

# **MEETING OF THE PARLIAMENT**

Thursday 28 February 2008

Session 3

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## Scottish Parliament

Thursday 28 February 2008

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

### Improving Accountability

**The Presiding Officer (Alex Fergusson):**

Good morning. The first item of business is a debate on motion S3M-1434, in the name of Jackie Baillie, on improving accountability.

09:15

**Jackie Baillie (Dumbarton) (Lab):** In August 1999, when he published Scotland's first ministerial code covering conduct and procedures, Donald Dewar said:

"this underlines our commitment to open and responsible government which is fully accountable to a modern, representative parliament."

Those words still stand us in good stead. I do not think that anyone in the chamber, irrespective of party, will demur from those sentiments, and I hope that we share an ambition for transparent government that is truly accountable to the people of Scotland.

Although the code's provisions are closely based on the United Kingdom ministerial code, reflecting widely accepted principles of good practice, they emphasise openness and partnership with the Parliament to reflect the principles enshrined in the consultative steering group's report. That is as it should be. The code also incorporates the seven principles of public life outlined in the first report, published in 2005, of the Committee on Standards in Public Life. Those very principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership continue to have resonance in modern Scotland. We sign up to those principles and understand the importance of openness and accountability in order to build trust in Government. However, it is simply not enough to rest on our laurels: more is required.

The Scottish National Party Government is reviewing the Scottish ministerial code. I am advised that that is routine and that such reviews generally follow elections and allow the code to be refreshed for incoming ministers. Such an approach is perfectly reasonable and, indeed, desirable. However, I do not recall previous reviews taking such an inordinate length of time. It is now nine months after the election and there has not been a single word from the SNP.

More worrying, in the same period we have had complaint after complaint about breaches of the code. Perhaps I am mistaken but, with the Trump planning application, the Aviemore planning application and the Beaulieu to Denny power line planning application, a distinct pattern appears to be emerging.

Moreover, what about class sizes? We had statement after statement from the Cabinet Secretary for Education and Lifelong Learning and her deputy; parliamentary questions were asked and—after a fashion—answered; and there were even promises from the First Minister himself in the chamber. There was no dubiety; everything was perfectly clear; the SNP pledge on class sizes would be delivered in the promised timescale. Or so they all said. Imagine, then, the genuine disappointment of parents throughout Scotland on learning that the clear advice from Government officials to ministers is that the policy is not deliverable. Did ministers know that before they made their statements? Did they inadvertently mislead Parliament? Have they taken the first possible opportunity, as required by the ministerial code, to correct the misinformation given to Parliament? I suspect that, like the long-awaited new ministerial code, it will be some time before we get any answers to those questions.

What about the revelations that emerged only yesterday about the poor Minister for Enterprise, Energy and Tourism?

**Murdo Fraser (Mid Scotland and Fife) (Con):**

Does the member agree that, whatever Jim Mather is, he is not poor?

**Jackie Baillie:** I was, of course, being very careful about the context in which I used the word.

It transpires that the poor minister spoke to the permanent secretary about his £350,000 of shares only on 20 September 2007, after being contacted by a reporter from *The Scotsman*.

**The Minister for Parliamentary Business (Bruce Crawford):** Will the member give way?

**Jackie Baillie:** Indeed I will not.

That was more than four months after the election. Contrary to the SNP's spin on the matter, the code clearly states that such matters should be dealt with on appointment, not at some unspecified time later. Also, I seem to recall that the Minister for Enterprise, Energy and Tourism said that he would set up a blind trust to deal with the issue. Although such a move would have been entirely appropriate, it appears that that, too, has not been done.

The overall impression is of a Government that ignores the rules, rides roughshod over expected standards of behaviour and, frankly, plays fast and loose with the ministerial code. It is hardly the

partnership with Parliament envisaged by the consultative steering group; indeed, it is perhaps much closer to the abrasive style of the First Minister, who presides over the code with breathtaking arrogance.

We must remember that the First Minister decides on breaches of the code in relation not only to other ministers, but to himself. I invite members to pause for a moment and to see whether they can think of any occasion when the First Minister will find himself guilty of breaching the code. Given what we know of his essential character, I think not.

As Patrick Harvie eloquently put it:

“There could feasibly be a situation in the future where a first minister needs to be held to account for a more serious issue and the Scottish Executive does not have processes in place to deal with this.”

Mr Harvie said that in 2006, when Jack McConnell met Donald Trump to talk about investing in Scotland. I do not need to remind Bruce Crawford or the rest of the chamber that at that time there was no live planning application on the table. However, almost a year later, we see Alex Salmond travelling in his ministerial car—indeed, falling over himself—to meet the Trump Organization when a live planning application is on the table. Ah, but how can I forget that Mr Salmond was doing that in his role as constituency MSP?

I should also say in passing that I have met the chief planner on a few occasions, but I have never been able to arrange a meeting with him within 24 hours—and certainly not if developers have been involved. In fact, I am confident that no MSP has ever been able to do that. It leads one to conclude that one particular constituency MSP is more important than all the others.

In 2006, the SNP and the Tories shared Patrick Harvie’s view. Indeed, Nicola Sturgeon herself said:

“to discuss specific proposals that require planning permission is clearly prejudicial and, on the face of it, would be a breach of the code.”

Perhaps she should share that very wise view with her boss.

The First Minister will be aware of the Prime Minister’s initiative to ensure, as part of a number of changes to the UK ministerial code, the appointment of a new independent adviser to provide advice on ministers’ interests and to investigate alleged breaches of the code. The adviser will then report to the Prime Minister. Moreover, an annual report will be laid before the UK Parliament to ensure proper scrutiny of ministerial conduct and a list of ministerial interests will be published. I hope that the First Minister fully supports such an approach.

A modern and progressive Government should have nothing to fear from ensuring transparency and accountability in all that it does. The SNP now has a chance to change its mind in the interests of good government and partnership with the Parliament. The First Minister has said that he will listen to Parliament; I hope that, today, this Parliament sends out a clear signal about introducing independent oversight and improving accountability in the ministerial code. Will the First Minister stay true to his word and listen to Parliament?

I want to share with the chamber other people’s views on this matter. Theresa May, the shadow Leader of the House of Commons has said:

“We need an independent body to oversee the ministerial code”.

Her opinion is shared by Sir George Young. Finally, I want to share the following comments:

“Given that the First Minister is responsible for the enforcement of the ministerial code ... who would undertake any investigation into the question whether a breach had occurred?”—[*Official Report*, 19 May 2004; c 8486.]

Our mystery man went on to say:

“It might be wise to look at another body to independently oversee their actions. Anything that makes ministers more accountable and any more transparent must be a good thing”.

Those were the words of Bruce Crawford. I hope that the chamber will reflect on them today.

I move,

That the Parliament believes that government should be open and accountable; affirms its support for the Seven Principles of Public Life established in the first report of the Nolan Committee and for the further principles governing ministerial conduct as set out in the Scottish Ministerial Code; notes that the First Minister is reviewing the code, in line with practice after each Scottish parliamentary election; acknowledges the increasing calls for independent oversight of the code; considers that a modern and progressive government has nothing to fear from ensuring transparency and accountability in all that it does, and therefore calls on the First Minister to include independent oversight of the Scottish Ministerial Code, taking the new UK Ministerial Code as the starting point, and to bring forward a statement to the Parliament on this when the review is concluded.

09:24

**Murdo Fraser (Mid Scotland and Fife) (Con):** I am grateful for the opportunity to speak in this morning’s debate. I was a bit surprised yesterday when I read Jackie Baillie’s motion calling for an independent input into the ministerial code—not that I disagree with the principle, about which I will say more in a moment. I was surprised that this has suddenly become a big issue for the Labour Party.



I listened with great interest to the quotations in Jackie Baillie's speech from luminaries from different parties in Westminster and here, but I cannot recall any time during the first eight years of the Scottish Parliament when Labour members raised concerns about the content or enforcement of the Scottish ministerial code.

**Jackie Baillie:** Does the member agree that never have so many issues about breaches of the code arisen in such a short time? Such issues have brought discredit on the Government and the Parliament.

**Murdo Fraser:** That might be an issue of perspective. The perspective has changed as the Labour Party has made the transition from government to opposition.

Labour does not have a good record of expressing concern about the issue. I looked through the *Official Report* to find out how often in the first eight years of the Parliament Labour members expressed concern about breaches of the code, but of course there were no instances of that happening. The transition from government to opposition has sharpened Labour's appetite for reform. However, I will not be too critical of Labour, because we welcome the general thrust of the party's approach and we are happy to endorse much of the motion.

