementing the new scheme that she has announced?

Nicola Sturgeon: Most boards are using existing IT systems to implement the new system.

On the broader IT question, one of my concerns is that we have inherited a situation in which our NHS is not as advanced as I would like it to be in terms of e-health and e-care. That must be laid at the door of the previous Administration. We are working on a new e-health strategy, which will be published next spring. I hope that it will result in the NHS making great strides forward in technology, because that is very much in the interests of patients.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): First, the cabinet secretary said that the new total waiting time guarantee of 18 weeks will not distort clinical priorities. Does she accept that requiring boards to treat all patients within 18 weeks or face court action will put significant additional strain on the NHS?

Secondly, she stated that the Government remains committed to supporting the 16-week coronary heart disease target. Given what she has said about clinical priority, will she consider reducing the waiting time for CHD?

Nicola Sturgeon: We are consulting on the issue in "Better Health, Better Care". I hope that all members contribute to that consultation, because I am interested in hearing what they have to say.

The member's substantive question was about the maximum waiting time guarantee. I believe that there should be an upper limit on the time that a patient can be expected to wait for treatment. I will always defend that view. The Labour Party used to hold it, but it has clearly changed its position. However, within the maximum guarantee, clinical judgment and priority must take precedence. A large proportion of patients are treated well within the maximum waiting time guarantee period, because their clinical condition dictates that that should happen. I support that system and I will be proud to do my best to ensure that it works even better than it is working at the moment.

Ian McKee (Lothians) (SNP): I am grateful that the cabinet secretary has confirmed that audiology services are to be included in the waiting time targets. However, I am aware that some health boards in Scotland will have great difficulty in meeting those targets, on account of historically long waiting lists. What plans does the cabinet secretary have to help such health boards? Do they include increasing the number of audiologists in training?

Nicola Sturgeon: As Ian McKee indicated, yesterday Shona Robison announced that audiology services will be included in the waiting time guarantee. That important step forward will be of great benefit to many patients. He is right to point out the variation in performance among NHS boards. All boards have in place—as is now expected of them—an action plan to improve their services for audiology patients. As we will do for all patient groups in the NHS when moving towards the new waiting time guarantee, we will work closely with boards to ensure that they have the capacity and facilities to deliver on the target.

Helen Eadie (Dunfermline East) (Lab): How will the cabinet secretary ensure that strategic government and local government take a joined-up approach? For example, in Fife Council, the Liberal Democrat-SNP coalition has recently announced £600,000 of cuts, which has had an impact on Fife NHS Board, because the figures on bed blocking have continued to rise over the past three months. In July, 90 beds were blocked. In August, 120 beds were blocked—

The Deputy Presiding Officer: Will you get to the question, Mrs Eadie?

Helen Eadie: With respect, Presiding Officer, I have asked a question.

The Deputy Presiding Officer: In that case, I invite the minister to answer it.

Nicola Sturgeon: In Fife, the council and the NHS board are working together closely to resolve the issues that Helen Eadie raises. The Minister for Public Health is in correspondence with them and is keeping herself closely informed of the situation, as I am.

The broader issue is how we ensure that councils and NHS boards deliver better-integrated health care. Clearly, the key vehicle for that is community health partnerships, which are functioning well in all parts of the country. I see them and the increasingly important role that they play as central to ensuring that there is the joined-up approach to care that is so important in providing patients with the best possible service.

Michael Matheson (Falkirk West) (SNP): The minister will be aware that in the first audit of audiology services, NHS Forth Valley was picked out for particular praise and was described as being at the leading edge of audiology services. I welcome the fact that those services will be included in the waiting time guarantee.

Is the minister aware that one of the primary reasons why the waiting list for audiology services in the NHS Forth Valley area is so low—the lowest in the country—is the partnership approach that the local authority and the health board have taken to delivering those services? Will the cabinet secretary ensure that such good practice is spread to other health board areas, so that patients throughout the country may benefit from it?

Nicola Sturgeon: I chaired NHS Forth Valley's annual review on Monday and, as Michael Matheson said, its performance with regard to audiology waiting times is exceptional. Its waiting time for audiology services is now 14 weeks, and although it accepts that that is not good enough, it is the best performance in the country.

Michael Matheson is also right about the reasons for NHS Forth Valley's success in reducing waiting times in this area. It has very good partnership arrangements not only with one local authority but with the three local authorities in its area. I very much want any best practice that we identify to be spread to other NHS boards. Indeed, we are engaged in ensuring that that happens. If and when we do that, we will be able to fulfil our commitments, including the important commitment to ensure that the targets cover audiology services.

Margo MacDonald (Lothians) (Ind): First, I thank the minister for giving us prior sight of her statement, in which, in the section entitled "18-week Whole Journey Guarantee", she says:

"practically all patients requiring to see a consultant ... following referral ... now receive an appointment well within the 18 week target."

Is NHS Lothian an exception to that? I have two letters, one from the Western general hospital and the other from the Edinburgh royal infirmary, that concern two different departments—dermatology and gastroenterology. The common factor in both is that the waiting time is stated as 26 weeks.

Secondly, why is there a difference with regard to diagnostic tests? Immediately after the paragraph that I have quoted, the minister seems to suggest that there is a bit of an opt-out in that respect.

Finally, as Ian McKee pointed out, does the minister expect there to be a requirement for a massive increase in the number of staff to meet the 18-week waiting time target by 2011?

Nicola Sturgeon: I should first clarify that the 18-week out-patient target that I referred to in my statement is due to be met by the end of this year. The majority of patients are already being treated within that time, but some boards—and, it appears, some specialties in NHS Lothian—are not yet meeting the target. I have received and will continue to seek assurances from NHS boards that the target will, as is planned, be met in full by the end of this year.

Margo MacDonald raised a very good point about diagnostics. We want to move to a whole journey waiting time target mainly because having separate targets for out-patient and in-patient appointments creates what is effectively a no man's land in which patients can face excessively long waits for diagnostic tests. Nine-week waiting time guarantees are now in place for certain key diagnostics, but the point of the whole journey waiting time target is to ensure that we continue to cut the diagnostic element of the journey and that the whole journey takes place within the maximum time.

As for Margo MacDonald's question about staff, we will discuss with boards the issue of the capacity that they require to deliver the general waiting time targets and the inclusion of audiology patients within the target. We will pay close attention to ensuring that NHS boards have in place the facilities—including staff facilities—to meet those targets.

Agriculture

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-667, in the name of Richard Lochhead, on agriculture. In relation to this debate, members might wish to note that information detailing the support package for Scottish farmers has been provided by the Cabinet Secretary for Rural Affairs and the Environment this afternoon and is available from the back of the chamber.

15:24

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): It gives me pleasure to open this important debate.

Our farmers and crofters help to provide the nation with food and to care for our precious environment. Agriculture is, of course, a mainstay of our rural economy in Scotland.

In the medium to longer term, the outlook for Scottish agriculture is bright. The world's population faces the prospect of food shortages, arable farmers enjoy high cereal prices and consumers are increasingly demanding sustainable and local food. Scottish agriculture is well placed to benefit greatly from such opportunities in the years ahead.

Of course, we are also looking forward to Scotland's £1.6 billion rural development programme kicking in early next year, to the development of a Scottish food policy and to ensuring that future reform of the common agriculture policy reflects Scotland's interests.

However, as members are aware, many livestock farmers and crofters are in turmoil following the unwelcome events of the past few months. Although Scotland remains free of foot-and-mouth disease, thousands of families in our rural communities and the islands are counting the costs of the foot-and-mouth outbreaks south of the border. Given that Great Britain is currently a single epidemiological unit and that there was considerable uncertainty about the level of the disease spread, movement restrictions were imposed in Scotland to protect our interests. The potential consequences of failing to do so are too horrendous to contemplate. We aimed to minimise disruption by lifting restrictions as soon as it was safe to do so. I am pleased—and I know that members are pleased—that we were able to lift all domestic restrictions a week ago today.

The timing of the outbreak could not have been worse, particularly for the sheep sector. Normally, more than a million sheep move from the hills and islands to markets and lower ground in September

and October. Europe's export ban on meat and live animals also caused significant difficulties. On top of a wet summer, poor commodity prices and higher feeding costs, the impact of the outbreak has pushed many livestock farmers close to the edge.

We were able to find early relief for part of the industry through the introduction of a sheep welfare scheme, which was needed to alleviate the emerging welfare catastrophe. Light lambs were stuck on the hills with a shortage of grazing, exports were closed and there were no realistic markets. We took our case directly to Europe, which allowed us quickly to address state aid issues and introduce a targeted animal welfare scheme on 9 October. We also met European officials to discuss the export situation. They were impressed by how Scotland had responded to the outbreaks in the south of England, which had a great impact here.

The Scottish Government supported the industry's case for a sheep welfare scheme. We did not want to see lambs without a market starving to death on our hills. However, we were disappointed by the United Kingdom Government's unwillingness to accept that there was a problem on Scotland's hills and its refusal to accept responsibility for funding the necessary welfare scheme.

Let me be clear: irrespective of the source of the outbreak, the funding responsibility for such schemes lies with Westminster. That is the view of our livestock sector and the Scottish Government; more important, it is also in the spirit of the devolution agreement on funding for animal disease control costs.

One of the reasons for retaining the budget on a GB basis back in 1999 was that the Department for Environment, Food and Rural Affairs had direct access to the Treasury. It is bizarre to suggest that the costs of the outbreak are too small to justify opening up the Treasury reserves, as happened when we had the 2001 outbreak. The UK's reluctance to support our animal health and welfare costs as a result of the outbreak is perplexing. The concordat outlines DEFRA's responsibilities and, in that context, the recent statement on approaches being made by the devolved Government direct to the Treasury is difficult to understand. If Hilary Benn or Gordon Brown can spare the time to visit Scotland's hill farms or islands, they will see for themselves that the impact of the outbreak on rural Scotland is anything but small. It has certainly never been, to use the words of a UK minister, a "short-term local problem". For our sheep sector in particular, the crisis is enormous. Given the circumstances of the outbreak, we share the Scottish industry's firm view that the UK Government has the financial

and moral responsibility to reimburse Scotland for our losses.

Karen Gillon (Clydesdale) (Lab): Does the minister stand by his comment in yesterday's *Herald* that the UK Government also has a legal responsibility for the matter? If so, will he publish that legal advice?

Richard Lochhead: Our view is that the UK Government has a moral responsibility and a responsibility under the devolution settlement to pay for the consequences in Scotland of the foot-and-mouth outbreak.

Of course, it is not just our sheep farmers who have paid a heavy price. Everyone in the sector, from the primary producers to the hauliers to those involved with the abattoirs, has suffered. However, the Scottish Government will not allow a debate over funding routes to get in the way of what really matters—the need to support a sustainable livestock industry in Scotland. Therefore, today I want to outline an aid package for Scotland's sheep sector and other measures to support the wider industry.

The sheep sector, which has been the most severely affected, needs real support to maintain itself into the next breeding season. I can tell the Parliament that the Scottish Government is to invest £19.2 million in breeding ewes to support the breeding flock. That is equivalent to a headage payment of £6 per breeding ewe and gimmer. The money should be in producers' bank accounts by mid-November. We recognise that the sheep sector was already experiencing challenges prior to the foot-and-mouth outbreak, but we hope to offset some of the losses that have made matters worse.

In addition, we must continue our efforts to promote Scotch lamb—a top-quality product—as well as Scotch beef and pork. We have already provided £100,000 to Quality Meat Scotland to support lamb promotion. In the light of recent developments, we will discuss with QMS the potential for further measures. Initially, I am willing to provide a further £1 million. I will ask QMS to consult the industry on how that investment can be used to best effect over the next year, not only for the promotion of red meat but, importantly, to enhance supply chain development for the longer term.

In addition to that direct support, the First Minister is writing to each of the major food retailers to ask them to support the meat industry by ensuring that a fair price is paid to Scottish farmers. In his letter, he will highlight the recent announcement by McDonalds about raising the prices that it pays to its producers. I know that all members will welcome that decision and will share

the hope that others will follow the example of McDonalds.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The minister will be aware of the work that has been put in by the Prince of Wales and others on the Mey Selections range of products. Will there be co-ordination with that proven example of best practice, which is offering significant help to our farmers?

Richard Lochhead: There certainly will be. A representative of the Prince of Wales has been in touch with me about that initiative and I have offered him a meeting in the very near future, to which I look forward.

We are all aware that our rural communities have suffered financially but, on top of that, individuals have suffered personal hardship. We are therefore offering £200,000 to the Royal Scottish Agricultural Benevolent Institute to help people who are in need of personal support. In addition, £60,000 will be made available to the Royal Highland Education Trust to help raise the profile of Scottish food and farming in the wider community.

The Deputy Presiding Officer: You have one minute left.

Richard Lochhead: Crofters have also been affected by the foot-and-mouth outbreak and we look forward to discussing with them their initiative to develop a crofting brand, which is in the pipeline. We are exploring other, smaller initiatives, too.

We believe that our package balances the need to provide immediate relief with the need to look ahead and support a sustainable red meat sector. In total, our package, combined with actions that have already been taken—for example, through the sheep welfare scheme—will provide more than £25 million, £20 million of which will be for the new measures that we have announced today.

Today my colleague John Swinney is writing to the UK Government to ask it to reimburse Scotland for those measures and to respond to the industry's case for compensation. The reinstatement of the £8.1 million that was originally earmarked for Scotland and then withdrawn would, of course, be a good start.

The Deputy Presiding Officer: You need not rush quite as much; I inadvertently cut your time by two minutes, for which I apologise.

Richard Lochhead: Thank you, Presiding Officer. I thought that you had cut it by five minutes.

Tavish Scott (Shetland) (LD): Will the minister clarify where the funding that he has announced today will come from? Will it come from the

agricultural budget, or is it new money to his budget?

Richard Lochhead: I can reveal that, after some difficult searching, the money will come from the central unallocated provision; it will not be taken from other budgets that have already been allocated under my portfolios.

I know that many people have called for additional welfare schemes. We have considered those pleas closely, but many of the issues that have been brought to our attention are economic and we know that the industry would prefer us to concentrate on economic measures. Moreover, my chief veterinary officer is not persuaded of the welfare case that has been put to us in relation to animals that are not covered by the existing scheme.

No farmer or crofter—nor any of us—ever wants to experience again the pain that has been inflicted as a result of foot-and-mouth outbreaks hundreds of miles away in the south of England. That is why it is vital that we take steps to protect our rural economy from animal disease outbreaks. The review of our response to foot and mouth that Professor Jim Scudamore is conducting will consider all the relevant issues, including the implications for Scotland of being part of the same disease unit as the rest of Great Britain. The second outbreak delayed that review, but it is now getting under way. It will identify lessons that we can all learn from the outbreaks over the past two or three months.

There has been much talk about the new Scottish Government and the UK Government working together for the benefit of the people of Scotland. It is fair to say that the foot-and-mouth crisis has tested our relationship. For much of the past two months, I have worked closely with my UK counterparts, but it is no secret that in recent weeks the industry and the Scottish Government have found the UK Government unsympathetic and unhelpful at times.

Co-operation and being constructive are vital in order to help the people of Scotland, but it has to be a two-way process. I hope that everyone in the chamber, irrespective of party, will support the Scottish Government in our efforts to secure natural justice for our farmers at this difficult time.

We want to provide all our rural communities with the prosperous future that they deserve. Today, the Scottish Government has shown that we will not let down our farmers and crofters in their hour of need. I commend the motion to the Parliament.

I move,

That the Parliament notes with concern the impact on our livestock industry, particularly the sheep sector, of the recent outbreaks of foot and mouth disease in England;

calls on the UK Government to recognise its financial and moral responsibility to reimburse Scotland's farmers; acknowledges the work being done in Scotland to support the sustainability of the Scottish livestock industry and the viability of rural communities; welcomes the review, to be led by Professor Jim Scudamore and commissioned by the Scottish Government, into Scotland's response to the outbreaks, and recognises the need to reduce the risk of future outbreaks and minimise the impact of future disruption.

The Deputy Presiding Officer: I call Sarah Boyack to speak to and move amendment S3M-667.2. You have nine minutes.

15:35

Sarah Boyack (Edinburgh Central) (Lab): I very much welcome this debate, although given the seriousness of the issue, the gravity of the crisis facing our livestock industry and the negative impact across fragile rural Scotland, more time for debate would have been appropriate.

I lodged an amendment to Richard Lochhead's motion because the motion was simply not good enough. At the outset of this crisis, Labour members and colleagues from across the political parties represented in the chamber agreed that we needed to work together to support the Scottish Government in ensuring that the crisis was tackled in Scotland and that we did whatever could be done to help out.

I thank the Scottish and UK Governments, and their officials, for their handling of disease management and for playing their part in ensuring that the disease did not reach us and was effectively contained. I pay tribute, too, to those in the industry who played their part in incredibly difficult circumstances.

Lessons have been learned from 2001. We have not had the horrendous slaughter, the scenes of animal pyres and the bitter clouds of smoke covering our rural communities. However, because of the timing of the outbreak and the shutdown that resulted, markets have been closed, animals trapped on hills have been running out of grass, and feed prices have been escalating. Farmers have still had to pay the bills while facing the tragedy of watching their sheep die as the weather deteriorated.

That is why we on the Labour benches supported a sheep welfare scheme that would enable a cull, preventing thousands of sheep from starving to death. NFU Scotland and the Scottish Government estimated that the scheme would cost around £6 million, which would pay for the 250,000 sheep that were stuck on the hills. I was therefore shocked to hear from the NFUS yesterday that it expects that only in the region of £2 million to £3 million will be paid out. The NFUS

estimates that 28,000 sheep have been dealt with and expects a further 20,000 sheep to be booked in.

In his closing speech, I ask the minister to confirm the figures. Is it his understanding that the scheme will be underspent and that only around £3 million will be spent on it? The scheme came too late in the day for some farmers, who, I am told, will never be compensated. They simply could not wait because of the awful condition of their sheep. What is more shocking is that, to date, that is all that Scottish farmers and crofters have had in assistance.

That is why I regret the time that it has taken for the Scottish Government to act. Alex Salmond is not here now, but the spectacle of his running a press conference in London on the sheep welfare scheme, which even his Cabinet Secretary for Rural Affairs and the Environment estimated would cost in the order of £6 million, was reprehensible.

I remind members that that press conference took place just a day after Alistair Darling's budget announcement. That was serious grandstanding, in the week when the Treasury agreed to release £900 million from reserves to the Scottish Government over three years as part of an overall package that will give the Scottish Government a budget of £30 billion.

The fundamental question that I put, which I would like answered, is at what point the cabinet secretary put in a detailed submission to the UK Government in support of the scheme that he has announced today. Can he clarify that it is only today that he has made a detailed representation? I would love to hear the answer.

Richard Lochhead: I thank the member for giving way. I clarify for her benefit that I have lost count of the number of telephone conferences and face-to-face meetings that I have had with Hilary Benn, the UK Secretary of State for Environment, Food and Rural Affairs, during which I raised the issue to which Sarah Boyack refers. However, I have had no joy whatsoever in getting the UK Government to meet its moral and financial responsibility for what is an important scheme.

Sarah Boyack: I do not doubt that the minister has had meetings and has been on the phone. My question is whether he has put before the UK Government not this issue but this package. UK ministers Hilary Benn and Des Browne have made it clear in the UK Parliament that it remains open to the Scottish Government to seek assistance from the UK Treasury. Why did the Scottish Government therefore leave it to the NFUS to go directly to the UK Government to ask for economic compensation? Why was the Scottish cabinet secretary prepared to leave farmers and crofters

swinging in the wind as the Scottish National Party issued its customary "It's all London's fault and we was robbed" speech?

That is not good enough. What a contrast with Ross Finnie's handling of the 2001 crisis. Within a month of that outbreak, the welfare cull had started and Ross Finnie had accelerated the less favoured area support scheme and mainstream agriculture support payments. He accepted the urgent need to keep farmers in business and satisfying the banks, so he lobbied the banks and the Inland Revenue.

Richard Lochhead: Will the member give way?

Sarah Boyack: No, thank you.

There will always be tensions between Government departments. I remember that we had similar discussions during the previous crisis but, within five weeks of the outbreak, a comprehensive package of measures had been announced while the funeral pyres burned and disinfection campaigns were still running. Fast, effective and decisive action was taken. It did not matter that Ross Finnie was a Liberal Democrat; he put the case for the action that was the right action to take. He persuaded the then Labour Minister for Enterprise and Lifelong Learning, Wendy Alexander, to support a package for our rural communities, with support for businesses, agri-environment and tourism, to get rural Scotland back on its feet.

What a contrast with the SNP's approach. Farmers, crofters and associated businesses have been briefing ministers for months, not weeks, on their financial problems, but it is only today, when we happen to be having an agriculture debate, that a package has been introduced.

Politicians can debate endlessly who is responsible.

Richard Lochhead: Will the member give way?

Sarah Boyack: No; I have let the member in already.

The SNP puts the blame firmly at the UK Government's feet. The SNP motion states that the outbreak started in England and that therefore it is the UK Government's responsibility to fund economic compensation throughout the UK. The logical conclusion of the motion as it is worded is that should, God forbid, an outbreak start in Scotland and be contained in Scotland but impact on the rest of the UK, responsibility would lie here. Would we for a minute accept that the Scottish Government was automatically responsible for that? I do not think so. It is simply not good enough for the motion to talk about a "financial and moral responsibility".

Richard Lochhead was quoted in yesterday's *Herald* as saying that the UK Government had a legal responsibility to pay, but he did not answer Karen Gillon's question. Given that the outbreak was confirmed in August, will he say when he sought that legal advice, and will he publish it for us after today's debate? It is one thing for the NFUS to threaten legal action, but that is not an excuse for the cabinet secretary to delay action and wash his hands of the impact of the crisis. Under the devolution settlement, the responsibility for economic compensation lies with the Scottish Government. During the previous outbreak the Scottish Executive accepted that, to the tune of £30 million.

I have read the debates and statements that were made in the Parliament during the previous crisis. It is striking how members from all parties worked to be constructive. They asked tough questions, tried to be helpful, suggested ideas and ensured that the impacts were described in the Parliament. That is how the cabinet secretary started off on 6 September, but what a contrast today. There was no attempt to play politics in 2001 when Ross Finnie was negotiating with the UK ministers, when the industry, as today, needed immediate support just to survive and especially when he announced £30 million of long-term support to get rural Scotland back on its feet.

I met representatives of the NFUS yesterday. I totally understand their argument that we must ensure that farmers can afford to sustain the flocks on our hills and throughout Scotland into next year. The ewe headage payment that the cabinet secretary has offered to keep the industry in business seems extremely sensible. I note the difference between what the NFUS asked for and what the minister has offered, but I welcome that part of the package. I ask the cabinet secretary to construct the scheme carefully to ensure that the money reaches the farmers who bred the sheep, that third parties do not benefit from the money and that sheep are not exchanged in the process. I hope that he will accept that. I also hope that he will tier the scheme so that those in our most fragile areas do not lose out.

I would like to hear a little more in the winding-up speech about why we will not have enhanced LFASS payments or a modest sum for pig farmers, which the NFUS asked for yesterday. We support the inclusion of welfare charities and cash for marketing lamb. I welcome the fact that we have had action today, but I regret that, given the rhetoric, it has taken so long to happen. Perhaps the lesson is that government is about responsibility and action, not just rhetoric.

It is a real shame that we do not have time for a lengthy debate today, because the impact goes far beyond that on farmers and crofters. Haulage

firms, marts and processing companies are all affected. Bluetongue disease is now on the agenda and people are concerned about its impact next year. I hope that our cold winter will keep it out of Scotland, but we must work with DEFRA on that. We also want a debate about regionalisation.

I call on the cabinet secretary to address head-on the issue of abattoirs and processing facilities in rural Scotland. The more we can do to capture the economic benefit of primary produce in Scotland, the better—the better for our economy, our jobs and our animal welfare.

Today our farming and crofting communities are fighting for their survival. The Labour benches fully support the emergency package for our farming and rural communities, and we want the Scottish Government to get on and deliver it—and not waste time picking fights with the UK Government to serve a narrow agenda. Our rural communities deserve better.

I move amendment S3M-667.2, to leave out from "concern" to "communities" and insert:

"great concern the recent foot and mouth outbreak and its impact on our livestock industry, particularly the sheep sector; urges Scottish ministers to implement immediately a Scottish emergency scheme for Scottish farmers and crofters and use the powers and budget available to them such as supplementing Less Favoured Areas Support Scheme payments and introducing headage payments to provide additional support to our livestock industries at this difficult time; further recognises that it is the responsibility of the Scottish Government to provide funding to address the wider economic implications of the outbreak, as was the case in 2001; regrets the time it has taken to develop practical support for Scottish farming and crofting communities, and calls on the Scottish Government to develop constructive relations with the UK Government in order to address the future challenges in our agriculture and rural industries".

15:45

John Scott (Ayr) (Con): I begin by declaring an interest as a farmer, and I refer members to the register of members' interests for further connected farming interests. I also welcome representatives of the sheep industry to the public gallery.

It is with a heavy heart that I take part in this debate. Regrettably, my memory takes me back through the BSE crisis of 1996, the 2001 foot-and-mouth outbreak, the E coli 0157 disaster and, now in 2007, foot-and-mouth again. Sadly, however, one of the things that sets this crisis apart is that it appears to have been completely avoidable. If only a laboratory that was inspected, licensed and financed by Government had looked after its biosecurity—or, to put it plainly, had maintained its drains—the outbreak would not have happened. Indeed, as far back as 2003, the Spratt report

made DEFRA aware of the problem at Pirbright. The report stated:

"pipes were old and needed replacing, but after much discussion between the Institute, Merial and DEFRA, money had not been made available."

What also sets this outbreak of foot-and-mouth disease apart from the 2001 outbreak is that, whereas the cost of the 2001 outbreak—£3.5 billion—fell largely on the taxpayer through animal slaughterings, this time the cost of the outbreak has fallen largely on the livestock industry, affecting hauliers, auctioneers, abattoirs, exporters and farmers alike.

The Scottish livestock industry has to start rebuilding itself again after this Government-induced crisis. In the meantime, sheep farmers are going to the wall, pig farmers are going out of business and banks are refusing to lend more money to some of those already deep in debt.

A welfare scheme is now in place. I and others campaigned for that, and although it was introduced too late to help some farmers, it is now helping others. However, the scheme will probably end up attracting only approximately 100,000 lambs. The remainder of this year's lamb crop is either stuck on farms or being sold for a poor price. Hundreds of thousands of draft ewes at the end of their working life also have nowhere to go and have little or no value. The welfare scheme should be extended to include them. Notwithstanding the minister's remarks today, I still ask him to discuss the issue further with the industry stakeholder group.

Thousands of cast sows need to be culled and included in the welfare disposal scheme, and so too do dairy bull calves. Those animals are stuck on farms, incurring feeding costs. They previously had a value but now have none. I welcome the minister's commitment to meet pig industry representatives next week to chart a way forward. Until normal export markets resume for lambs, calves and pigs, they all represent both a welfare problem and a huge drain on profitability.

Minister, we welcome the measures that you have announced today to help this beleaguered industry and provide it with some hope for the future, and I particularly welcome the increased support for QMS and the educational and charitable organisations. You have recognised that, to secure a future for Scotland's sheep industry, it is essential to try and maintain viable breeding flocks. However, for many businesses, the compensation package simply will not be enough. Indeed, with the likely underspend in the present welfare disposal scheme of £3 million, it is hardly a generous offer when compared with the actual losses being faced by the sheep industry as a whole, through no fault of its own.