As Jackie Baillie said, the motion is timely. We learned yesterday from that fine publication, *The Scotsman*, that the Minister for Enterprise, Energy and Tourism, Jim Mather, had been in breach of the ministerial code in failing to declare his shareholdings on appointment. The ministerial code is clear on that point: a minister must declare his or her shareholdings "on appointment". Mr Mather did not do so. Indeed, he declared his shareholdings only after being rumbled by a reporter from *The Scotsman* who asked him about them. However, Labour members should not be too critical of Mr Mather. I dare say that there was no intentional wrongdoing on his part, and on that basis perhaps we should let him off with a mild reprimand.

Here is the anomaly. If there is a serious breach of the code by a minister—let us say, hypothetically, that a minister were to act in relation to a large planning application—the person who enforces the code is the First Minister, who is hardly impartial, so where is the sanction? That is the key issue that must be addressed.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Surely the key issue that must be addressed is that when there is a complaint we must have confidence that it will be independently investigated. Of course it is for the First Minister to decide on matters, but we must be assured that

there is independent investigation of the complaint.

**Murdo Fraser:** I agree with Mr Rumbles that we need an important independent element in the process. If he reads my amendment he will see that we call for an independent authority to oversee the administration of the ministerial code. That would go a long way towards addressing Mr Rumbles's concerns.

I agree with many points that Jackie Baillie made. On the motion, I doubt that anyone disagrees with the seven principles of public life that were set out in the Nolan committee's report or that

"a modern and progressive government has nothing to fear from ensuring transparency and accountability in all that it does",

although I am surprised and impressed that the Labour Party accepts that the SNP Administration is to be described as "modern and progressive".

**Jackie Baillie:** I live in hope.

**Murdo Fraser:** Our amendment acknowledges that we need independent input into policing the code. I do not accept the principle that we should use the UK ministerial code as a starting point, so our amendment would delete that part of the motion. That is simply because the situation at UK level is different from the situation in Holyrood—*[Interruption.]* I am sorry, Presiding Officer, I did not switch off my phone. I am clearly in breach of all sorts of codes this morning.

The obvious difference between Westminster and Holyrood is that the Scottish Parliament is elected by proportional representation and we currently have a minority Government. If a Government minister misbehaves, the votes of only 48 members of the Parliament—or 50 members, if the Greens are loyal—will be needed to remove them. No such sanction exists at Westminster. The situation here is entirely different and requires a different approach.

We accept that an independent authority should be involved, but the wording in our amendment is superior to the wording in the Labour motion. There is legitimate concern about potential conflicts of interest and the involvement of an independent authority to advise ministers and oversee the administration of the code is essential. Like Labour, we call for a statement to the Parliament by the First Minister when the review of the code is concluded.

I hope that the Parliament can unite around our amendment to the Labour motion. This is not an esoteric debate. The public must have confidence in politicians and in Government ministers. The charade of a ministerial code that is enforceable only by the First Minister, with no independent

involvement—as was the case during the past eight years, when we had Labour and Liberal Democrat ministers and did not hear a cheep from either party—must be brought to an end.

We can achieve that today, so it is with pleasure that I move amendment S3M-1434.2, to leave out from “oversight of the Scottish Ministerial Code” to end and insert:

“authority to direct ministers in the appropriate arrangements for ensuring that their conduct as ministers is in accordance with the Scottish Ministerial Code to avoid conflict or potential conflict of interest, and to oversee its administration, and to bring forward a statement to the Parliament on this when the review is concluded.”

09:30

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** On 13 December, at First Minister’s question time, I asked Alex Salmond whether he acknowledged that it is essential that someone who is independent of Government should be appointed to investigate complaints of breaches of the Scottish ministerial code. He gave a somewhat non-committal reply. However, if the First Minister is given a choice between playing the ball and playing the man—if I may use a football analogy—he always plays the man. He said that he would have had more respect for me and my question if I had raised the issue in the past. However, I consistently raised the issue during all three sessions of the Parliament, on behalf of the Liberal Democrats. Jack McConnell can confirm that I did so while he was First Minister.

We are all aware that members of the Scottish Parliament are subject to the code of conduct for MSPs, which is strictly enforced. The independent Scottish Parliamentary Standards Commissioner investigates complaints against MSPs, on the facts. The members’ code of conduct does not apply to MSPs when they are carrying out ministerial duties outside the chamber. It applies to all MSPs when they are in the chamber, whether or not they are ministers, but it is the duty of the Presiding Officer and not the standards commissioner to enforce the code in the chamber.

The Scottish ministerial code is an additional code and is enforced by the First Minister. I agree with the Labour Party that that is where the problem lies. The SNP Government has been in office for only nine months, but it has been caught out for repeatedly giving misinformation, leaking privileged information to the press and interfering in significant planning decisions such as the Trump application and the Aviemore application. Sir John Elvidge, the Government’s chief civil servant, said after being challenged about incorrect information about the Trump affair that was given to the BBC:

“It is regrettable that the Scottish Government issued a response that was inconsistent with the facts.”

That is a classic worthy of “Yes Minister”. In other words, the response was not true.

The Government has been revealed to have concealed details about crucial meetings and phone calls regarding the Trump planning application. It is bad enough that the First Minister held a meeting with Mr Trump’s representatives at a hotel in Aberdeen during which he telephoned his chief planner and asked him to hold while he passed his phone to the Trump representatives, so that they could set up a meeting for the next day, but to have that civil servant call in the application for it to be decided by the Scottish ministers sends out the wrong messages about the independence of Scotland’s planning system. That is the serious point. Annabel Goldie, the leader of the Scottish Conservatives, called that a breach of the ministerial code, which states clearly that not even the appearance of a conflict of interest should be given. The First Minister said that there was no conflict of interest, because he was acting as the local MSP and not as First Minister. Alex Salmond is the First Minister of Scotland; he cannot pretend not to be when it suits him.

There is no point complaining about the First Minister’s actions under the ministerial code, because he is the only arbiter of what is and is not appropriate behaviour. Five formal complaints have been made to the First Minister about alleged breaches of the code. I ask the Presiding Officer a rhetorical question: how many of those complaints have been acted on? The answer is not one of them, as I am sure that you guessed. In each case the First Minister confirmed that his minister had acted properly.

**Murdo Fraser:** How many complaints of breaches of the ministerial code were acted on during the first eight years of the Parliament?

**Mike Rumbles:** I have no idea. Perhaps the member will check the *Official Report*—[*Interruption.*] This is not a laughing matter, Mr Crawford.

Yesterday we read that a complaint was made that the Minister for Enterprise, Energy and Tourism breached the ministerial code by failing to register his shareholding portfolio after several months in office. Sir John Elvidge dismissed that complaint because, as he stressed, the code is, after all, advisory. That is not a satisfactory situation to say the least. There may have been a time when an advisory code was sufficient, but that time is obviously now over. We have a First Minister who believes that all his Government’s actions are appropriate when, to an independent

observer, the actions that have been highlighted today are at least questionable. [*Laughter.*]

The SNP back benchers are laughing because they realise—

**Keith Brown (Ochil) (SNP):** We are not laughing with Mike Rumbles; we are laughing at him.

**The Presiding Officer:** Order.

**Mike Rumbles:** The SNP back benchers realise that the Parliament cannot hold the First Minister to account in normal circumstances. Times have changed. The time is now well overdue for the ministerial code to be more than simply advisory. The time has come for the Parliament to appoint somebody to police it independently of the First Minister. That role would be about assessing the facts, not making a judgment. That is as it is with the code of conduct for MSPs: the standards commissioner is responsible for assessing the facts of a case and reports to the Standards, Procedures and Public Appointments Committee, but the committee makes the decisions. We want an independent person to investigate the facts of complaints under the ministerial code, report to the First Minister and publish their reports so that we all know the facts. That is why we have lodged our amendment and seek support for it from MSPs from across the chamber.

I move amendment S3M-1434.1, to insert at end:

"and further believes that the best way of ensuring independent oversight is for the Parliament to appoint a person independent of government to investigate alleged breaches of the Scottish Ministerial Code."

09:36

**The Minister for Parliamentary Business (Bruce Crawford):** I am delighted to be here this morning to talk about ministerial accountability. As I am the Minister for Parliamentary Business, it is a subject close to my heart.