The payment of approximately £6 per ewe, when added to the LFASS payment that is due in late December and to the single farm payment that is also due in December, will tide farmers over, but the real crisis will become apparent next spring and summer—in April, May, June and July—when cash flows are at their lowest and overdrafts are at their highest. For many sheep farming businesses in the most fragile areas, the battle to survive may well be finally lost. Already I am told that land abandonment is happening in the Highlands and Islands Enterprise area. Tenant farmers in particular are going out of business. Regrettably, this time next year tenancies will be easier to obtain and more farmland will be on the market.

Hilary Benn, Labour MPs and DEFRA will be remembered for discourteously not supporting Scottish farmers in their hour of need, for not supporting a Scottish welfare scheme when asked, for not caring enough to get drivers' hours relaxed timeously at the height of the crisis and for offering £8 million to help Scottish industry but then taking it away again.

Sarah Boyack: Will you take an intervention?

John Scott: No, I will not.

Dr Elaine Murray's comments on her website illustrate the difference between the Labour Party in Scotland—and Sarah Boyack's reasonable embodiment of it—and the Government in Westminster, when she says:

"I think both DEFRA and SEERAD probably have a good case to argue that their spend on compensation should be funded from Treasury reserves, especially as Foot and Mouth seems to have originated from a government laboratory."

Professor Scudamore's report, which will be delivered by this time next year, will be welcomed. I hope that his remit will be wide enough to examine and pass judgment on the behaviour of Hilary Benn and DEFRA before and throughout this crisis, and to consider the Scottish Government's response to the crisis.

As Sarah Boyack said, this is a subject that the Parliament will need to debate again. Time has been too short today, and the wider ramifications and costs of the outbreak are not yet fully apparent. Time is also running out for Scotland's sheep industry, and notwithstanding the minister's announcement of support today, I urge the Parliament to support the amendment in my name.

I move amendment S3M-667.1, to insert after "communities":

"believes that the Scottish Government should introduce additional measures to support Scotland's sheep industry".

The Deputy Presiding Officer (Trish Godman): I remind members to speak through the chair and to use full names.

I call John Hume. You have six minutes.

15:51

Jim Hume (South of Scotland) (LD): Jim Hume, Presiding Officer.

I declare a farming interest, as I am a farmer and a past director of the NFUS twice over. I am therefore glad to be leading the debate for the Liberal Democrats.

The Scottish Government should have done more, and more quickly. I have had regular meetings with farmers and people in related industries who have spoken passionately and eloquently not only about their businesses but about what they see as their way of life—a life that has to be profitable to have a future. Agriculture benefits Scotland both economically and environmentally. I have some facts here with which all members will be familiar: Scotland's farmers produce output—including whisky—worth £2.4 billion a year to the Scottish economy; and one in 10 of all Scottish jobs is dependent on agriculture, with the agri-food sector now the UK's largest manufacturing sector.

However, it is not just about economics and money. Yes, there are clear economic benefits to the country, but having a long-term secured and profitable agriculture sector also means that land managers are looking after the land and its habitats. Some have had access to agri-environment schemes, such as the rural stewardship scheme, whose re-implementation we are still waiting for. Because of that, our farmers have been able to ensure the sustainable future of our countryside's flora and fauna. Scotland's diverse wildlife has made it one of the best tourist attractions in the world. Scotland's grazed upland pasture land, with its high nature value, is among the most biodiverse in Europe, only because of the way in which it is farmed with grazing animals. Conservation groups are concerned that if farming stops in those fragile areas, Scotland's nature will be badly affected.

As we have all sadly witnessed, foot-and-mouth has had a devastating impact on rural Scotland and, in particular, on the export-dependent sheep industry. Unfortunately, that has not been helped by the major buyers, who have been opportunistic in making money. The only competition—exporting—has been taken out of the equation, with sheep prices in rapid decline and, according to the recent press, in meltdown. It further shows the absolute need for an independent ombudsman to see that producers get a fair price in relation to the price that is charged in the supermarkets, where the prices have not come down.

The cabinet secretary heard from the NFUS this week that emergency aid must be delivered to

Scotland's livestock farmers “to avoid that meltdown”. That turn of phrase is not an understatement. If there has to be a focus, it should be on a meaningful—not £6 a head—payment for sheep. That figure represents about half the estimated losses per ewe. We should also focus on the LFASS supplements, which could easily have been quickly released. I hope that the cabinet secretary sees today's announcement as an interim announcement and, in conjunction with Westminster, continues to pursue a more comprehensive package for all agriculture.

I have always been positive about agriculture, which was flourishing until this outbreak, but on this occasion I am left feeling very despondent. I am despondent for two reasons: first, because the industry is suffering badly, through no fault of its own; and secondly, because the UK and Scottish Governments appear not to be taking the resultant dire situation seriously enough or acting quickly enough to save an industry that is the third largest employer in rural Scotland. I find that insensitive, to say the least, and I am astonished at the disregard that has been displayed by those in a position of authority who have—to use that all-important phrase—decision-making powers. They should build relationships with Westminster, rather than breaking them down.

Alasdair Allan (Western Isles) (SNP): Will the member take an intervention?

Jim Hume: Not at the moment, but perhaps later.

Why did the SNP waste time squabbling with Westminster over who should pay and why did our farmers and producers suffer when there was a mechanism in place for Mr Lochhead to make financial aid available and then claim the money back from the Government using the contingency fund? If we are not experiencing exceptional circumstances now, I need a new dictionary.

Mr Lochhead has been knocking at the wrong door. DEFRA does not have the budget, but the Treasury does.

The Minister for Environment (Michael Russell): I wonder whether Jim Hume could square what he has just said with the statement that he made on 11 October:

“I want to see a commitment from the Westminster Government that Scottish farmers will not be left out of pocket by an outbreak which is not their responsibility.”

Does he still hold to that? If he does, is the statement that he just made not intellectually incoherent?

Jim Hume: I am talking about the Treasury. My statement is that the SNP and the Westminster Government should work for the good of farmers.

Reaction to the crisis has been slow to date. Party politics has got in the way of justice as Westminster has shirked its reserved animal health responsibilities by failing to provide Scottish producers with compensation for the disaster and the SNP has passed the buck back to the UK Government, leaving onlookers bewildered. We need meaningful discussion between the two Governments. Moreover, the welfare scheme came two to three weeks too late, which led to many farmers literally giving their sheep away. How much of the new scheme will be old money recycled from the welfare scheme?

With the outbreak coming at sale time, its economic effects have been far worse than those of the outbreak in 2001, when the Liberal Democrat Minister for Environment and Rural Development pushed out funding to the sum of just under £32 million from the Executive to affected businesses. The SNP Government needs to show the commitment that the Lib Dems did in the past by providing a more comprehensive package.

Once again, I tell the cabinet secretary to take the matter more seriously and come up with a fairer and entirely appropriate aid and compensation package, including help for the pig and cattle industries. Without question, the Scottish Government has a moral duty to do that, so I suggest that, rather than simply note with concern the impact of foot-and-mouth disease, Mr Lochhead and his colleagues should adhere to their moral duty and provide a more comprehensive package in conjunction with Westminster.

Risk of foot-and-mouth disease, whether from imports from infected countries or illegal imports, must to be reduced in the future. I hope that the review will take serious account of that.

I urge members to support Sarah Boyack's amendment.

The Deputy Presiding Officer: I have already had to tell three members that they will not be called and I am already two minutes short—nearly three minutes, now—so speeches will have to be a tight six minutes long.

15:57

Roseanna Cunningham (Perth) (SNP): My constituency is half urban, half rural. That means that I get the best of both worlds when there is the best to offer and the worst of both worlds when the worst happens. For the rural part of the constituency, the past few months definitely fall into the latter category. Moving around the constituency, one has the evidence of one's own eyes: fields crowded with sheep eating the farmer out of feed, not to mention house and home.

My recent visit to the United Auctions mart in my constituency allowed me to have a more detailed discussion about the specific problems that faced farmers even after some of the restrictions were lifted. It has already been mentioned that the problems do not go away when the restrictions are lifted, but here is a case in point: I received an e-mail on Monday from a Perthshire farmer, who pointed out that the average price per lamb received in Perth at the beginning of the week means that a farm with 600 lambs to sell will get £7,200 less in income this year than last year while, at the same time, feed costs are increasing. How are such farmers expected to survive through the winter into the spring with that kind of income loss? Members who think that the word "farmer" somehow equates with the word "rich" need to remember that many of our farmers are already living on marginal incomes and this latest blow may well put a number of them out of business. That is not good for Scotland economically, environmentally or socially.

Rural Scotland holds this Government in general and the cabinet secretary in particular in high regard, but the farmers who are most affected quite rightly want to know what further support they can be offered, especially in light of the stance that Hilary Benn has taken. To be frank, his dismissive attitude to Scotland's farmers beggars belief. If the Labour Party wanted any explanation for its continued failure to win electoral support in rural Scotland, it should look no further than his office.

Benn's attitude was bad enough. I am tempted to quote from the front page of last Friday's *Scottish Farmer* but, to keep on the good side of the Presiding Officer, I will merely paraphrase. The report says that farmers' view of their meeting with Benn is that it ended with him telling them in effect to get lost—that is the polite way of putting it; the phrase that the report used included a four-letter word. Anyone who wants to read the actual expression can read the front page of *The Scottish Farmer*. That is what farmers thought that Hilary Benn was saying to them. The utter failure of Scottish Labour to support Scottish farmers was disgraceful. Not for the first time, I have to observe that Welsh Labour appears to have far more gumption than its counterpart in Scotland.

Frankly, this issue is not about an SNP Government picking fights with Westminster; it is about Westminster picking a fight with Scotland's farmers. Labour—both in Westminster and in Scotland—gave every indication that it does not care if the whole of Scottish farming goes to the wall. Scotland's farmers have taken careful note of that attitude.

On the compensation row, many have criticised the Scottish Government for making the first draft

of Hilary Benn's speech known to the public. The first draft contained a clear commitment of £8.5 million for Scotland's affected farmers. However, the speech as delivered contained no such commitment. Apparently, the Scottish Government was supposed to say nothing about that, despite being perfectly aware that something pretty significant must have occurred between Friday 5 October and Monday 8 October. I make no comment on what matter of significance took place that weekend, but I wish to make the point that it is expected in some quarters that, knowing about the change, the First Minister and the cabinet secretaries should have kept schtum. Should they really have done so? If they had, would they not have run the risk of being exposed in the future as not having properly represented Scotland's farmers? I have no doubt that the fact that they had been given prior knowledge of the draft speech containing the commitment but had said nothing when the speech did not contain the commitment would have been used ruthlessly by Westminster as evidence of Scottish Government acquiescence. They were absolutely right to go public. Maybe that drives a coach and horses through the cosy consensus that appears to have operated in the past. However, if that cosy consensus was not operating in Scotland's best interests, what else could the Scottish Government have done?

The fault for all this lies south of the border. The source of the outbreak was a DEFRA laboratory. Speaking as a lawyer, I do not think that the UK Government is out of the compensation woods on this one.

I welcome Richard Lochhead's announcement of an aid package today. I am sure that farmers would have wanted more—of course they would—but I welcome the announcement not because I think that this Government should have to pay but because it clearly shows that the Government can be counted on by farmers. I hope that the issue will not rest there.

Further to my comments about Welsh Labour, I refer the Liberal Democrats to the comments of Roger Williams MP, their Welsh affairs spokesman, who also seems to have a little more gumption than his Scottish counterparts. He was crystal clear about where the blame lies, no weasel words about it. Liability lies fairly and squarely at DEFRA's door, and I fully expect that, on behalf of Scotland's voters, the Scottish Government will make every possible effort to get restitution from those who were at fault.

16:03

Peter Peacock (Highlands and Islands) (Lab): Today should have given us an opportunity for a debate on the future of the Scottish agriculture

industry in its widest sense, but I am afraid that that opportunity has been lost because of the derisory amount of time that has been allocated to the debate at a time when the industry is facing many problems.

Michael Russell: Will the member take an intervention on that particular point?

Peter Peacock: Let me get into my stride. The Government has plenty of time to allocate for debates.

Today is also a lost opportunity because the motion is deliberately divisive and reiterates points made by a minority Government that is obsessed with Westminster.

I would have liked to spend my time today talking about the long-term challenges to the industry, such as the challenge of recovery after the immediate consequences of the foot-and-mouth outbreak are dealt with, the challenges from changing markets and changing consumer demand and the challenge of preparing for the spread of bluetongue across the UK, which Sarah Boyack talked about. I would also have liked to talk about the opportunities for the industry that arise from the development of local food markets, which add value to local produce.

There is no question but that farmers and crofters in my region are facing one of the biggest crises of recent times. Because of the foot-and-mouth outbreak, the restrictions on cattle movement, the disappearance of export markets and the collapse of some markets, cash is in short supply in the industry. Many farmers and crofters, and their suppliers, face financial ruin as the cash income that they normally depend on at this time of year has dried up, yet it has taken this minority Government three months from the outbreak of foot-and-mouth disease to begin to take action to acknowledge the financial plight of the industry. Although welcome, the scheme that the Government has announced today is too little, too late; it is barely half of what the farmers sought. We on the Labour benches pressed the Government weeks ago to introduce a welfare scheme for those with small lambs. It took so much time that a number of farmers and crofters had to cut their losses and get out early, and they will not benefit from the scheme.

Over the past couple of weeks, a minister and a First Minister have appeared principally interested in trying to gain political capital from a dispute with Westminster. That should not be surprising, as it is a pattern that we are seeing more clearly as each week progresses—another day, another squabble with Westminster. They are seeking all the time to build up grievances and to use that sense of grievance to argue for more powers for this Parliament. Yet, during all that time, the

Government has not been prepared to use the powers that it has here to keep farmers in business.

Every form of government, at every level, has some disagreement with other governments or levels of government from time to time—that is the nature of governance. It is not something to be surprised about but something to be worked on and managed positively. Community councils disagree with local authorities; local authorities disagree with national Governments; the Scottish Government will disagree with the UK Government; and the UK Government will disagree with the European Union or the United Nations. That is why we have concepts of constructive engagement and diplomacy as a central part of how government relations work.