I welcome the motion—indeed, I agree with much of it. It recognises that Government must be open and accountable, affirms support for the seven principles of public life—to which we are fully signed up—and notes the review of the ministerial code that is under way. However, I also very much welcome the Conservative amendment. Rather than merely mimicking the situation at UK level regardless of the Scottish context, it goes further than the motion by suggesting that an independent authority is needed to direct ministers in the appropriate arrangements for ensuring that their conduct accords with the ministerial code so that they avoid real or potential conflicts of interest and to oversee the code's administration.

This Government prides itself on being open, accessible, effective, accountable and—yes, as Jackie Baillie said—modern and progressive.

**Jackie Baillie:** It needs to try to be.

**The Presiding Officer:** Order.

**Bruce Crawford:** On the issues that have been raised, the suggestions about Jim Mather are utter nonsense. He did not breach the code. In fact, he has done more than he is required to do. He followed the code and the permanent secretary's advice to the letter, and the permanent secretary has described his actions as fully acceptable.

**Michael McMahon (Hamilton North and Bellshill) (Lab):** Will Bruce Crawford give way?

**Bruce Crawford:** I will make some progress on some of the other accusations. The Labour speaker did not give way to me, did she?

Murdo Fraser adequately addressed the point about the First Minister: he is appointed by the Parliament, which can remove him at any time that it wishes. There have been record numbers of freedom of information requests on the Trump application, and we have answered PQs in record time—and probably record numbers—on the issue. There has also been a committee inquiry into the matter. As far as that is concerned, the First Minister is bomb-proof.

**Hugh Henry (Paisley South) (Lab):** I could not possibly comment on that. Bruce Crawford raised the First Minister's behaviour. The code of conduct requires any minister who does not give accurate and truthful information to the Parliament to tender their resignation to the First Minister. Does Bruce Crawford agree that the First Minister should resign if he does not give truthful and accurate information to the Parliament?

**Bruce Crawford:** The First Minister always gives accurate and truthful information to the Parliament.

I will use my own experience as a good example of the types of allegations that have been made under the code of practice. Michael McMahon complained that I had broken the code in regard to the Beaulieu to Denny transmission line. In fact, not only did I not break it, I could have gone a lot further than I did: I could have attended the public inquiry that was set up on the matter and given evidence.

The day after Stewart Maxwell rightly apologised to the Parliament following the issues that arose on his statement on sportscotland, we got a note from Frank McAveety complaining about it. How spurious does it get? No wonder there is a record number of complaints.

**Michael McMahon:** Rather than pontificate on his own innocence, would it not be better for Bruce

Crawford if an independent assessment was made of his position in regard to the Beaulieu to Denny transmission line?

**Bruce Crawford:** The finding would have been the same, whether the assessment had been made by an independent person or the First Minister.

**Jackie Baillie:** That is outrageous. He is judge and jury.

**The Presiding Officer:** Order.

**Bruce Crawford:** As far as the timing of the review is concerned, we are rightly and properly considering the code thoroughly and exploring all the avenues that are open to us. The debate makes me wonder what the priorities of the Labour Party and Liberal Democrats are. With the new Government's priorities, we will, I hope, sweep the graduate tax away today; we have frozen the council tax, reduced business taxation and are getting rid of prescription taxes. Those, not the priorities that the Labour Party demonstrates today, are the priorities of the people of Scotland.

Nevertheless, I welcome the fact that we are having the debate. It is important that we get the chance to consider the matter, and I am confident that, when the review is finished and the Administration publishes the new version of the code, it will be much stronger as a result.

**Mike Rumbles:** Will Bruce Crawford give way?

**The Presiding Officer:** He does not have time, I am afraid.

**Bruce Crawford:** It came as something of a surprise to me to learn that so many Opposition members have so many concerns about the ministerial code's scope and content. It is the self-same code that was applied by the previous Administrations and we have applied it in the same way as they did. I do not recall such levels of interest prior to last May, and I leave it to others to draw their own conclusions about what that says.

**The Presiding Officer:** You should close now.

**Bruce Crawford:** Yes, Presiding Officer.

We are considering the suggestion of an independent investigator. However, at a time when we are trying to simplify the public sector landscape, considering how best to implement the recommendations of the Crerar review of independent scrutiny bodies and working to ensure that limited public resources are optimally deployed, could the appointment of a new tsar be justified?

**Mike Rumbles:** Give it to Jim Dyer.

**Bruce Crawford:** If Mike Rumbles looks at the evidence that Jim Dyer has given, he will see that he was of the opinion—

**The Presiding Officer:** You really must close now.

**Bruce Crawford:** Okay. I am sorry.

I have no time to finish off that point.

Let us be clear that the code should be strengthened and that we need to put in place the more fundamental mechanisms of accountability that the Parliament and our membership of it represent. We take those mechanisms seriously and should celebrate them.

09:43

**George Foulkes (Lothians) (Lab):** Sometimes I find it difficult to believe that the SNP has been in power for nearly a year. One would not think it from what one sometimes hears when watching television and listening to the radio.

Flashback: a year ago, Kenny MacAskill appeared on TV when a prisoner had escaped. He said that the poor law-abiding folk were living in fear and someone had to do something about it. Flashforward: last month, a prisoner escaped in Perth and a schoolgirl was raped. Again, Kenny MacAskill was on TV saying that the good, law-abiding folk were living in fear and someone had to do something about it. However, that someone is now him, as he is the minister.

I do not blame Kenny MacAskill for getting away with saying exactly the same as if he was not accountable. I blame the Bernards and Brians, Kirstys and Jamies who should be holding him to account. Where are they? They are certainly not in the press gallery. For once, the ubiquitous and redoubtable John Knox has a companion, but that is highly unusual for such debates. Where are the rest of them? No doubt they are going round the corridors—I think that the expenses and allowances are published today.

There are enough examples for the press to hold the ministers to account. Where is Gordon Brewer—Jeremy Paxman with tartan underpants? He is not holding ministers to account, because "Newsnight Scotland" is too occupied with its get-Wendy agenda. When it runs out of motormouth SNP MSPs, it brings on the journalists—the saintly Douglas and the even more saintly Magnus. It has three journalists talking about that. They should be holding the Government to account. We are doing it here, day after day, week after week and month after month, but journalists are doing very little of it. The Tories are doing it. The Liberal Democrats are even doing it occasionally. I see that the Greens are not here doing it this morning. We are

holding the Government to account, but there is no follow-up.

In foreign affairs, we used to have most favoured countries. The SNP has most favoured persons. There are celebratory dinners for SNP donors at Bute house at the taxpayer's expense, although the media do not follow that up. People can speed up their planning applications. It is a case of, "Give us the money, and we'll speed up your planning application."

**Brian Adam (Aberdeen North) (SNP):** I invite the member to withdraw that last remark. Taking advantage of the partial privilege that exists in the chamber to suggest that anybody has taken money for planning applications is unworthy of the member and of any member of the Parliament.

**George Foulkes:** I ask Mr Adam to look and see if there is no correlation between donors to the SNP and some planning applications.

**Brian Adam:** On a point of order, Presiding Officer. I invite you to consider the remarks that Lord Foulkes has made. He has not taken the opportunity to withdraw them. Is that kind of—

**The Presiding Officer:** The member knows by now that the content of members' speeches is up to them. However, I ask members to be careful about allegations that they make.

**George Foulkes:** I invite Mr Adam to look on the horizon. There is another issue there, which might give a new perspective to the West Lothian question.

Let us turn to the "bomb-proof" First Minister. Selflessness is not one of the natural qualities that we associate with him. I ask him to reconsider the issues. Integrity is a key part of Nolan's ministerial code. There is the matter of the Aberdeenshire golf course, which Jackie Baillie spoke about earlier. I hope that, when John Swinney considers it—it got an unprecedented fast track to his desk—we will see the integrity and objectivity that we did not see when the First Minister dealt with it.

Then there is the hovercraft project, which arose from the south-east of Scotland transport partnership. I fully support a hovercraft service across the Firth of Forth, but is it wrong to demand openness and transparency when £3.3 million of taxpayers' money is handed out to a company that is owned by the SNP's most favoured person and biggest donor? Why are the press hounds not chasing that up? Why are they not challenging the SNP on its broken promises on class sizes and on matching our school building programme brick for brick? Yesterday at the Audit Committee, as Hugh Henry will confirm, serious doubts were thrown on the Scottish futures trust.