What distinguishes this minority Government from our community councils, local authorities and the UK Government is that none of those bodies sees intergovernmental disagreements as a central purpose of its existence. Sadly, this minority Government sees that as part of its purpose, and every disagreement requires front-page treatment. It presents its position—completely mistakenly—as standing up for Scotland, yet we have a minority Scottish Government that has no influence in Westminster because of its behaviour.

Whether it is the farmers today, the broadcasters tomorrow or the local authorities in a few days' time, they should all expect to become convenient pawns as part of this minority Government's political purpose of fomenting disagreements and blaming Westminster.

Richard Lochhead: Will the member take an intervention?

Peter Peacock: No, I will not give way—the member has had plenty of time.

We have a group of constitutional obsessives here that is masquerading as a Government but, sadly, that group is the Government and it has responsibilities as such. It has huge powers and a huge budget, which it needs to put to use in the interests of the Scottish people first and foremost. Our farmers and crofters are decent hard-working people, who work long hours all year round in the toughest possible conditions. Their current plight deserves better than to have been used for a week or two at this crucial time as part of a wider constitutional game. The Scottish Crofting Foundation has taken the right line: it does not care where the money comes from as long as it gets to those who are in financial distress.

Today, we have had a minister coming to the Parliament who has at last recognised that he needs to act—but how little he has done. He has not even matched what the previous Government

did from its own resources at the time of the previous foot-and-mouth outbreak, allocating less money from a budget that has almost doubled in the intervening period. As other members have mentioned, there has been nothing for the pig sector, which has high feed costs in addition to the other difficulties that have been referred to.

There is an intrigue in all of this. Only last week, the minister's spin doctors were briefing outrage at Hilary Benn for not agreeing to a compensation scheme that the minister apparently backed. Today, it is unclear that he ever formally asked Hilary Benn for the money to fund what the farmers were seeking until after the First Minister had condemned Westminster for not giving money.

Richard Lochhead: Will the member give way?

Peter Peacock: I am not going to give way.

Even then, it is not clear how much the minister asked for—if anything. He has told us that John Swinney is only today writing to make a formal submission. If the minister thought that it was right for Hilary Benn to fund the farmers' scheme in full, how come it is not right that he should fund it in full now? It appears that Richard Lochhead or John Swinney—or both—may be the villain in this episode. The minister has either failed to ask John Swinney for enough money, or John Swinney has refused to give that money. It is time for the minority Government to start taking responsibility for its actions and stop constantly seeking to shift the focus elsewhere.

This minority Government has given every appearance of encouraging the dispute between farmers and Westminster to run for political advantage before it has belatedly stepped in with an inadequate response.

The Deputy Presiding Officer: You should be finishing now, Mr Peacock.

Peter Peacock: The Labour amendment sets out our position, and it deserves the support of Parliament.

16:10

Alex Johnstone (North East Scotland) (Con): I draw members' attention to my entry in the register of members' interests, which shows that I am still a partner in my family farming business, which is now run by my son.

The issue that brought us here for this debate is essentially the effect of the foot-and-mouth outbreak in the south of England. Many speakers commented on the background of the outbreak and attempted to cast some light on it, but I understand that we do not have to go through the

whole process to get to the crux of the matter that we need to discuss.

I praise the actions that Richard Lochhead took in his role as Cabinet Secretary for Rural Affairs and the Environment to deal with many of the issues that were presented by the outbreak. However, I cannot let this opportunity pass without criticising some things that happened more recently.

The Government's commitment to Scottish farming is undoubted, and the actions that it took to protect the hill farming industry are examples of that commitment. However, I and others believe that the Government delayed bringing forward some of the proposals that are now on the table with money attached until an unseemly row had been allowed to develop between the Scottish Executive and the Government in London.

I would have thought that the obvious position of a committed Government in Scotland was to make financial commitments and then dispute where the resources were to come from, rather than to have the dispute and then go ahead and make the announcement.

Richard Lochhead: I thank the member, who is getting a bit more cynical in his old age, for giving way.

I remind the member that we delivered an emergency scheme—the sheep welfare scheme—in early October, before the incident that he spoke about. I also remind him that NFU Scotland wrote to me last week asking for an emergency aid package. I met it on Monday, and today I announced an aid package for the industry. That shows greater urgency than has been shown elsewhere.

Alex Johnstone: Indeed. I believe that I acknowledged that the Government has shown that commitment. It is the unseemly row that I find distasteful.

In the time that remains to me, I will speak about the potential effects that might continue to impose themselves on Scotland's hard-pressed hill livestock farmers during the next 12 months and perhaps well beyond that.

During the period in which we have suffered from the unfortunate recurrence of foot-and-mouth disease, some rather radical changes have taken place in the agriculture industry. The radical changes in the price of grain, of which the cabinet secretary is well aware, have resulted in changes in some agricultural practices in Scotland's lowlands. Many of those who produce lambs and cattle on Scotland's hills rely on markets that exist further down the hills, but the sad fact is that the vastly increased grain prices this year are likely to lead to changes in farming policy on many of

those lower farms. In a normal year, farmers who choose to grow more grain might buy more cattle to feed it to. The fact that export prices are so high means that cattle will have to be a lot more expensive before farmers are willing to feed expensive grain to them.

The market for Scotland's hill livestock—the finishers lower down the hills—might well be about to dry up. The minister needs to take that situation into account when he considers what further support is likely to be necessary for Scotland's hill farmers.

The increase in feed costs is unlikely to impact only on Scotland's hill farmers. Scotland's pig and poultry industries will also suffer. The poultry industry's crisis can be dealt with in a fairly short-term way because of the short cycles that are involved. Although I have every sympathy with Scotland's poultry farmers, I suspect that they will manage to avoid the extreme losses that are now almost inevitable for Scotland's pig farmers as they attempt to downsize in the face of vastly increased grain prices.

It is for that reason that the minister hit on an important point in his opening remarks, which was that we have to examine the complete market structure. I make no apologies for mentioning once again, as I have done in the chamber many times before, the role of the retailers—largely, the supermarkets—in dealing with the crisis. Unfortunately, other sectors of Scottish agriculture have suffered in the past through low market returns due to low retail prices. In many cases, such as my own experience in the dairy industry, low prices have forced so many people out of the industry that supplies of raw material have begun to dry up and prices have had to be corrected.

Markets can do positive things as well as negative ones, but unless Scotland's retailers and the United Kingdom's supermarkets are willing to look seriously at guaranteeing a proper return in the marketplace for the end product that comes down off Scotland's hills, there will be no purpose for Scotland's hill farmers, Scotland will deteriorate to monoculture, and ultimately Scotland's farming industry and the contribution that it makes to rural Scotland will be lost. The minister has my full support in going back to the retailers and working as hard as he can to ensure that they account for themselves properly in the market.

The Deputy Presiding Officer: Before I call Alasdair Allan, I remind members that they will have to stick to a tight six minutes.

16:16

Alasdair Allan (Western Isles) (SNP): Sometimes the business of the chamber involves a certain amount of synthetic rage. Sometimes, I

dare say, the most consensual of politicians have to force a little anger into a debate purely to keep it going. However, despite what some have suggested, there is no reason why any of us who represent farming or crofting interest needs to resort to such a tactic.

The anger in crofting and farming communities is only too real. Crofters in particular do not expect to become rich by crofting. They are willing to do what they do in all weathers, for the most part because they realise that it is integral to their community's way of life and because it is essential to the wider Highland economy.

However, when lambs are selling for less than £8 each, as they did on one recent occasion in the Western Isles, we are dealing with a situation that is unsustainable for any length of time. To some extent, that has already been recognised and acted on. The NFUS and others have welcomed the swift action in Scotland to cope with the build-up of light lambs on farms, for instance, and the early relaxation of certain movement restrictions in the islands has also been useful.

Crofters have indicated to me that they do not want to have to slaughter their lambs to no great purpose, but there is no realistic alternative while foreign markets remain restricted and while the livestock industry is still trying to bring livestock movements back to something like their normal pattern.

Farmers and crofters have had to struggle with the fact that, until today, there has been no obvious move to compensate them for the losses that movement restrictions have forced on them. Many farmers would have to question the viability of their farms in those circumstances, so I welcome what the cabinet secretary has announced today.

It would be foolish of any of us to claim that today's announcements are everything that crofters or farmers have asked for, but they are a substantial move in that direction. The Government in Scotland is going well beyond what it is required to do morally and, I believe, legally. I hope that the actions of the Scottish Government will now shame others into living up to their responsibilities—because the UK Government most certainly has responsibilities.

Unlike the 2001 outbreak, there is little mystery this time about where the virus came from. There is no need to speculate about pigs being fed Chinese food; we all now know that the foot-and-mouth virus that has so destabilised the farming industry in Scotland was released from a UK Government lab. That is probably more than a moral argument, but if it fails to impress, there is the argument of precedent. If compensation was made in 2001, why should it not be made now?

And if precedent fails to settle the question for some people, there is the small but important matter of the Scotland Act 1998 and its attendant concordats, which so many members hold up to be inviolable and unalterable sacred texts.

The animal health budget is clearly reserved to the UK. No farming or crofting body has questioned that assessment, so what has happened to influence the UK Government's view?

A couple of Saturdays ago, I was in the passenger seat of a car travelling in North Uist. I went out of mobile range, as always, in Lochmaddy. When I went out of range, I was discussing the forthcoming general election with a journalist who had phoned me. By the time I came back into mobile range, I had learned that there was to be no general election. Within hours of that, the UK Government had reneged on its position on compensation. According to his draft speech, the Secretary of State for Environment, Food and Rural Affairs, Mr Benn, was due to say:

"I have also agreed with the Chief Secretary to the Treasury that Scotland should receive £8.1 million and Wales £6.5 million to assist them in countering the impacts of foot-and-mouth on their livestock farmers."

However, by Monday 8 October, when Mr Benn delivered the statement to MPs, that paragraph had disappeared. He instead said:

"I am announcing today a package of assistance for the English livestock sector amounting to £12.5 million. The devolved Administrations are proposing to introduce their own schemes."—[*Official Report, House of Commons*, 8 October 2007; Vol 464, c 39.]

Who are we to judge whether the disappearance of the general election was in any way related to the disappearance of the compensation scheme? However, if the question was asked of any crofter in my constituency, the assessment would be pretty universal. It would not be far from the assessment of Jim McLaren, the president of the NFUS, who said:

"There is a crisis on farms across Scotland and we cannot accept that the UK Government has no responsibility."

The Prime Minister, Gordon Brown, must now live up to his word and address the problems in Scotland or face the imminent wrath of its rural communities.

The Deputy Presiding Officer: Before I call Tavish Scott, I point out that wind-up speeches will each be one minute shorter.

16:21

Tavish Scott (Shetland) (LD): I only wish that my constituency had the mobile coverage that Alasdair Allan's constituency has. I also broadly agree with Alex Johnstone's analysis.

In this week's *The Shetland Times*, the Scottish Agricultural College adviser penned an article entitled "Is it still worth crofting?" I want the unambiguous answer to be yes; however, the industry needs short-term help to allow for a medium and long-term future. There is a crisis in the industry in my constituency, which has been caused by the outbreak of foot-and-mouth disease in Surrey, the responsibility for which lies wholly with the Department for Environment, Food and Rural Affairs at Westminster.

NFU Scotland says that Scottish agriculture faces a loss of some £50 million. To many, that is a conservative estimate, and the Government has not accepted that. Richard Lochhead has taken a welcome step forward, but he has not recognised entirely the scale of the financial losses that are faced by crofts and farms throughout the country. Why does the minority Government not accept the NFUS's assessment of the losses that Scottish agriculture faces? I ask the minister to be specific in his wind-up speech about the reasons why he has not accepted that argument.

The industry needs a hill ewe welfare scheme. Drew Ratter, the chairman of the Crofters Commission wrote in this week's *The Shetland Times* that

"female sheep stock was pretty well unsellable, and that is going to become a bigger and bigger issue as the year end approaches."

There is little or no market for light hill ewes. The industry has argued that for some weeks now, and I am disappointed that the minister has not accepted its careful argument. The chairman of the Scottish Crofting Foundation reinforced that argument to me at lunchtime today.

The minister is quite wrong to say that the hill ewe issue is an economic one only; that is absolutely not the case. It is demonstrably a welfare issue. I urge the minister to rethink his position. When Richard Lochhead was in opposition, he argued that any underspend on the decommissioning scheme for fishing boats should be reinvested in the fishing industry. I hope that, in the light of the underspend that is clearly going to occur on the welfare scheme, he will agree today to reinvest that underspend in the farming industry. I look for clarification of that in his wind-up speech.

Last week, the SNP attacked my colleague Alistair Carmichael for not doing anything for farmers. On the same day, Alistair Carmichael brokered a cross-party meeting with the Secretary of State for Environment, Food and Rural Affairs, Hilary Benn, and the NFUS president, Jim McLaren. If that meeting was not worth having, why was Angus MacNeil there? Farmers and crofters have been used as a political football by both the UK Government and—depressingly—the

Scottish minority Government. I expect better from both for the constituents I represent in Parliament.

I also want the minister to stop putting undue pressure on the Lerwick collection centre to export all lambs under the welfare scheme by the end of this month. The mart staff there are doing a tremendous job; they are working very hard and trying to comply with the scheme, but Edinburgh needs to understand that there is only so much space on ships to Aberdeen and that there are other store lambs, ewes and cattle to export as well. I would therefore be grateful for a bit of understanding for those hard-working people in Shetland from the Government in Edinburgh.

The industry needs short-term investment to give it breathing space for the long term. We must care that more and more sheep and cattle are disappearing from the Scottish uplands and islands. I say yes to local food initiatives, farmers markets and local food procurement in the public sector. I say yes to sorting out EU state aid so that a new abattoir in Shetland is not stopped, because that will be a hugely important investment in the future of the islands that I represent. I also say yes to a real assessment of the disease prevention regime that has been put in place.