I make a plea to Murdo Fraser and Mike Rumbles. They might not agree with every aspect

of Jackie Baillie's motion, but surely we can unite on this issue and ensure that the bomb-proof First Minister gets at least a few bombs to prove that he is bomb-proof. We should make sure that issues are dealt with objectively, in the way that Gordon Brown has done. He has appointed Sir Philip Mawer, who is a University of Edinburgh graduate, as an independent adviser on the ministerial code. I am sure that if Philip were approached, he would do the same for Scotland. That would be a first step towards more openness and accountability in this Parliament, too.

09:49

**Joe FitzPatrick (Dundee West) (SNP):** Clarity is required as to whether Mr Foulkes's attack on Scotland's media is official Labour Party policy. That was a disgraceful attack on our independent press.

I welcome Jackie Baillie's kind acknowledgement that the SNP Government is "modern and progressive". That is exactly the view that is held by civic Scotland, as it engages with the most dedicated, dynamic and hard-working team of ministers that Scotland has seen in living history. The most common description of their approach to government, which I often hear from the most unlikely quarters, is that it is a "breath of fresh air".

In recent parliamentary questions, and in today's debate, Jackie Baillie has been calling on the Scottish Government

"to adopt the approach taken by ... Gordon Brown ... to have an independent adviser to investigate breaches of the Scottish Ministerial Code to ensure a culture of openness and transparency in government"—[*Official Report, Written Answers*, 3 December 2007; S3W-6779.]

Ms Baillie has outlined why, in her opinion, we are in dire need of the apparently much more accountable Westminster system. We must be careful with the presentation of the Westminster system as some kind of gold standard.

Labour has a tendency to exaggerate. Examples include the claim of being 15 minutes away from attack with weapons of mass destruction; the bonfire of the quangos; "Education, education, education"; and "Things can only get better". Today, we have heard more exaggerations from the Labour Party, as its members try to pass off the current Westminster system as open, transparent and independent, whereas it is none of the above.

In 2006, three years after the Committee on Standards in Public Life called for an independent adviser on ministerial interests, and in a last-ditch attempt to appease the public over the cash for honours scandal, Sir John Bourn was appointed to provide confidential advice to ministers and to

conduct investigations at the request of the Prime Minister. The independent adviser must be asked by the Prime Minister to investigate the facts of a case. If there has been a breach of the ministerial code, the decision on whether to publish the results of the investigation and on what action should be taken remains solely with Gordon Brown.

**Mike Rumbles:** Would the member not therefore agree that the best way to deal with the matter is to have an independent person investigate the facts, report the facts to the First Minister and publish them?

**Joe FitzPatrick:** The Conservative amendment provides the best way forward, with the most appropriate system for the Parliament. That amendment is to be commended. I hope that all members can rally round it and that we can all agree on something that clearly firms up the ministerial code.

Back to Westminster. The appointment of the independent adviser is made by the Prime Minister, without whose explicit consent the adviser cannot investigate. When they are allowed to carry out an investigation, they cannot publish their findings without the Prime Minister's say-so. To top it all, the first independent adviser had to stand down after it emerged that, over three years, he had taken his wife on 22 overseas visits, including a week-long stay in the Bahamas—first class all the way—at the taxpayer's expense.

The hypocrisy of the Labour Party has reached new heights today, with former ministers such as Jackie Baillie calling for a change to the ministerial code only after they have been kicked out of office. It was good enough for Labour ministers, so why not ours?

**Jackie Baillie:** Will the member take an intervention?

**Joe FitzPatrick:** I will tell Jackie Baillie why it is not good enough for our ministers: it is because our ministers have a higher standard. That is why we are reviewing the code. It is to make the system more transparent and to get away from the opaqueness of the former Administration.

**Jackie Baillie:** Will the member take an intervention?

**The Presiding Officer:** The member has one minute left.

**Joe FitzPatrick:** It is primarily the Labour Party that is responsible for the poor public image that elected members have today. The last three leaders of the Scottish Labour Party have all been accused of breaching parliamentary regulations. One resigned over financial irregularities; one was cleared after the Red Rose dinners scandal in 2002; and let us not forget that the current

incumbent admitted breaking the law—but only a little bit, and not enough to face criminal charges. We must not forget that we recently witnessed a serving Prime Minister being questioned, for the first time ever, by police conducting a criminal investigation.

In its short time in office, the SNP has shown itself to be open and accountable, in stark contrast to the previous Administration. We will take no lessons from the sleaze-ridden Labour Party, and we are committed not to adopting the flawed Westminster style of government that Jackie Baillie is calling for but to improving the current ministerial code to ensure the highest standards in our Government and to protect the public in the increasingly unlikely event of the Labour Party ever returning to office.

**Jackie Baillie:** On a point of order, Presiding Officer. Given that you are responsible for overseeing members' behaviour in the chamber and their accountability to the Parliament, will you invite the member who has just spoken to reflect on his comments, given that they are wholly inaccurate and inappropriate? I think that he owes the Parliament an apology.

**The Presiding Officer:** That is entirely up to the member concerned. I am sure that he has heard your non-point of order.

09:54

**Hugh Henry (Paisley South) (Lab):** Today we are discussing an issue that might not register highly in the public's mind, but it throws up fundamental challenges for the Parliament. It questions to some extent whether the Parliament is fit for purpose and whether it can, as it is expected to do, hold the Administration to account on behalf of the people of Scotland. I have concerns about how we are doing that, and I have concerns that the present Administration is playing fast and loose with the rules and the basis on which the Parliament was created.

Paragraph 1.1(b) of the Scottish ministerial code says:

"Ministers have a duty to the Parliament to account, and be held to account, for the policies, decisions and actions taken within their field of responsibility".

So far, so good. Paragraph 1.1(d) says:

"Ministers should be as open as possible with the Parliament and the public ... They should refuse to provide information only when disclosure would not be in the public interest."

In the chamber on 20 December 2007, when debating class sizes in primary 1 to 3, I asked John Swinney:

"Will the cabinet secretary confirm that, in August this year, ahead of the budget, ministers collectively knew that the target could not be met by 2011?"

Mr Swinney did not answer that question. He was then asked by Ken Macintosh whether he would write to me with the information requested. He replied:

"I do not intend to write to Mr Henry, because there are no issues that I need to follow up from the answer that I have just given him."—[*Official Report*, 20 December 2007; c 4724.]

I wrote to John Swinney the same day to ask the same question. He replied 40 days later, saying that he considered that he did not need to follow up any of the issues and that he had nothing to add to the answer. It was a simple question, but there was a refusal to answer, despite the fact that the ministerial code says that ministers should not refuse to answer such questions.

On 12 February 2008, following a freedom of information request, I received a copy of a minute of a meeting last year between Donald Henderson, then head of the Government schools division, and Universities Scotland, which stated that

"the advice that had been offered to ministers"

is that

"the scale of the commitment does not allow it to be delivered in the life of a parliament ... With the scale of the plans to reduce class sizes in P1 to P3 ... the commitments will take 8 to 10 years to achieve."

We can see why John Swinney was reluctant to give an answer but, in refusing to do so, he clearly breached the ministerial code. Has action been taken by the First Minister? Clearly not, but there is also an issue for the Parliament.

As you know, Presiding Officer, I have written to you on the issue. You said that Parliament can hold ministers to account by oral and written parliamentary questions. You also said, on 9 January, that the Parliament's standing orders

"do not make any provision for answers"

and therefore you have no powers under the rules to challenge what is said. We have a ministerial code that is being ignored and a Parliament that has no power to act.

Paragraph 1.1(c) of the ministerial code says:

"It is of paramount importance that Ministers give accurate and truthful information to the Parliament".

Bruce Crawford said to me that the First Minister always gives accurate information to the Parliament, but I beg to differ. On 5 September, I asked the First Minister whether he could confirm that his promise to reduce class sizes in primary 1 to 3

"will be delivered in the lifetime of this parliamentary session".

He replied:

"Yes, I can".—[*Official Report*, 5 September; c 1378.]

That was clear: it will be delivered by 2011.

As the FOI answer that I referred to earlier indicated, ministers had been advised before July that the commitment would not be met by 2011 and, indeed, that it might not even be met by 2015. Ministers knew that the promise would and could not be met at least three months before the First Minister confirmed to Parliament that it would be.

I argue that the First Minister has misled Parliament. Nothing has been done and there has been no attempt to retract. As you know from exchanges of correspondence, Presiding Officer, I am concerned that the Parliament has no power to do anything about it. A First Minister can ignore the ministerial code. No action can be taken and very little can be done to hold ministers to account.

The challenge is not just for the Administration but for the Parliament. Are we prepared to do something about the situation and to give people in this country the confidence that their politicians will tell the truth and be held to account when they do not?

10:00

**Keith Brown (Ochil) (SNP):** I first make it clear that I am giving my own views and not speaking as convener of the Standards, Procedures and Public Appointments Committee or on behalf of the committee.

I am interested in why the Labour Party has chosen this debate. What has changed in less than a year since the Lib Dems and Labour Party were in office and apparently subscribed to a code that they now find unfit? Perhaps it is because, in Labour's view, there has been such a mass outbreak of venality among ministers that there is a radical and pressing need for others to be held to a different standard from Labour and the Lib Dems.

There is a term for someone who holds others to a standard that they do not want to be held to themselves. I cannot bring to mind the exact nature of it, but when Jackie Baillie mentioned the seven Nolan principles it struck me that one of the principles is integrity. There can be no integrity in someone holding others to a standard that they are not willing to be held to themselves.

**Jackie Baillie:** Will the member take an intervention?

**Keith Brown:** No.

There are also terms to describe saying one thing and doing another.

**Jackie Baillie:** Will the member take an intervention?

**Keith Brown:** I said no.

It is not long since we had a very good debate on the Crerar report, in which all parties agreed that we should desist from establishing new quangos or tsars every time there is a crisis of events leading to a public clamour for action. We have not even had a crisis of events or a public clamour for action. In fact, as you know, Presiding Officer, those were the words of Tavish Scott at the Conveners Group less than a week ago. The idea was that we should not always rush to create new bodies every time it suits our own interests.

**Mike Rumbles:** Surely, as convener of the Standards, Procedures and Public Appointments Committee, the member would appreciate more than anyone that it is important to have the facts of any accusation independently investigated. It happens in the Standards, Procedures and Public Appointments Committee, so why can we not have the same system for the First Minister? The facts would be independently investigated and reported to the First Minister and published. Surely that is the right thing to do.

**Keith Brown:** That does not relate to the point that I was making, which was that Tavish Scott and other Lib Dems have said that there should not be a clamour to create new bodies or tsars. I have made it clear that I am not speaking in my capacity as convener of the Standards, Procedures and Public Appointments Committee. However, I am looking forward to a long and fruitful career in the media as the ex-convener willing to throw around allegations on a regular basis.

It may be advancing years and a touch of deafness on my part, but I have heard no clamour from the public. I have had no representations at any of my surgeries, and the public gallery is virtually empty. Even John Knox has gone home because of what he has heard so far. In raising this issue, the Lib Dems and the Labour Party have shown strange priorities.

The other element of hypocrisy is in comparing what we have here to Westminster or even Wales. We have heard that it is essential that we have independence and openness. There was no independence in the person appointed by Gordon Brown—he made that appointment and it was not scrutinised by Parliament. The independent person can take action only when they are asked to do so by the Prime Minister, and if they are asked to look at something, it goes further only if the Prime Minister agrees that it should. There is no independence in that procedure, so it is hypocritical to ask for the same system here. Only

the Prime Minister decides whether something happens.

It is interesting that Gordon Brown omitted from the Westminster code any mention of or guidance on the question of blind trusts. There is hypocrisy on that as well. As Joe FitzPatrick has said, the Labour Party perhaps feels under particular pressure—arising from cash for honours and other controversies—to be seen to do something. That can be the only explanation for what it has done.

Mike Rumbles was factually incorrect earlier. It is inconsistent with the facts to say that the code of conduct for MSPs does not apply to MSPs outwith the chamber. Of course it does and it always has done.

**Mike Rumbles:** I never said that.

**Keith Brown:** That is exactly what he said—he can check the *Official Report*.

We heard an anti-media rant from George Foulkes. He seems to have no trouble in getting himself into a television studio. His problem is that, when he does so, the SNP cheers and his Labour back-bench colleagues groan.

When George Foulkes has been on TV, he has made a virtue of saying that it is wrong for politicians to make spurious and ill-founded allegations against one another, because that demeans us all. That is exactly what he has done this morning, so I invite him to intervene and take the opportunity to apologise for what he said. It would do us all some good if he did that, but I see from his shaking his head that he does not want to. There is an element of hypocrisy in people who are willing to make allegations without foundation or fact going into TV studios and saying that it is wrong when other people do that. We have all seen that of late.

The Conservative amendment has something to commend it. I disagree with the idea that the situation is different now because we have a minority Government in the Parliament. Even in my lifetime, we have had minority government in Westminster, so I do not see that as a defining reason for having a different code of conduct. Having said that, I am pleased that the Government is considering the matter and I am sure that it will come forward with proposals around which we can all unite.

**The Deputy Presiding Officer (Trish Godman):** We now move to the winding-up speeches.

10:05

**Hugh O'Donnell (Central Scotland) (LD):** This is an important debate because it goes to the heart of our individual and collective



responsibilities as members of the Scottish Parliament and as representatives of the people of Scotland. It is about the integrity of Parliament and Government. Perhaps even more important, it is about the personal integrity of every one of us as we carry out our privileged roles as MSPs.

Over the years, the reputation of politicians has so diminished in the public's mind that, sometimes, it seems like admitting to being a drug dealer would be better received by some sections of society than owning up to being a politician.

Of course, we have not only a moral obligation to be open, transparent and accountable but, in relation to some parts of our code of conduct, a legal obligation. Unfortunately, recent and historical events clearly show that that is not enough to prevent a liberal interpretation of some of the rules, which are not always legally binding either in content or in timeframe. However, if the public's faith in politicians and the system of government and democracy that we represent is to be somewhat restored, it is not good enough to play semantic games with rules and codes—ministerial or otherwise—just to escape the sometimes-justified criticism of errors of omission or commission.

I accept that public disaffection is caused by the need of some sections of the media to fill a blank page every day with some tittle-tattle or other. However, we have to recognise that we are accountable, and not just every four years when the elections come round. Every time we stand up in the chamber and hold forth on some topic or other, regardless of whether we know much about the topic or are reciting a mantra prepared by a civil servant or party worker, we have a duty to the people of Scotland to be transparent and honest, even if that means that we—ministers and back benchers—have to admit to ignorance, stupidity or both, and even allowing for the cut and thrust of debate, the pressure to wing it and the sedentary comments that we are all subjected to when caught out on some point or other. Where we have the protection of privilege, we have to take personal responsibility for the things that we say and the way that we act. Obfuscation, economies with the truth, smoothing, terminological inexactitudes or Government spin will not carry the day, nor should they. Regardless of political party, if the Government is to be held to account by the Parliament, it cannot be right that the ultimate decision on such matters is left in the hands of the Government and the First Minister of the day.

We are probably the most transparent Parliament in Europe; certainly, we are a thousand times better than Brussels. However, that is no justification for not recognising or acting to remedy shortcomings in our system. Codes—ministerial or otherwise—will go only so far if we cannot rely on

our own integrity to deal with these matters. It is clear—currently and, to some extent, historically—that we do not do that well.

The way in which the ministerial code is managed has long been a concern, contrary to comments that have been made from a sedentary position and in speeches today. The Parliament must address that issue as a matter of urgency—despite the continued sedentary comments from the Minister for Parliamentary Business.

**Bruce Crawford:** I was actually making complimentary comments to my colleague about the points that the member is making.

**Hugh O'Donnell:** In our view, despite the merits of the Labour motion and the Conservatives' amendment—although we are a little unclear about what that amendment is proposing—the best way in which to address the issue is to accept the proposals in the Liberal Democrat amendment, which I urge everyone to support.

10:10

**Derek Brownlee (South of Scotland) (Con):** It is a pleasure to wind up this important debate on behalf of what is self-evidently the most modern and progressive party in this Parliament.

Hugh O'Donnell touched on the important issue of the broader reputation of politics and politicians. Most of us would accept that politics can be rough. In Britain, and certainly in Scotland, it is often very rough indeed. However, even the most critical of people would hesitate to suggest that there is anything corrupt in Scottish politics or that our politics is anything other than clean; we might disagree with one another about various issues, but only the most unreasonable would argue otherwise.

We can all agree that the ministerial code should be obeyed and that, when ministers do not obey the code or act inappropriately, they damage not only the reputation of the Government but the reputation of all of us in the Parliament—because, even today, many people struggle to understand the dividing line between the actions of Parliament and the actions of Government.

Just as inappropriate actions of ministers can be damaging, so can inappropriate allegations. When making allegations, we must be extremely careful that we do not give in to the temptation to throw enough mud to ensure that some of it sticks. When politics descends to that level, all of us are damaged. Perhaps that is why we get too caught up in the letter of the codes rather than the broader principles that ought to guide us.