The minister has no choice but to accept—as any minister would—that the UK remains highly susceptible to outbreaks of exotic diseases such as foot-and-mouth disease and bluetongue. The inquiry that the minister has rightly set up must assess and, I hope, advocate a regional approach in future. What is the justification for stopping sheep from being exported from the Scottish islands because of a disease outbreak more than 600 miles away? It would have been desirable to avoid a welfare scheme in Scotland—and a row with Westminster—which could have been done if a regional approach had been agreed with vets and the authorities.

The Scottish industry needs to take a new approach based on allowing farm and croft businesses to trade unless they are directly threatened by a disease outbreak, and on a real assessment of risk. We need a regional approach that will mean that farmers and crofters in different parts of Scotland who are under no threat from things happening more than 600 miles away can operate, trade and export to markets that want our produce. The Government's job is to eradicate disease outbreaks, but not by eradicating our livestock industry.

16:27

Elaine Murray (Dumfries) (Lab): In 2001, the foot-and-mouth outbreak in Scotland was first detected in Lockerbie, and, thanks to the excellent

work of local agencies, it was restricted mainly to Dumfries and Galloway.

During the recent outbreak, Dumfries and Lockerbie agricultural show was one of the first to be affected by the ban on animal movements. I thank the cabinet secretary for his phone call of 4 August, which I took while standing in a queue outside the catacombs in Paris. I was grateful to him for his courtesy in calling me and his recognition that the mere mention of foot-and-mouth disease sends shivers up the spines of people in Dumfries and Galloway.

I also welcome what the Scottish Government has announced today. It is not what the NFUS has asked for, but we recognise that it is a step in the right direction, as Sarah Boyack and Peter Peacock said.

In 2001 in Scotland alone, 735,000 animals were slaughtered, 644,000 of which were sheep; 187 farms were infected and 1,048 had their animals culled because they were contiguous to or within a 3km radius of an infected farm. The estimated reduction in the Scottish gross domestic product was between £14 million and £30 million, and the net effect on the Scottish economy was £33.5 million. According to the National Audit Office, the estimated cost to central Government of compensation for slaughtered animals was in the region of £334 million. The Scottish Executive provided £30 million out of its reserves for measures to alleviate hardship and to assist with economic restructuring, principally through VisitScotland, the local enterprise companies and local authorities.

The 2007 outbreak is therefore very different, with only eight confirmed cases, which is thanks to the lessons that were learned last time. That does not mean to say that it has not caused severe problems to the livestock industry, as others have described cogently, and especially to sheep because of the time of year at which the outbreak occurred. The outbreak has also affected related industries. Workers at the slaughterhouse in Annan in my constituency were laid off or had to endure considerably reduced hours of work.

Robin Harper (Lothians) (Green): Does the member agree that it is important that the commission that the Government is setting up considers both the part that local slaughterhouses could play in reducing the possibility of the spread of disease and the part that vaccination could play in reducing the possible effects of any outbreak? Today's debate has been entirely reactive, with no planning for the future.

Elaine Murray: I am happy to agree. As I hope to mention later, a greater supply of local abattoirs would mean that animals would not be required to be moved around the country to the same extent.

Vaccination has been hotly debated since 2001, but there are certainly arguments in favour of when it should be used. That was highlighted in some of the research that was carried out after the previous outbreak.

I was rather surprised to hear Mr John Scott express shock at my suggestion that the Scottish Executive's environment and rural affairs department and the Department for Environment, Food and Rural Affairs should work together. I might have been less surprised if an SNP member had made such a comment, but I was slightly surprised that a Conservative should say that SEERAD and DEFRA should not work together.

John Scott rose—

Elaine Murray: Sorry, I have already taken an intervention and I have only two minutes left.

In fact, at the time that this spat started, Hilary Benn made it quite clear that the door to the Treasury remained open if he required to seek additional funding. My suggestion is that SEERAD and DEFRA should be prepared to make a case together. If they feel that their budgets have been overstretched as a consequence of providing compensation, they should work on putting a reasoned, argued written case to the Treasury on why they need additional funding.

Richard Lochhead: Will the member give way?

Elaine Murray: Sorry, I do not have time.

SEERAD and DEFRA might wish to argue that a UK institution, rather than a DEFRA institution, was involved. They might wish to make that case.

However, I am really quite surprised that a member of a unionist party should say what John Scott said. I would have thought that unionists would expect people to work together across the devolved Administrations to try to do the best for farmers. I would not have thought that Conservatives would be surprised at my suggestion.

John Scott: Will the member give way?

Elaine Murray: No, I have only one minute left.

Like others, I am disappointed that the fact of one of Scotland's important primary industries finding itself in dire straits has been used for political argument. On 16 May, Alex Salmond said:

"I commit myself to leadership wholly and exclusively in the Scottish national interest."—[*Official Report*, 16 May 2007; c 36.]

I do not believe that it is in the Scottish national interest to use a crisis in the Scottish livestock industry to create a fight over the constitution. We have heard a lot of talk in this Parliament about the new consensual politics. Surely it would have been in the Scottish national interest to have taken

action early in the crisis to build consensus on the need for a compensation scheme by taking into account the various suggestions from the NFUS and by presenting to the UK Treasury a reasoned, properly costed case that had cross-party support from this Parliament.

In 2001, the Scottish Executive made strenuous efforts to work with the Scottish Parliament and the Rural Affairs Committee in responding to the effects of the foot-and-mouth crisis. During the period of the epidemic, all parties recognised the need to work together because the crisis was far too serious an issue to be used for political advantage. I am sincerely sorry that the current Scottish Government has not seen the matter in the same light as the Executive did back in 2001.

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

16:33

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): In this short but focused debate, it is interesting that the tone of SNP members has been very different from that of members on the Labour, Liberal Democrat and Conservative benches. A very different style and tone has been evident.

The minister started by saying that Westminster had a moral responsibility to fund animal welfare. However, when he was challenged by Karen Gillon, he refused to say that that was a legal responsibility under the devolution settlement. In other words, there is no agreement that the matter is purely a UK issue.

Sarah Boyack pointed out that the sheep welfare scheme will have an underspend. The Liberal Democrats agree that that is the case, but the SNP would not acknowledge that. The reason for that is that the Government was too late in setting up the scheme in the first place. John Swinney, the Cabinet Secretary for Finance and Sustainable Growth, managed to have transferred the £900 million of underspend that there has been. Richard Lochhead has obtained £19 million of that to provide £6 a ewe and, as I see it, nothing for our pig farmers.

John Scott and Tavish Scott—both Scotts—pointed out that the UK Government could have avoided the outbreak at Pirbright. They are absolutely right to say that it was an avoidable crisis. However, Tavish Scott pointed out that our farmers and crofters have been used as a political football and that that must stop.

Jim Hume, leading for the Liberal Democrats, stressed the importance of our farming industry to the Scottish economy. There should have been a meaningful focus on financial aid. I have

mentioned the £6-a-head scheme for ewes. That is not a meaningful amount—the NFU asked for £10 a head, and I thought that that was a conservative figure.

We should build relationships with the UK Government. Party politics has got in the way of our handling of the crisis; I could not agree more with Jim Hume on that point. As Sarah Boyack said, Ross Finnie, the Liberal Democrat Minister for Rural Development at the time, issued £32 million in 2001, without falling out with the UK Government.

Richard Lochhead: I clarify for the member's benefit that the £900 million that John Swinney has secured from the UK Government is for the next three years, not just for now. The aid that was available in 2001 resulted from consequentials that came from the UK Government and that we do not have this time.

Mike Rumbles: The Government has an extra £900 million that it was not expecting. The minister has told us that he has managed to obtain £19 million not from his budget, but from an allocation by John Swinney. Why could he not have got a bit more of the £900 million?

Roseanna Cunningham, convener of the Rural Affairs and Environment Committee, of which I am a member, blamed Labour ministers, rather than focusing on what our Government could do to help from our budget. That sounds to me like more SNP girning and is a disappointing spectacle. If the UK Government disputes its responsibilities, we should get on with using our funds, as we did in 2001. We should take on the dispute later, but help our farmers now and take action in time to help our rural communities. Ministers should not give us too little, too late, as Richard Lochhead has done with the sheep welfare scheme and now with the Scottish ewe scheme. Throughout the debate, Labour, Liberal Democrat and Conservative speakers such as Alex Johnstone made the point that, unfortunately, the SNP Government seems to be rather more interested in playing party politics with London than in providing our farmers with timely and sufficient financial help to deal with the disaster that faces them.

In conclusion, I refer to the amendment in Sarah Boyack's name, which

"recognises that it is the responsibility of the Scottish Government to provide funding to address the wider economic implications of the outbreak, as was the case in 2001; regrets the time it has taken to develop practical support for Scottish farming and crofting communities, and calls on the Scottish Government to develop constructive relations with the UK Government in order to address the future challenges in our agriculture and rural industries".

Michael Russell: Will the member take an intervention?

Mike Rumbles: Unfortunately, I cannot—I have run out of time.

Sarah Boyack's amendment should be the way forward for us in Scotland. I hope that at decision time Parliament will make that clear to the minority Administration.

16:38

Jamie McGrigor (Highlands and Islands) (Con): I draw attention to my livestock farming interests in the register of members' interests.

I congratulate Richard Lochhead on securing a debate about agriculture. It is good to see the word agriculture back in the Parliament, and not dressed up as environment or rural development. It is agriculture—farming—and it is important to Scotland.

Yesterday I attended the important annual auction market in Dalmally in Argyll for store beef calves. The quality of the stock was excellent and prices were similar to those in the 1980s. I never fail to be amazed by the optimism of hill farmers, who have tightened their belts so far that there are no notches left for further tightening. These people are fighting desperately to save their businesses, which already contribute so much to the Scottish environment and economy and could contribute so much more.

The main talk was obviously of the sheep sector, and my impression was that, since the error at Pirbright, product income for ewes and lambs had halved. There were many rumours of a headage payment of £10 per breeding ewe, which would just about cover half the losses that had, through no fault of their own, accrued to those hard-working people. That speculation had come from last Saturday's tup sale at Stirling and had possibly encouraged people to spend a bit more money on better quality tups for breeding. I am afraid that they will be disappointed.

However, they will not lie down and die at the whim of Hilary Benn and his broken promises. I pay tribute to the Scottish Blackface Sheep Breeders Association, the National Sheep Association and the NFUS for the work that they and other individuals have carried out on behalf of farmers and I sympathise with their difficulties in dealing with a Labour Government that appears to have turned its back on farmers, crofters and the rural economy. I am appalled by the cynicism and the lack of concern shown by Hilary Benn and Gordon Brown. It is awful to hear a UK minister such as Mr Benn being described as unspeakably arrogant, ignorant and, even worse, incompetent, but I find it difficult to disagree with such assessments. He should have listened to the NFUS, which was only representing its members, instead of deliberately humiliating it.

Of course we know that DEFRA is strapped for cash. After all, Gordon Brown insisted that it pay the £36 million EU fine for Labour Government incompetence over payments to farmers in the past. How appalling it is that that fine is more than the amount that is being offered to Scotland's hard-pressed hill farmers. There seems to be little love lost between the Treasury—or for that matter, Gordon Brown, who used to run that Treasury—and DEFRA.

I agree with farmers, crofters and the NFUS that the UK Government has a clear responsibility for addressing the crisis facing Scotland's rural economy for three reasons. First, the animal health budget is not devolved. Secondly, any payments from this budget apply to England, Wales and Scotland. Thirdly, losses incurred in this type of emergency can be compensated out of the contingency fund held by the UK Treasury. Indeed, that was the source of funding for compensation during the 2001 outbreak. The only difference this time is that farmers have incurred losses as a result of movement restrictions, which has dramatically reduced direct compensation payments made by Government at huge cost to businesses.

I note from the piece of paper that the cabinet secretary has provided that the support package for farmers amounts to £25.1 million. That is something, but it is not enough; Scottish losses are estimated at £60 million. As the cost of the 2001 outbreak was paid for by a UK contingency fund, why does the Labour amendment suggest that that should not be the case this time?

Mike Rumbles: Will the member give way?

Jamie McGrigor: No.

For the future of farmers and crofters all over Scotland, especially in my region of the Highlands and Islands, and for the future of hauliers, veterinarians, auctioneers and all the others who are part of Scotland's great agriculture industry, the Government should take steps to ensure that they and the farming industry are never again caught in such an exposed position. Scottish sheep farming can have a happy future, but only when the prices that we get for our animals are the same as those that farmers in France and Germany get. German farmers are getting £75 for lambs that Scottish farmers would be lucky to get £40 for, and my question for the minister is why a Scottish lamb should be worth only half a German one.

16:44

Karen Gillon (Clydesdale) (Lab): I am pleased to be able to participate in what has been a worthwhile—and at times robust—debate.

Like other members, I represent a rural constituency and regularly meet farmers to discuss issues that affect them. Only two weeks ago I met local hill farmers and heard at first hand about the challenges that they face, not only from this outbreak but, as Alex Johnstone so eloquently highlighted earlier, with regard to the future of their industry. They are struggling to come to terms with the long-term future of their industry. They are wondering what lies ahead and how we can all work together to secure a future for their industry. I support what Alex Johnstone said, particularly about supermarkets, whose hold on Scottish agriculture is simply not healthy. They dictate the price and size of animals. They even dictate the weight of lambs to determine the size of chops that consumers can buy. That is simply bizarre. Labour members will work with other members to ensure that the supermarkets play their part in ensuring the sustainability of Scottish agriculture.

Tavish Scott made important and worthwhile points about his constituency and the impact of the foot-and-mouth outbreak on Lerwick as well as more general points. I say to John Scott that we all lobbied the Government on drivers' hours, and we got the relaxations in time for the lifting of restrictions.