Much has been said about the broad principle of independence in respect of the ministerial code. George Foulkes seems to take the view that

ministers are, currently, guilty until proven innocent, which is not the appropriate way of looking at things. There must be someone in the process who is independent, has no vested interest and can assess matters without the burden of their previous experiences or current role clouding their judgment. It strikes me that the only people in this Parliament who have no axe to grind as a result of having been or currently being a minister are those of us on the Conservative benches, so I will make a constructive suggestion: if anyone wishes to refer complaints relating to the ministerial code to the Conservative party, we will be happy to assess and opine on them. I am sure that we would be much more effective than the independent Electoral Commission.

Members have mentioned the Nolan principles. I will mention some other principles that we all ought to be able to agree on. We should not slavishly follow what is happening at Westminster—to be fair to the Labour Party, I do not think that that is what its motion proposes—and, in that regard, I believe that some reasonable points have been made about just how far Gordon Brown's announcements go.

The ministerial code should be seen as fair by all parties, whether there is a minority Government, a majority Government or a coalition. We should be able to agree the ministerial code so that it does not change every time the Government changes. The principles by which ministers operate should be ones on which we can all agree and, to some extent, should be unchanging.

We need to ensure that we discourage spurious complaints. The ministerial code should be reserved for serious issues and not used for party-political point scoring, which we are all able to do well enough in this chamber.

A final principle that must be taken into account concerns the balance between the ministerial code and political accountability, which is key. As Murdo Fraser said, it is possible for us to remove ministers on a vote of the Parliament if we feel that they are acting inappropriately.

Jackie Baillie made the valid point that the revision of the ministerial code has had a long gestation period of nine months. There is an existing ministerial code in place and, given the number of complaints about SNP ministers that we have heard today, it would be reasonable to assume that the substance of the ministerial code should not change much. The issue seems to be about enforcement, interpretation and investigation.

George Foulkes spent a lot of his time attacking the media, and I am sure that he will receive his due reward tomorrow. He also made a very odd point, in seeming to suggest that the opportunity to

dine with Alex Salmond at Bute house would be an inducement to give money to the SNP. Frankly, I would be happy to pay to avoid the prospect of dining with Alex Salmond, whether at Bute house or anywhere else.

The Conservative amendment seeks to strengthen the Labour motion and to draw us to where we need to be on the matter—towards consensus, as the Conservative party, in its modern and progressive way, always advocates in the Parliament.

10:15

**Bruce Crawford:** I have listened to the debate with interest, but the first time that I started to pay serious attention was when Hugh O'Donnell made his contribution, for he, at least, made an attempt to contribute in a mature fashion. Derek Brownlee summed up very well, and when he commented on mud slinging it was interesting to watch the body language of members on the Labour benches, and of Jackie Baillie in particular. She was nodding, yet she and her colleagues today get the prize for the mud slinging of all mud slinging. That is what the debate was all about. The member talked about distinctive patterns, but the only distinctive pattern that we have seen today is that of spurious allegations, pathetic mud slinging and misguided innuendo, to put it as kindly as I can.

In participating in that, members damage the body politic and cause more damage to the reputation of this place. Joe FitzPatrick made a reasonable point in his response to your mud slinging. There are many broken panes of glass in your house, and you should be careful as far as that is concerned.

**Jackie Baillie:** It is important to clarify some of the comments that have been made by Joe FitzPatrick and his colleague Keith Brown—and, indeed, that last comment. Is the minister suggesting that somehow my integrity is in question?

**Bruce Crawford:** No, I am suggesting—

**Jackie Baillie:** Thank you—no is the answer.

**Bruce Crawford:** I am suggesting that the way in which you have gone about contributing to the debate—

**The Deputy Presiding Officer:** The member should clarify who “you” is, otherwise he is addressing me.

**Bruce Crawford:** I apologise.

The debate has been nothing more than a cynical attempt to continue a smear campaign against the most successful Government and First Minister that Scotland has ever seen. Contribution

after contribution, in particular from Labour, has contained a series of recycled misrepresentations that continue the failing attempts to undermine the Government. One would think that, following the fiasco of the handling of the Scottish Parliament elections and the Gould report and all that surrounded that, Labour members would have learned.

Is it any wonder that the turnout in the Scottish Government elections and local government elections is falling, when such contributions are made to politics in Scotland? It is time for members to raise their game. Speaking of raising your game—

**George Foulkes:** Will the member take an intervention?

**Bruce Crawford:** I will, in a moment. As far as George Foulkes's allegations about the hovercraft project are concerned, I hope that he is aware that the money for that project did not come from this Government but came from the previous Scottish Executive. Will he now take the opportunity to withdraw his scurrilous remarks?

**George Foulkes:** Will the minister—if he is accountable to the Parliament—take the opportunity to answer one question? Jim Mather said that he would divest himself of his shares into a blind trust to remove

“even a scintilla of doubt”

of any conflict of interest. Has he done that?

**Bruce Crawford:** George Foulkes has entirely avoided the question that I put to him. He could at least have had the grace to accept that the point that he made was an entirely erroneous and misdirected attack on the Government. He should hang his head in shame. Jim Mather acted entirely within the permanent secretary's advice.

I turn to the serious points that Mike Rumbles made in the debate. Much has been made of the idea of an independent adviser on the code, and we have considered that as part of our review. The Government has a responsibility to ensure that any changes that we make are considered and add genuine value in the Scottish context, which, as I have said before, is not directly comparable with what happens at Westminster.

For example, we already have a register of interests here in Scotland, which was put in place by the Interests of Members of the Scottish Parliament Act 2006. That makes us different from Westminster. The Government in Scotland is smaller than the UK Government and, indeed, smaller than previous Scottish Administrations. We must develop relationships and arrangements that are proportionate and appropriate to our circumstances.

**Mike Rumbles:** Our point is short and clear: when an allegation is made against a minister, there should be an independent person to investigate the facts, report to the First Minister and publish the results, so we get away from any false accusations. Will the minister accept that?

**Bruce Crawford:** I am concerned that such a post could quite easily be seen as protecting ministers' interests. Depending on the role of any such adviser, such an appointment might be seen as diminishing the democratic accountability of this institution and replacing members' elected authority with that of an appointee. That is another issue that needs to be carefully considered. Assuring integrity in such a way might come at a great price. Some members might say that it would be worth it, and I might agree with them, but if the appointment did not add significantly to the value of existing arrangements, the price would be high. Would the post offer value for money? What would the workload be, week in and week out? The Government is not in the business of expensive window dressing.

I thank members who made positive contributions to the debate, but it did not quite go in the direction that I had hoped, and the mud slinging has brought shame on this place.

10:21

**Michael McMahon (Hamilton North and Bellshill) (Lab):** In every parliamentary democracy, there is a healthy tension between the Executive and Parliament. This morning's debate aims to prevent the relationship between this place and the current Administration from unnecessarily becoming more strained than it already is. Any incoming Government is entitled to try to fulfil its manifesto commitments, but it cannot ignore Parliament in its attempts to do so. A weak sense of responsibility to this place does not weaken the fact of such responsibility.

We expected today to hear—as we have heard—criticisms aimed at Labour and claims that we are taking a different view from the one we took when we were in office. That is simply not the case, no matter how much Murdo Fraser and Keith Brown might try to make it so. Mike Rumbles was correct—he is a good example of a member who, like others, raised issues over the ministerial code in the previous Administration. Such questions are more effective when they come from one's own back benches.

**Bruce Crawford:** Will Michael McMahon tell me in what way the current code, as agreed by the former partnership Government, turned out as it did as a result of successful challenges by individuals?

**Michael McMahon:** The code was changed and reviewed periodically.

**Bruce Crawford:** When was the last time?

**Michael McMahon:** It was changed, which is the important aspect. Derek Brownlee was right when he said that the issue is as much about how the code is applied and tested as it is about what it contains—that was a very important point.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** There has been a change in the way that the code is operated. In the past, when ministers inadvertently made a statement to Parliament that was wrong, they were willing to come back and record that they had made an error. Over the past nine months, it has been clear that that is not happening. Does the member agree with me on that? Back benchers in Parliament are being misled by ministers on a weekly basis.

**Michael McMahon:** There is much accuracy in what my colleague says. We are asking Parliament to strive continually for the highest standards of accountability. Democracy is dynamic, and we make no apologies for asking the new Administration to do what was expected of us when we were in government—that is, to look at the Scottish ministerial code and seek ways in which to improve it.