Robin Harper made excellent points about the need for local slaughter, not only to control diseases but to help tackle climate change. If we are serious about local procurement, local slaughter must be an integral part of our programme. I would be interested to hear from the minister—in his summing up or at a later date—how we can progress that matter in particular.

I seldom find myself on the same side of a debate as Mike Rumbles, but he made a measured speech.

Richard Lochhead: There is a new coalition.

Karen Gillon: It is not new. The member will find that it is a rather old coalition. Mike Rumbles's measured speech is worth reflecting on.

It is important to return to what happened in 2001. When Ross Finnie went to the chamber in March 2001, he put forward measures relating to the foot-and-mouth outbreak not knowing who would finance them. He acted quickly because doing so was in the interests of Scottish farmers. Unfortunately, the welfare scheme that the SNP Government announced in October could have been announced sooner. It would have been more effective if it had been announced sooner.

Richard Lochhead: I want to clarify something for the member's benefit. DEFRA funded the welfare scheme that was announced in 2001. We do not have a similar scheme to implement in Scotland, so we had to implement our own scheme, which we did in early October. I ask the

member to bear it in mind that she is not comparing like with like.

Karen Gillon: The member should reflect on what I said. When Ross Finnie got to his feet in the chamber and announced a scheme, he said that he did not know whether compensation would be available and that he was still negotiating to make money available. He then found, and negotiated with, his colleagues at Westminster. Rather than waiting for the day after an unseemly row with Westminster to announce a scheme for which he is paying, Richard Lochhead could have announced a scheme much earlier. He could have announced the scheme a month before. If he had done so, it would have benefited Scottish agriculture much more than it is currently doing.

Let us consider the sheep welfare scheme, which was originally priced at £8.5 million. Its price then went down to £6 million. In the figures that the minister produced today, the price was £4.5 million. In the estimates from the NFUS yesterday, the price was £3 million. How much will the scheme cost? How much will it benefit agriculture? The Scottish Government has provided too little, too late. The minister cannot continue to walk away from his responsibilities. I am happy to speak to him, work with him and support him in his negotiations, if he is negotiating properly in the interests of Scottish farmers rather than because he wants to pick a constitutional fight. Picking such fights is his party's *raison d'être*, as opposed to fighting in the interests of Scottish farmers. Scottish farmers deserve much more.

I want clarification. In his statement, the minister mentioned that John Swinney is writing to the Government today—some 12 weeks after the foot-and-mouth outbreak in the UK. There are consequences—

Richard Lochhead: Will the member give way?

Karen Gillon: The minister will have more than enough time to respond to what I am saying through his colleague Mr Russell.

Five weeks after the 2001 outbreak, Ross Finnie had brought forward LFASS and other agricultural support payments. He had negotiated with banks and the Inland Revenue and introduced a comprehensive package of measures. The Scottish Executive had found £32 million from its own budgets to support Scottish agriculture. I have the figures.

Michael Russell: Will the member take an intervention?

Karen Gillon: The minister can come back on his own point. I want to clarify whether the £25.1 million is what John Swinney is asking the UK Government for.

Richard Lochhead: Of course it is.

Karen Gillon: Why is it so little? Is that all that ministers have the gumption to ask the UK Government for, when the NFUS says that £50 million is needed? Members of all parties have said that they want agriculture to get the support that it needs. Richard Lochhead has said that the £25 million can be funded from the Executive's budgets. Is that the only case that is being made to the UK Government? Is that all that the UK Government is being asked to pay for? That is simply not good enough. It is not good enough for Scottish agriculture or for the long-term sustainability of Scottish farming. Mike Russell should reflect on that in his closing comments.

16:51

The Minister for Environment (Michael Russell): Before I devote myself to some of the speeches that have been made, I make two further points in addition to what the cabinet secretary said in his opening speech. The first small addition is that the Scottish Environment Protection Agency is to set aside the second instalment of the disposal to land charge in 2007-08, which will benefit roughly 1,600 sheep farmers to the extent of £91 each.

It is also important, at this stage, to thank the officials who have been involved in dealing with many of the difficulties that have occurred over the past few months. Along with the cabinet secretary, I pay particular tribute to Ian Anderson, who led our response to the recent outbreak and who was involved in managing the 2001 outbreak. He will be familiar to former Labour ministers. He retires on Friday after many years of service and I know that all of us will want to wish him the best for the future. *[Applause.]*

Before I lay to rest some serious mistakes that have been made in the debate, I will deal with a number of speeches, beginning with that of Mike Rumbles, whose inability to understand the financing of government is truly breathtaking. It is impossible to spend money that has not yet been drawn down and which will not be drawn down until next year. In addition, his speech contained an element of political grandstanding that we have come to expect from him, but the worst aspect of it led me to decide that we should try to swap him for his Welsh colleague, Roger Williams, the Liberal Democrats' Welsh affairs spokesman. At the Welsh Lib Dems' autumn conference—no doubt a crowded event—Mr Williams said:

"The decision of the Westminster Government not to pay Welsh and Scottish Farmers compensation for the restrictions placed on them due to Foot and Mouth in England is outrageous. Especially so as money was promised by the Minister, Hilary Benn, before last weekend who then withdrew it once it was known there was to be an election. Yet he is still going to pay farmers in England."

Mr Williams understands the issue; Mr Rumbles does not.

Mike Rumbles: I certainly understand the issue and I agree entirely with Roger Williams. My point was that the Government should get on with governing Scotland and providing rescue packages for our farmers. Rather than grandstanding, it should take up the dispute later.

Michael Russell: That is exactly what we are doing, so Mr Rumbles will have to vote for our motion.

Now, I will agree with a Liberal Democrat, Tavish Scott, whose endorsement of regionalisation I welcome. We are extremely keen that a regional approach to such outbreaks be adopted. That would have helped in the present case—Tavish Scott is right to say that it would have avoided some of the difficulties in which we now find ourselves, which I wish we could have avoided.

The key speech on those difficulties was what I can only call a masterly speech from Dr Alasdair Allan. He laid out the moral, legal and political background to the issue and placed it in the context of the constitutional settlement. Alas, we are discussing not what Tavish Scott referred to as a spat, but a legal, moral and constitutional failure by Westminster. This Government is attempting to deal with that matter.

I want to lay to rest two issues that Sarah Boyack raised—unfortunately, because both were errors. First, she expressed regret, which was echoed by Peter Peacock, that more time was not allocated to the debate. My friend the Minister for Parliamentary Business informs me that he offered the business managers more time for the debate on 2 October. He said that if any business manager wished to have more time, they should come back to him and that it would be granted—no business manager did that.

The second issue is the invidious and divisive comparisons that have been made between the 2001 outbreak and this outbreak. Those comparisons demean the work that Ross Finnie did. It is wrong to attempt to undermine what he did by making comparisons that would alter the historical record, so let us make the record clear.

First, let us look at the size of the packages. There was £32 million from Ross Finnie, which was a rural recovery package; the present package is an agricultural one worth £25 million. That is the difference between them. In fact, given the nature of the outbreak, the level of help that we are giving is considerably larger than that which was given in 2001.

Tavish Scott: Will the minister give way?

Michael Russell: No. I must make progress.

Secondly, the timescales involved are crucial. The outbreak in 2001 started on 20 February and the first livestock disposal welfare scheme was introduced on 22 March—we all praised Ross Finnie for doing that. In this case, as we know, the second outbreak triggered the requirement for the welfare scheme. That outbreak took place on 12 September, and the welfare scheme was announced on 9 October.

The Presiding Officer (Alex Fergusson): Order. There is an awful lot of background noise.

Michael Russell: Thank you, Presiding Officer.

I do not praise Richard Lochhead at the expense of Ross Finnie; I praise both of them for the way in which they reacted to a crisis that developed regarding foot-and-mouth disease. That is the right thing to do and I think that many of us would reject the divisive approach that Sarah Boyack took.

Tavish Scott: I accept what the minister said about the historical record. Will he elaborate on why the Government has not accepted the financial figures that the NFUS forwarded?

Michael Russell: Assessments are made, in a variety of ways, by officials. In all those circumstances, the chosen scheme seemed to be the most affordable, and one that could be introduced as quickly as possible. My colleague Richard Lochhead has made it clear that there will continue to be discussions. He said in his speech that he will meet representatives of the pig sector.

In those circumstances, the scheme is affordable and right. In fact, it is a larger scheme than the previous one. I know that it will be welcomed; it does not provide everything that was asked for, but it is substantial.

I deeply regret some of the speeches that we have heard, particularly from Labour members. I would have hoped that the Labour Party had learned its lesson by now and realised that its job is not to stand up for Labour, but to stand up for Scotland. What we heard today was a case of defending the indefensible, of aiding and abetting, and of a failure of moral, political, constitutional and legal leadership. That failure involves Hilary Benn, Gordon Brown and, regrettably, every Scottish Labour MP who supports what has taken place. A complete misunderstanding of the situation in Scotland, which is at the root of the matter, has also been aided and abetted. The misunderstanding is that, in some curious way, the situation in Scotland is of little consequence and can be massaged out of existence.

The wisest thing that I heard in the debate—apart, of course, from what was said by my colleague the cabinet secretary, who is always wise—was Robin Harper's interjection. We heard regrettably little about the future of the agriculture

sector in Scotland. I conclude with the very words that Ross Finnie used in his speech in May 2001:

“Farming creates the attractive landscape and environment that tourists are keen to visit. As recent events have demonstrated so painfully, many tourists will not come here while a negative message is coming out of our countryside.”

We have heard such a negative message from Labour today. Ross Finnie continued:

“A healthy rural economy needs a healthy farming sector. We must take that on board to ensure that we recognise the wider role that agriculture plays in today's Scotland.”—*[Official Report, 24 May 2001; c 1047.]*

I endorse Ross Finnie's view. I hope that members will endorse the package that was announced today, so that we can move forward together.

Business Motion

16:59

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-676, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 31 October 2007

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Ministerial Statement: Housing

followed by Scottish Government Debate: Early Years and Early Intervention

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 1 November 2007

9.15 am Parliamentary Bureau Motions

followed by Scottish Government Debate: Alternative Dispute Resolution

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time
Justice and Law Officers;
Finance and Sustainable Growth

2.55 pm Ministerial Statement: Child Protection

followed by Scottish Government Debate: The Environment

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 7 November 2007

2.15 pm Time for Reflection

followed by Scottish Parliamentary Corporate Body Question Time

followed by Parliamentary Bureau Motions

followed by Scottish Government Business

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 8 November 2007

9.15 am Parliamentary Bureau Motions

followed by

Scottish Labour Party Business

11.40 pm

General Question Time

12 noon

First Minister's Question Time

2.15 pm

Themed Question Time
Europe, External Affairs and Culture;
Education and Lifelong Learning

2.55 pm

Scottish Government Business

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business.—[Bruce Crawford.]

Motion agreed to.

Parliamentary Bureau Motions

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of four Parliamentary Bureau motions. I ask Bruce Crawford to move motions S3M-671, S3M-672, S3M-673 and S3M-674, all on the approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the draft Club Gaming and Club Machine Permits (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Licensed Premises Gaming Machine Permits (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Sheriff Courts (Scotland) Act 1971 (Private Jurisdiction and Summary Cause) Order 2007 be approved.

That the Parliament agrees that the draft Small Claims (Scotland) Amendment Order 2007 be approved.—[Bruce Crawford.]

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

Decision Time

17:00

The Presiding Officer (Alex Fergusson): There are four questions to be put as a result of today's business. In relation to the debate on agriculture, if the amendment in the name of Sarah Boyack is agreed to, the amendment in the name of John Scott will fall.

The first question is, that amendment S3M-667.2, in the name of Sarah Boyack, which seeks to amend motion S3M-667, in the name of Richard Lochhead, on agriculture, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)

Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)

Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 59, Against 65, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S3M-667.1, in the name of John Scott, which seeks to amend motion S3M-667, in the name of Richard Lochhead, on agriculture, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: That is agreed.

Members: No.

The Presiding Officer: Sorry, I did not hear that—you will have to speak more clearly.

There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Hume, Jim (South of Scotland) (LD)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)

The Presiding Officer: The result of the division is: For 111, Against 14, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The third question is, that motion S3M-667, in the name of Richard Lochhead, on agriculture, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: We are agreed.

Members: No.

The Presiding Officer: We are not agreed—I beg your pardon. I am afraid that my hearing must be failing.

There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Ahmad, Bashir (Glasgow) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)

Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)

Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 79, Against 46, Abstentions 0.

Motion, as amended, agreed to.

Resolved,

That the Parliament notes with concern the impact on our livestock industry, particularly the sheep sector, of the recent outbreaks of foot and mouth disease in England; calls on the UK Government to recognise its financial and moral responsibility to reimburse Scotland's farmers; acknowledges the work being done in Scotland to support the sustainability of the Scottish livestock industry and the viability of rural communities; believes that the Scottish Government should introduce additional measures to support Scotland's sheep industry; welcomes the review, to be led by Professor Jim Scudamore and commissioned by the Scottish Government, into Scotland's response to the outbreaks, and recognises the need to reduce the risk of future outbreaks and minimise the impact of future disruption.

The Presiding Officer: I propose that a single question be put on motions S3M-671 to S3M-674 inclusive, on approval of Scottish statutory instruments. As no member objects to a single question being put, the question is, that motions S3M-671 to S3M-674, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, on the approval of SSIs, be agreed to.

Motions agreed to.

That the Parliament agrees that the draft Club Gaming and Club Machine Permits (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Licensed Premises Gaming Machine Permits (Scotland) Regulations 2007 be approved.

That the Parliament agrees that the draft Sheriff Courts (Scotland) Act 1971 (Privative Jurisdiction and Summary Cause) Order 2007 be approved.

That the Parliament agrees that the draft Small Claims (Scotland) Amendment Order 2007 be approved.