In response to the questions that have been raised in the debate, I recall at least one occasion on which the First Minister at the time asked a Labour minister to come back to Parliament to apologise for misleading Parliament—in a matter of a culinary nature—without any intervention from Parliament itself.

Rather than accusing us of having double standards, the SNP should accept that changes in the Administration mean that the relationship between the Executive and the Parliament must be considered anew. Murdo Fraser was right to make that point.

The convention of ministerial responsibility predates the modern party system. As democracy and society have developed in Britain, so too has the requirement continually to enhance ministerial accountability. We believe that the convention of ministerial responsibility is a mechanism through which the Parliament can control ministers. Responsibility must focus on the minister, with a clear line of accountability to the Parliament. In today's debate, we seek to ensure that we in the Parliament adhere to that ideal. As Jackie Baillie said, if the SNP wants to be seen as a modern and progressive party—not that it is—that should be its perspective.

Counter to that ideal is another historical perspective that favours executive control. Its main proponent was Sir Robert Peel, who wanted

ministers to be supported by a loyal party that tried to prevent Parliament from interfering in the workings of government. In that context, the executive inverts ministerial responsibility and seeks to diminish the role of the Parliament. Based on the arguments that we heard this morning, it could easily be said that that is the attitude that the SNP Government and its slavishly devoted back benchers have adopted. I give Joe FitzPatrick and Keith Brown as perfect examples. In particular, Joe FitzPatrick did his impersonation of a political lava lamp—he used an awful lot of energy but did not shed much light on anything.

We have to accept that, as society evolves, new challenges and responsibilities are placed at the doors of ministers. However, one thing remains constant. Parliament matters, and in the balance of power between the Executive and the Parliament, the Parliament must remain the primary institution.

Errors are inevitable in Government, and George Foulkes and Hugh Henry quite eloquently pointed out where errors have been made. The mark of a good Government is not simply to be found in how it overcomes the problems that errors create; the real test is whether it acknowledges and takes responsibility for them. Good government is certainly not to be found in refusing to recognise them, as the First Minister has done again and again.

The First Minister is the guardian of the Scottish ministerial code, by which ministerial responsibility is tested. We in the Labour Party believe that the record so far shows that Alex Salmond cannot be trusted to apply the code. As a result, we must re-establish the authority of Parliament over ministers. If, as we suspect, the Government regards itself as the primary institution in the political framework in Scotland, ministers are deluding themselves, and they must and will be held to account by the Parliament.

It is clear that the First Minister, in his actions, is not applying the code effectively. Surely he would prefer transparency over ambiguity and accountability over accusation. We merely ask him what he has to fear from giving us the results of the review that he told us he was going to have. Bruce Crawford said that the First Minister is bomb-proof. I conclude by asking him to come out of the bunker and face independent oversight. That is what our motion calls for.

## Protecting Scotland's Children

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S3M-1432, in the name of Paul Martin, on protecting Scotland's children.

10:29

**Paul Martin (Glasgow Springburn) (Lab):** In speaking to the motion on behalf of the Scottish Labour Party, I will refer to three main themes.

On 15 December 2006, the Justice 2 Sub-Committee published 33 recommendations. They were reached after a comprehensive assessment of the arrangements that were in place for managing sex offenders before that date. Many of us welcomed the input from and commitment of the Cabinet Secretary for Justice, Kenny MacAskill, who was involved in the sub-committee; our Labour member, Jackie Baillie; and others, including the Presiding Officer, Alex Fergusson.

We are disappointed that some 14 months later, 17 of the 33 recommendations are outstanding. I ask the cabinet secretary to take this as a constructive point: the Government needs to be clear about which issues are outstanding, what resources will be provided and when we can expect to hear about further progress.

There is consensus on many of the issues that surround the management of registered sex offenders. We have had many debates in the chamber on the matter. However, the Government needs to be reminded that the recommendations of the Justice 2 Sub-Committee are our priority. They are of paramount importance to the safety of our communities and our children throughout Scotland.

All too often, we react to tragic events and we console and empathise with families who have suffered the loss of loved ones. We on the Labour benches call on the Parliament to ensure that we have at least taken the issue forward and created opportunities to minimise the risk that many of our communities face. I have made the point in the chamber several times that when we refer to registered sex offenders, we refer to a minority of people in our communities. In our communities, adults and children interact in a positive and constructive manner. It is important to recognise that the motion refers to a minority.

A key aspect of the Justice 2 Sub-Committee's recommendations is the need to place greater responsibility on the authorities that manage registered sex offenders, be they housing authorities, prison authorities, social services authorities or local government authorities. They

all have a responsibility to deliver on the management of registered sex offenders.

The Parliament's role is to show leadership and direction by legislating to improve the current arrangements and by providing policy direction. However, we need to ensure that the authorities play their part. We on the Labour benches—and I think we should all be united—want to inject some sheer doggedness and ensure that the authorities deliver on the recommendations and the other policy objectives on the issue.

Our motion also mentions the importance of retaining DNA samples in both the detection and prevention of crimes of a sexual nature. The cabinet secretary has often acknowledged that, in developing policy, it is important to listen to our police authorities throughout Scotland. I say to him that the Association of Chief Police Officers in Scotland and almost every police authority support the retention of DNA samples and the position in England and Wales. I challenge him to acknowledge and accept that and take it forward.

**Gil Paterson (West of Scotland) (SNP):** Will the member take an intervention on that point?

**Paul Martin:** In a moment.

Our manifesto made it clear that we support the position in England and Wales. We should retain the DNA and fingerprints of all crime suspects to help convict the guilty and acquit the innocent. Whether or not members agree with them, we have made proposals that we believe will make our communities safer. I ask the Scottish National Party to do likewise. We are willing to take tough and controversial decisions rather than simply sit on the sidelines. I am less than clear about the SNP's position. It claims to want a debate on the matter, but it has given the inquiry that it launched a narrow remit. If the SNP wants to have a genuine debate, we are happy to participate in one.

**Gil Paterson:** I do not think that anybody here does not agree with the proposal to retain DNA samples of criminals, particularly sex offenders—we are united on that front. However, I think that the retention of DNA samples of innocent people is a step too far.

**Paul Martin:** There have been many well-publicised and tragic cases in England, and I will make the figures clear to Gil Paterson. The DNA database has produced matches that have allowed us to prosecute 452 homicides, 644 rapes, 222 other sex offences and 18 other violent offences. All those prosecutions came about as a result of the law in England and Wales. For me, that is sufficient evidence that we should do likewise in Scotland.

Many members will want to debate the proposal

for a compulsory DNA database. The Scottish Labour Party is not entirely persuaded by the argument for a compulsory database. We believe that much more evidence would be required before such a database could be set up. If I were asked whether I saw it as my civic duty to provide a DNA sample—as many others have done in past cases—I would say yes and I would do so. Nevertheless, I recognise that some serious arguments would have to be made in favour of the proposal.

Four community disclosure pilot schemes have been launched in England and Wales. Last week, I asked the First Minister to produce similar proposals and to accept that we should at least consider best practice in England and Wales. There is evidence to suggest that such pilot schemes should be introduced in Scotland.

I have met Margaret Ann Cummings, who tragically lost her son as a result of the actions of a sex offender, Stuart Leggate. I want to look Margaret Ann Cummings in the eye after we implement the sub-committee's 33 recommendations and tell her that I—along with the Scottish Labour Party and, I hope, other parties—did everything possible to minimise the risk to children and adults from registered sex offenders in Scotland.

I move,

That the Parliament recognises the importance of making further progress on the 33 recommendations published by the Justice 2 Sub-committee on 15 December 2006 in connection with the management of registered sex offenders; believes that ensuring public safety is paramount in the management of registered sex offenders; further recognises the crucial role that the retention of DNA samples and fingerprints of all crime suspects has played in England and Wales in detecting sex offenders; acknowledges the value of the pilot schemes in England and Wales that will allow parents to ask police authorities whether a named individual such as a carer or a new partner has previously been placed on the sex offenders register, and calls on the Scottish Government to bring a statement to the Parliament on the implementation of the Justice 2 Sub-committee's report J2SC/S2/06/R1.

10:37

**The Cabinet Secretary for Justice (Kenny MacAskill):** I thank Mr Martin for the manner in which he has presented his comments. Clearly, they pertain to matters on which we are unified in the chamber, as the protection of our children is paramount to any civilised society. There are, doubtless, matters on which we disagree; nevertheless, I welcome the fact that more unites us than divides us on the issue. We should focus on that, and I welcome the opportunity to restate the Government's commitment to public protection and tackling those who present a danger to our children.