Fostering (Support)

The Deputy Presiding Officer (Alasdair Morgan): The final item of business today is a members' business debate on motion S3M-80, in the name of Christine Grahame, entitled "Can't Afford to Foster". The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the valuable contribution made by Scotland's foster carers; notes with concern that there is a shortage of 1,700 fostering households in Scotland, including in the Scottish Borders; further notes that, at a time when more children, many of whom display challenging behaviour, are living with foster carers than at any other time, 37% of foster carers receive no payment at all while two-thirds of those who are paid receive less than the minimum wage, and accordingly considers that the fostering network should be supported as a matter of priority.

17:05

Christine Grahame (South of Scotland) (SNP): I thank all those members who have stayed behind for this important and timely debate and, in anticipation, I thank those who will contribute. I look forward to there being a Government debate on the subject, possibly once the national fostering and kinship care strategy has been published. I understand that that strategy will be published before the end of the year and I trust that the issue will unite the Parliament. We already know of the consensus between Wendy Alexander and the First Minister on kinship care—it is not often that we can call that pair consensual.

I applaud all who have fostered or are currently fostering children, whether officially or unofficially, as in the case of kinship carers. Foster carers are a special breed of people and I can safely assert that they do not do it for the money. Some receive no money at all, while others receive a wholly insufficient payment at the vagaries of their local authority. There is a debate to be had about private provision—there are some 22 agencies—versus public provision, but that is not the focus of my debate.

What a tough and demanding job fostering is. All of us who are parents can testify to the trial of parenting—from the troublesome two-year-old to the testosterone teens. I ask members to imagine what it would be like if the children in their charge were not their own children, and might also be damaged and therefore very demanding of their time, patience and emotions.

Let us be clear: fostering has changed dramatically over the decades, both in the task itself and in the reasons for a child being placed in the care of another adult. Although it is still

centrally important that a foster carer makes a child or young person part of their home, the changing reasons for children becoming looked after—which, sadly, are nowadays quite often a consequence of parental alcoholism or drug addiction and of an accompanying chaotic lifestyle that can include multiple partners—mean that the duties and skills required of the foster carer are of a professional nature. The foster carer becomes the anchor for the troubled child, but the carer must be supported by a team, including respite carers to give them a bit of a break, social workers, medical staff and so on.

Yesterday, those points were brought home to me in a discussion with Tanya Bradshaw, a foster carer from the Borders. She had newly completed a foster placement in which the child had first been introduced to drugs and alcohol by his mother when he was only eight. He was placed with Tanya when he was 12. Fostering him was not an easy task.

I have been told of children aged two who were already severely damaged emotionally and behaviourally before they were placed in care. Whether society should step in sooner is a debate for another day, but we should have it.

Becoming a foster carer is no easy matter. I understand that the process—from an initial inquiry through Disclosure Scotland, through to medicals, interviews, assessment and report, and then through to training—can take from six to eight months. That is as it should be for the duty of care that we must discharge for this most vulnerable group of children. Many applicants—some 90 to 97 per cent—fall by the wayside. To me, that demonstrates the quality and resolve of those who stay the course, but what does society pay our foster carers? Of those who are paid—which is not all of them—three quarters receive less than £100 a week and some two thirds receive less than the minimum wage.

What about in-between placements? Some receive nothing at all. If no other work can be found, they have to return to benefits, which poses additional difficulties for the foster parent claimant. As Tanya Bradshaw told me, it is not a job for a part-timer. Only being paid allowed her to give up her employment for that career—for career it is. It is a vocation.

We pay lip service to placing the welfare of the child at the heart of our social policies. We applaud the dedication, commitment and skills of our foster carers, but we do not put money where our mouth is. We do not ensure that there is a national minimum payment for those carers, or a statutory duty that provides a framework and enforcement. No wonder that at least 1,700 additional foster families are required. With the norm being placements of more than one,

members can do the arithmetic on the unmet need and the number of children—vulnerable and at risk—who are kept in unsuitable domestic situations because there is absolutely nowhere for them to go. On those grounds alone, we are failing those children more than their parents are. We should know better, and we can do better.

I have known the minister for a very long time—it has probably blighted his career prospects. I know that he is a caring individual; he is the right man for the job. He is not as dour as he is depicted. I have seen him smile—I made it my diary entry a few years ago. Now he is smiling again. I want him and the cabinet secretary to lean hard on the finance secretary to recognise, when it comes to divvying out the funds in the comprehensive spending review, the professionalism and dedication of carers—whether fostering or kinship—and to ensure proper and secure remuneration, with allowances between placements. In doing that, we will not only secure those much-needed foster carers; we will secure the prospect of a happy future for our most vulnerable and damaged children. Then we can truly call them looked after.

17:12

Mary Mulligan (Linlithgow) (Lab): I congratulate Christine Grahame on securing the debate. She is following a tradition, created since the re-establishment of the Parliament in 1999, in which MSPs across the political spectrum seek to recognise the tremendous work done by foster carers and to highlight the particular challenges that foster carers face and the effect that that has on the children they care for.

Children need foster care because, for whatever reason, their own parents cannot care for them. In Scotland, we can be very proud of the operation of the children's hearings system, but no one can be unaware of the hearings' concerns that more and more of the children they see are welfare cases. It had previously been perceived that the hearings would deal with behavioural issues. In a significant and increasing number of cases, children are required to be placed in foster homes as a result of parental use of illegal drugs or alcohol, so we continue to see an increase in the demand for foster carers.

Most local authorities would say that they welcome the three-year package of additional resources provided by the previous Scottish Executive to promote fostering and aid recruitment. My local authority, West Lothian Council, used some of the money to conduct a high-profile advertisement campaign that has had very positive results, but we cannot be complacent. I am sure that West Lothian is not the only local authority in which a significant number

of foster carers are in the 50-plus age bracket. As they move out of caring, they will need to be replaced.

Margo MacDonald (Lothians) (Ind): Does the member know whether West Lothian is an exception in its ability to recruit foster carers? I had a conversation—coincidentally—with a foster carer a couple of days ago. Her experience is that a smaller number of people are coming forward because of the very difficulties to which the member refers.

Mary Mulligan: It is clearly the case that the number coming forward has fallen, although West Lothian, in which prospective foster carers have been targeted, has had good results.

The Foster Care Associates Scotland briefing that MSPs received gave an example of foster carers' views on fees and allowances. Becoming a foster parent has never been about the money, but it is important to support the children who are involved.

Members will also be aware of the difference in allowances available to foster carers who have no relationship with the child and those who are referred to as kinship carers. Kinship care is often the best alternative for a child who cannot stay with their parents, but kinship carers are the most financially disadvantaged. At First Minister's question time, Wendy Alexander asked the First Minister to begin to correct that inequality by ensuring that £10 million is made available to ensure that all kinship carers of looked-after children in Scotland are paid the recommended allowance for foster carers. Christine Grahame may be reassured, but I was still a little uncertain about what the First Minister's reply was, so I ask the minister to make it clear in his closing remarks what action has been taken to date on that proposal and when kinship carers in Scotland can expect such an allowance to be paid.

Time does not allow me to explore a number of issues, such as different allowances for foster carers in different authorities or the differences in the non-financial support that is provided, which I am sure other members will mention. I hope that we will have an opportunity to debate the issue in the Scottish Government's time. Foster carers deserve our support, not least because, at the end of the day, the people who will benefit most are the vulnerable children for whom they care.

17:16

Jackson Carlaw (West of Scotland) (Con): I am sure that we are all—I certainly am—grateful to the redoubtable Christine Grahame for lodging the motion and allowing the Parliament to focus on the pressures on foster caring. Those pressures

are admirably summed up in the motion, which I am happy to support.

We are all aware of fostering. It is important to say that the skills required—generosity of spirit and heart—are found in individuals who are moved to foster not because they are motivated by financial gain in any way but because they have a calling, for want of a better description.

My direct experience of fostering is virtually non-existent, but some years ago the sister of a close friend, who had a large family of her own, took to fostering with her husband. Hers was a chaotic household with several children of her own competing for their own space and agendas, accompanied by a bewildering array of family pets. The pets were evidence of her huge heart, as more than one had an extraordinary—reckless, even, as I thought at the time—budget spent on veterinary bills to keep it going when others, me included, might have opted for a quieter alternative. It was evidence of her nature that she would do her best for the animal whatever.

I dropped round over the months; some foster children would have come and gone, others would have stayed longer. I particularly remember one child—who on my earlier visits had spent the day curled up under a table in the corner—emerging and becoming an engaged and happy member of the family. The satisfaction of that was the couple's real reward. It struck me that theirs was not a household of intellectuals or high achievers but a happy home where the adults had a huge capacity to give and to be interested in the well-being of children other than their own. That is the sort of commitment that deserves financial reward and that should be rewarded more regularly by our national honours system.

Christine Grahame's motion highlights the increasing need for such people to come forward and for them to be certain that their capacity to offer an essential fostering environment will be properly compensated. In particular, there is a need for people from minority communities, in which there is an acute shortage of foster carers, to come forward. Sadly, there is a greater requirement for foster carers now than ever before and, if it is a consequence of the same factors that arise in other areas of public policy, it is set to continue to grow.

Regrettably, we now need to intervene as early as birth if it is apparent that there is a history of addiction to alcohol or drugs that may well have started with the grandparents, plagued the mother—likely a single mother at that—and left the child with potential health deficiencies that need third-party intervention and care if they are to be addressed at all. Then there are children who are abused or children to whom fate deals a sudden and unexpectedly cruel hand. They all share one

thing: they are vulnerable and in need of our engagement—as are children all the way through to young adulthood.

Such children need to be cared for. It is not a question of foster care or nothing. The state and our councils have a responsibility to intervene, and a cost will attach itself to the care of such a child if they are placed in a formal facility. There are alternatives: care in a home or foster care. Evidence shows that most children want to be part of a family, to have the chaotic buzz, excitement and normality that the family of my friend's sister provided. From what we can establish, the outcomes for children in foster care are, generally, better, for obvious reasons.

The argument should not be whether foster carers are paid and whether that represents some huge additional commitment—the care of every child will have a cost in any event. What the motion seeks to establish is that, if foster caring is desirable—we all believe that it is—the cost of caring for a child should be willingly paid to the foster carer at an appropriate rate, not on a discretionary basis, as sometimes happens.

It might not always be possible to find a suitable foster home, and that might be even more difficult if the shortage that is now evident becomes ever more acute. If, however, we can encourage an increased fostering community and ensure that it is paid for the costs that are associated with caring for any child, we should do so—particularly after the commitment that is shown by foster carers—partly in recognition of the exhaustive approval process that they have gone through to achieve that status.

Not everyone has a natural capacity to foster. We should recognise that and be grateful to those who do. Christine Grahame is right: the problem is not in retreat. The shortage is current and urgent. This is a matter of priority and we should all recognise it as such.

17:21

David Whitton (Strathkelvin and Bearsden (Lab): I congratulate Christine Grahame on securing this debate.

I will confine my remarks to an aspect that Mary Mulligan raised: kinship care, which involves children being looked after by relatives other than their parents—usually their grandparents.

The issue was brought to my attention by a constituent. I will read briefly from the letter she sent me.

"I am a grandparent bringing up my two grandsons after the loss of my daughter in a car accident 4 years ago. It has been a terrible struggle as you can imagine. Recently I've joined a grandparents association who are trying to fight to get an allowance called kinship allowance which is

the same as foster carers get. This allowance is approximately £300 - £400 per week per child. At the moment all I receive is £114 a month per child. As you can see the difference is enormous."

As a result, I asked the Minister for Children and Early Years some parliamentary questions about the plans that he might have to increase the level of kinship payments to bring them into line with those provided for foster carers.

On 27 August, the minister replied, saying that he was considering a range of measures to improve the support that is available to kinship carers and children in care. He said that those measures are to be published in the national strategy, which is to be published soon. Perhaps the minister can give us a date for that publication tonight.

An estimated 1,712 children are being looked after by relatives, but those are only the ones we know about; there could be at least 10,000 such children who are unknown to the authorities.

The payment legislation is confusing: the subject is covered by three different sets of legislation. The bottom line, however, is invariably that kinship carers get less than approved foster carers. As my constituent pointed out, the difference in payments is substantial. For example, East Dunbartonshire Council, which covers my constituency, pays kinship care at two rates: one for residential cover and one for non-residential cover. For a child aged up to four years, the weekly payment is £62.18 for residential cover and £22.50 for non-residential cover. For somebody aged 11 to 16 years, the rate is £97.02 for residential cover and £34.83 for non-residential cover. Compare that with the rates for foster care. The current recommended rate for children between the ages of nought and four being fostered is £118.60 a week. For those aged 11 to 15 years, it is £168.18. That level of payment would make all the difference to my constituent and her two grandchildren.

As Mary Mulligan said, just before the recess the First Minister was challenged by Wendy Alexander to commit an additional £10 million to a new scheme to support grandparents and other relatives of looked-after children. Labour's proposals are for a new carers allowance for kinship carers, which could be introduced through the Adoption and Children (Scotland) Act 2007. At present, about one third of Scotland's local authorities pay equal sums to foster carers and kinship carers, but that means that two thirds do not.

As others have said, this issue is not about money; it is about doing the right thing. Children who are being looked after by their relatives deserve the same consideration as other children in foster care. There is a shortage of foster carers, as Christine Grahame said. That means that, very

often, the burden of responsibility falls on relatives—usually the grandparents. I urge the minister to include equal payments in his strategy. Indeed, I would go further and support Christine Grahame's suggestion about national minimum payments. I look forward to the minister getting the extra £10 million that he needs for equality and dispersing that cash as soon as possible.

17:25

Robert Brown (Glasgow) (LD): Christine Grahame has lodged a timeous motion, and I am glad to have the opportunity to speak in support of Scotland's foster carers and to say a few words from the perspective of an individual and that of a former deputy minister who had some responsibilities in the area.

Many of us in Parliament think that in our society there are few tragedies greater than children and young people being born into difficult circumstances, who are affected by various family traumas caused by neglect or abuse, and who lose the right to a childhood and to the opportunities in life that are supported by the stable family that most of us take for granted.

Those disadvantages run through life and down the generations, as has been mentioned. Even in the case of one young person's life, I have always thought it hugely significant that something like three quarters of those who appear before the children's panel at 16, 17 or 18 on criminal matters will have appeared before the panel at the age of 6 for being in need of parental care and protection. That fact and the associated information that we have about development, literacy challenges and mental health demonstrate the necessity of supporting families in need, of teaching family and parental skills, of early intervention and—in the context of this debate—of recruiting more foster parents, and supporting and training them for what are often, as the motion notes, complex challenges involving young people who have complex problems.

It is an enormous tribute to the quality of our foster carers that so many of the young people in their care are able to recover and thrive, to succeed educationally and to prosper in life. Children in foster care have better outcomes by far than those in institutional care and those who live at home with at-risk parents. It is important, however, to recognise that that is a generalisation, and that no one solution suits every child or young person.

As a result of the changing ideas that were encapsulated in the Adoption and Children (Scotland) Act 2007, it is now clearer that a continuum of provision is required: from the institutional care that is needed for some young

people, through long-term care—supported under the new act by permanence orders—through adoption on a somewhat revised model, through short-term fostering or respite care to befriending or supporting families in their own homes. Foster carers have, in a general sense, a lot to offer at those various levels.

There is now more recognition of the importance of children's identity—their links to parents and birth-family members—to their psychological health and well-being and their resilience in meeting life's challenges. As David Whitton and others have touched on, many children are looked after by grandparents or other kinship carers in a variety of practical and legal situations. Those are quite complex situations and challenges across a number of different ball games. Prior to the election, the Scottish Executive consulted on those various issues and we expect that the strategy—which the current Scottish Government has been considering—will emerge from that very soon. The issues include things such as support when there are complaints, overnight stays, whether there should be a cap on numbers in one household, and, in particular, support that is not just financial but which includes money.

I hope that the minister will be able to make announcements on those issues, shortly if not today, that will build on the interim financial investment that Mary Mulligan rightly spoke about, which the previous Executive provided to councils to increase support to fosterers and to kinship carers. I know that it is being used to good effect and—importantly—to varying effect throughout the country by different local authorities. I stress that it is not just about financial support, but other forms of support as well.

If there is a public policy priority that stands above all other priorities, it must be improvement of the life chances of disadvantaged young people. I wish the minister well in his arguments and discussions with the finance minister about those matters. Fostering is a policy that manifestly works—not in every instance, but certainly for many children. We need to bend every sinew to recruit more people to undertake that vital work and we need to support them, train them, ensure that they are valued and encouraged, and ensure that their standing is recognised by schools and health services in everyday life.

Greater success in fostering is good for the economy, for social services and for the education system. Above all, it is good for young people. We must do everything that we can in that context.

17:29

Roseanna Cunningham (Perth) (SNP): Deputy Presiding Officer, I advised your office that I would

be unable to stay for the entire debate, so I apologise in advance to members for my having to leave immediately after I speak. I congratulate Christine Grahame on securing tonight's members' business debate. She made a number of important points, not least about money. The minister will probably not be hugely surprised to hear that I will add my tuppenceworth to what she said.

Like David Whitton and one or two others, I will concentrate on kinship care because I have constituency casework on the matter—I have worked with more than one individual. In particular, I have a long-running case involving a grandparent with whom I have been dealing since before Parliament started: indeed, I was dealing with the case during my previous existence as a member of the Westminster Parliament. On the face of it—this was certainly my view before I was involved in the matter—we might think that kinship care would be regarded as the best of all possible worlds and that everything that could be done to encourage it should and would be done. Sadly, my experience is that that is not the case.

Councils have a discretionary power to support kinship carers, but it is applied inconsistently throughout Scotland. That is astonishing. Payments for kinship care can be considerably lower than payments for foster care. David Whitton talked about his local council. In my area, foster care payments range from £118.60 to £204.55 per week, depending on various factors, whereas kinship care payments range from £37.42 to £74.88. That scenario is not unusual in Scotland.

Unsurprisingly, as I understand it, kinship care rates are falling compared with foster care rates, although we already think that foster care rates are too low. Councils need not link kinship care payments to foster care allowances: often, they do not. Not only are kinship carers paid considerably less, the payments that they receive are not linked to payments for foster care.

I hope that the Minister for Children and Early Years will address the issue in the forthcoming national fostering and kinship care strategy. I understand that kinship care and funding are among the issues that were raised most frequently in submissions to the consultation on the strategy. That is probably evidence of how serious the issue is. Frankly, I am at a loss to understand why payments to kinship carers should be different from payments to foster carers.

My approach might be simplistic, but I would have thought that family, in the old-fashioned sense of the word, is the best of all possible worlds for children. If a family placement can be found, that is best, because it will keep the child within the context of the background and identity that Robert Brown mentioned. However, the

difference in payments reflects something else: it seems to show that we do not value family ties and that they are less important. That is the only conclusion that we can draw from the current situation and in my view that is extremely unfortunate. I do not know why on earth the situation started in the first place. We need to examine the system and change it.

17:33

Rhoda Grant (Highlands and Islands) (Lab): I, too, congratulate Christine Grahame on bringing this important subject to the chamber for debate. As other members have done, I will address the issue of kinship carers rather than foster carers, although I in no way discount the valuable work that foster carers do for children of whom they have no knowledge.

It has been highlighted during the debate that the use of kinship carers is possibly the best way to look after children whose families are unable to look after them. Kinship carers have personal knowledge of young people and provide them with access to their normal support networks. Children thrive better within their wider family.

Rather than repeat points that other members have made, I will raise a couple of points on other matters, the first of which is Children 1st's family group conferencing. Kinship carers are sometimes hard to identify—there is not always a person in the family who is obvious to social workers or the wider group and who can put their own life to one side and make room for a young person to come into their home. Children 1st has piloted family group conferencing, which allows young people to identify the people who are important in their lives. That includes teachers, professionals, family members and, more widely, family friends. The young people are allowed to invite those people to a family group conference, at which the group is charged with considering ways of supporting the young person in the situation in which they find themselves. That is a really good way of identifying people who might not be obvious as kinship carers. Unfortunately, it is just a project and is not available throughout Scotland. I ask that consideration be given to funding and mainstreaming that valuable project. It would allow social workers and other professionals to exhaust the availability of kinship carers before looking at foster carers.

Another anomaly that I want to raise is the status of legal guardians. Kinship carers who go through the courts to get legal guardianship of children—giving children security and the knowledge that they are in a long-term placement that is legally secure—are not eligible for kinship or foster care allowance. That can cause real problems to families that find themselves in

hardship and cannot access even the meagre kinship care allowance.

It is also important to point out that local authorities have the discretion to pay kinship carers the foster carer allowance. Rather than just allow them that discretion, we need to consider whether it should be a duty. If kinship carers did not look after those children and young people, it would fall on social workers to have them placed with foster carers, who are often not available and who are—when they are available—hugely more expensive than kinship carers and do not provide family links.

It is important that we do not see kinship care as an exercise in which to cut corners and save money. The onus is on authorities to pay for the service, and the money needs to support the children who suffer in really bad circumstances and who end up needing to be cared for outwith their immediate families.

17:37

Duncan McNeil (Greenock and Inverclyde) (Lab): I thank Christine Grahame for giving us the opportunity to discuss this important issue.

The scale of the problem is frightening and it is growing due to parental drug misuse. There has been a 13 per cent increase in the number of children on the child protection register, and there has been a worrying rise in the number of unborn children, babies and toddlers whose lives are endangered by parental drug addiction. The biggest rise was among unborn babies—a 72 per cent increase—and the scale of the problem continues to increase. I believe that 80 per cent of children whose parents abuse drugs are no longer living with those parents.

In considering capacity to deal with the problem, we have to recognise the roles of foster carers. They play a great role in providing a safe haven and support for parents in crisis. It cannot help that the support that those foster carers get differs from one local authority to the next. How can we build capacity when we send negative messages like that? Foster carers are part of a solution to deal with an ever-growing and serious problem.

Foster carers are, however, only part of the solution to the growing problem: members have mentioned today the role of grandparents, the extended family and the adoption services when we need to rescue children from the direst of circumstances and give them a place of safety where they can be nurtured for their future.

Like most members, I have a grandparents group in my area—it is right that we mention them in debates such as this. As the minister will know—he has taken an interest in the matter—the

issues that those groups have are not solely about money, although there is a grievance about that: they are at the wrong time of their life and they find difficulty in seeing young children through their education.

There is also a difficulty in respect of the relationships with social workers, who sometimes see grandparents as interfering when they try to intervene in the interests of the children. Grandparents are also aggrieved that social workers turn up when the children's parents have been jailed and ask them to take the children. If the grandparents rush in and prevent the situation from worsening, they are left with the children and given only basic support, which is not acceptable. Such stories have been told to me by the women to whom I have spoken. They are not anti-drugs and do not want to victimise drug addicts, but they are living with the reality of having a child who is a drug addict who has children.

When the grandparents try to get some certainty into the young person's life—as opposed to the to-ing and fro-ing, the yo-yo system of going back and forth between the parents and the grandparents—and move legally to adopt the child, they receive the final insult. It can cost them, on fixed incomes and with limited means, £2,000 to adopt their grandchild, to take them out of their misery and give some permanence to their life. Also, the addict can then suddenly become interested not in the child, but in the benefits that they recognise will move with the child to the grandparent when their legal status changes. Those issues are important to grandparents and to the fostering service, whom the minister recognises are part of a solution.

We must act to identify and protect such children and, when necessary, we must take them out of the homes that are doing them harm. We must have the capacity—through fostering, adoption and kinship care—to give those children the opportunities that we want for them.

17:42

The Minister for Children and Early Years (Adam Ingram): I, too, extend my thanks to Christine Grahame for initiating the debate. There have been some fine speeches from around the chamber, and the debate has provided an opportunity for Parliament to underline its commitment to supporting foster carers, kinship carers and all those who look after and support vulnerable children.

When I was a member of the then Education Committee—when Robert Brown was still the convener or when he was the Deputy Minister for Education and Young People; I cannot remember which—I was proud to work with members of

Parliament from across the political divide to introduce the Adoption and Children (Scotland) Bill, which is now an act. I look forward to working with Parliament to implement the important provisions in the Adoption and Children (Scotland) Act 2007 that will strengthen the options for children who need a new family.

Like all members of the Education Committee, I was concerned that the importance of foster and kinship care should not be overlooked. We all agreed that the needs of children in foster care and of carers need closer consideration. As a result of our pressure, the then Executive announced the launch of a consultation on foster and kinship care at the end of last year.

I have considered carefully the findings of that consultation, together with other evidence, and I can confirm to Parliament that I will launch a foster and kinship care strategy by the end of the year. Unfortunately for Mr Whitton, I do not have a specific date for it, but it will probably be in early December. I will outline the principles of the forthcoming strategy.

Our Government is determined to deliver a child-centred universal approach for all children, but we will continue to pay particular attention to the needs of children who are at risk and who are living in vulnerable family situations—the kind of situations to which Duncan McNeil and others have referred. A key part of that will be support for families to enable them to stay together. When children need to be cared for away from their birth family, we are determined to support the delivery of consistent, secure, high-quality and nurturing care, whether that is provided by the wider family, by foster carers or in residential care. The measures that I will set out in the forthcoming strategy will be central to achieving that vision.

David Whitton: Do I take it that, when the minister talks about a universal approach, we will see equality of payment for foster carers and kinship carers?

Adam Ingram: I will come back to that.

We have already started to support high-quality foster care and to address the resource issues that were identified by Christine Grahame. In July, I announced an initial £4 million package for training, advice and information for foster and kinship carers. The funding provided agencies with a training grant of £1,000 for each full-time foster carer and each kinship carer of a looked-after child. Members might view the equality of treatment of foster carers and kinship carers as something of a signal of future intentions. The grant has proved to be a tremendous success—so much so that we have made available additional resources to extend the grant to foster carers who provide short-term breaks and respite care to

children in need, and who play a crucial role in helping families to stay together. We have also extended the grant to include kinship carers of children who do not fall into the looked-after child category but who are known by their local authority to be vulnerable and in need. That means that my Government has now spent a total of £6.1 million on supporting training for foster and kinship carers.

I am also grateful to the Fostering Network Scotland for supporting the Government's investment in training. The network hosted a meeting earlier this month that allowed local authorities and independent providers to come together and share ideas for commissioning and delivering training throughout the coming year. I am confident that that investment will lay the foundation for improving the quality of care that is provided to children. It also reinforces this Government's commitment to supporting those carers.

In addition, I have made available £126,000 to the Fostering Network Scotland so that it can expand support services to foster carers who are the subject of allegations. Our consultation told us that this can be an extremely stressful situation for carers that can mean that they need independent specialist support. I have also asked FNS to expand and further develop its mediation and advice helplines. I am delighted that it will be able to extend its services across Scotland and provide the in-depth support that has proved to be invaluable to many carers.

I have noted Christine Grahame's estimate of the shortage of foster carers and have a number of points to make about that. Leaving aside the arguments about precise figures, I agree that some children are having to wait for placements that will provide stability and security. I also agree that some children have been wrongly placed in care because no one else was available to take them on at that point.

Rhoda Grant: Will the minister consider looking at the Children 1st project on family group conferencing, which will help to identify people to look after children who are difficult to place or for whom there is no obvious family member willing to step in?

Adam Ingram: I have met Children 1st, and I agree with the principles of family group conferencing.

As Robert Brown said in his thoughtful contribution to the debate, the overall problem is that we need fewer children to be brought into the looked-after children system in the first place. That is why the Government is committed to developing an early years strategy that will ensure that every child gets the best start in life. However, we also

need to strengthen the recruitment and support of carers to ensure that we continue to attract and retain the dedicated individuals who work on behalf of us all to transform the lives of Scotland's most vulnerable children. I will address these issues as part of the forthcoming national fostering and kinship care strategy.

Meeting closed at 17:49.

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