Last June, Parliament debated the Government's approach to the protection of the public from sex offending, and there was clear consensus in the chamber around the robust approach that we set out at that time. As members know, sex offending is one of the most difficult and sensitive issues that Governments anywhere must tackle. Paul Martin referred to the work of the Justice 2 Sub-Committee, and I can confirm that I will write shortly to the convener of the Justice Committee to report on the substantial progress that has been made. Our current assessment is that a significant number of the 33 recommendations have either been delivered in full or are very near to being implemented. Mr Martin and the rest of the chamber can be assured that we are committed to full delivery.

We are benefiting greatly from the sub-committee's in-depth research and the wide-ranging discussions that it had with all parts of the criminal justice system and beyond—it took evidence from other jurisdictions—which informed its final report. The recommendations are far reaching and can be closely linked to earlier reviews such as the reports by Lady Cosgrove, Lord MacLean and Professor Irving. Taken together, they have enabled us to develop a comprehensive sex offender strategy that is unique to Scotland.

However, we are not complacent. Society changes and the way in which people who are sexual predators operate also varies; therefore, the Scottish Government is determined to build on that strong foundation and to react swiftly if circumstances change. For example, we will further tighten the sex offenders register to require more household and social data to be collected from registered sex offenders, including e-mail addresses—because of the world in which we live—and whether they live in the same household as a child.

We are implementing the sub-committee's recommendation on a public information strategy, which will include information on disclosure and set out the measures that are in place to keep our communities safe from sex offenders. We have made it clear that those who seek to shirk their responsibilities as registered sex offenders will not be allowed to hide themselves with impunity, but will be sought, exposed and detained if need be.

Paul Martin has raised the issue of community disclosure today and previously. Community disclosure was carefully considered by all the expert groups that have helped to build the robust public protection framework that we now have in place. Indeed, Jackie Baillie, who was the convener of the Justice 2 Sub-Committee, will be well aware that the committee welcomed the approach that we and ACPOS are now taking—

namely, the development of a robust system of warnings to be used by the police when sex offenders fail to comply with their notification requirements or with the reasonable directions of the police or other supervising authorities in relation to their behaviour or activities. The new warning system has been developed with the police and forms part of a comprehensive standard operating procedures manual that was approved by ACPOS on 20 April 2007. That both strengthens protection for the public and places the onus—correctly—on sex offenders to abide by the law and any police warnings about their activities or face losing their anonymity.

I note Paul Martin's support for the community disclosure pilot schemes that the Home Office will progress in four English police areas. We will follow with interest the results of those pilot schemes and their subsequent evaluations. We are particularly interested in the impact of the pilot schemes on offenders' compliance with their notification requirements and, to be fair, any incidents of vigilantism. It is vital that the arrangements mesh with other elements of the management of sex offenders and

"balance 'the very real fear of parents and the wider communities for their children' against concerns that have been raised, including the possibility that such a move could drive dangerous offenders underground."

So said Cathy Jamieson, my predecessor, in November 2006.

The implementation of the pilot schemes will be challenging. To ensure that every issue is fully explored, the Home Office has established a steering group, chaired by Vernon Coaker, the Parliamentary Under-Secretary of State for Crime Reduction, to assist with the setting up, running and evaluation of the pilot schemes. Scottish Government officials are part of the steering group and are keeping me in close touch with developments.

While that work is on-going, it is important that there is no suggestion that the Scottish approach to public protection is in any way less robust. We are committed to implementing the Justice 2 Sub-Committee's recommendations. We also have in place the strengthened multi-agency public protection arrangements, which were introduced in September 2006 and have been operating in all areas of Scotland since April 2007. The First Minister has made it clear that we will monitor closely how the new, strengthened Scottish system beds in and that we will always look to address any gaps that become apparent.

Paul Martin referred to the retention of DNA samples. In the detection and prosecution of child sex offenders, forensic material can provide an important tool. Advances in forensic science, particularly in DNA analysis, are enabling it to

make an ever-more powerful contribution. We expect the Scottish Police Services Authority, as the core provider of forensic services for our police forces, to continue to provide quick and accurate analysis of samples that are taken from victims and crime scenes and to identify whether they match the profiles of known individuals who are on the database.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** Will the cabinet secretary address the point about the retention of DNA samples? As he is aware, I have supported that measure. I listened to him on the wireless earlier this week, responding to a request from people in the football sector to allow the sale of alcohol at football grounds. He said, rightly, that he would listen to the advice of senior police officers. Why does he not take the advice of senior police officers with regard to DNA sample retention?

**Kenny MacAskill:** I listen to a lot of people, and I will shortly say who I am listening to. I regularly meet senior police officers, and we believe that we have to strike a balance. I am struck by the comment that, in Scotland, we currently have "a sensible balance"—that comment came not from chief police officers, but from Cathy Jamieson, my predecessor and the deputy leader of the Scottish Labour Party. She believed that in January 2007 and I believe that now. That is the balance that the Government has struck.

We do not believe that it would be right to copy the regime that is now in place in England. As a matter of principle, we do not believe that a person's DNA should be retained indefinitely by the police if they have never been convicted of an offence, unless there is a good reason. That is not just our view; it is also the view of the Nuffield Council on Bioethics. Having said that, the Scottish Government is keen to see what more can be done. I have met Paul Martin and Margaret Curran, and we have sought a review through Professor Fraser. We will be happy to look at Professor Fraser's recommendations, because we have to get the balance right.

I hope that all I have said is helpful and that it reassures Parliament that the Scottish Government remains committed to protecting our children from sex offenders.

I move amendment S3M-1432.1, to leave out from "the crucial role" to end and insert:

"that appropriate utilisation of DNA samples and fingerprints can play an important role in identifying offenders but that it is vital to strike the right balance between prosecuting criminals and protecting the innocent and notes the review that the Scottish Government has commissioned from Professor James Fraser; recognises the extensive powers already available to the police in monitoring sex offenders and ensuring public safety, and notes the Scottish Government's liaison with the Home Office as disclosure pilots progress in four English police

areas and the Scottish Government's proposal to monitor the outcomes of these pilots to determine what lessons there might be for Scotland, and welcomes the Scottish Government's proposal to write to the Convener of the Scottish Parliament's Justice Committee to report progress on each of the 33 recommendations made by the Justice 2 Sub-committee report J2SC/S2/06/R1."

**The Deputy Presiding Officer:** I remind back benchers that their speeches will be five minutes long and not six.

10:45

**Bill Aitken (Glasgow) (Con):** As has been said this morning, not a lot separates the parties in such an important debate. To state the obvious, every one of us finds this sort of offence abhorrent and repellent. We have to move on from there to consider the nature of the offender.

Sex offenders, particularly those who prey on children, are devious, cunning and predatory. We know that. We also know that they have the capacity to reoffend. Indeed, the nature of some of the crimes is such that the offenders should not present a problem in our society for the simple reason that they should not and, in many cases, cannot, be released. However, we must recognise that many sex offenders are released into the community, and it is our clear duty to minimise the risks.

I listened carefully to Paul Martin, who has shown great interest in this issue; given the tragic case in his constituency, that is understandable. I pay tribute to his work in the area, and I agree with much of what he said.

First, we must look at the way in which sex offenders are monitored and we must ensure that the various agencies that get involved with such prisoners on their release—housing, social work, the police and so on—take a much more joined-up approach. I have yet to be convinced that we have got that right; more work should be done on that.

Secondly, we must ensure that the existing sex offenders registration legislation works. Last year, there was a case—I cannot name it, because of outstanding matters—in which the legislation clearly did not work. I am pleased to say that the Scottish Government, following discussion, moved in the right direction by naming and shaming those who had disappeared from the registration system so that those who might be living near them would be able to identify them by means of a website and report them to the appropriate authorities. That is progress.

However, we should use some of the technology with which we are all familiar to a greater extent than we do. Global positioning system tracking and lie detector equipment should be used when such people have disappeared. If they go off the

radar for a while, we want to know where they have been and what they have been doing. I know that the Home Office has carried out some projects and tests in that area; we await the results and hope to see them in early course. If such technology is successful, we should not hesitate to implement it.

**Margaret Smith (Edinburgh West) (LD):** Bill Aitken and I are alike in the sense that neither of us is particularly well acquainted with technology, so I will speak carefully. Does he accept that satellite tracking appears to have some limits and that the systems that are in place at the moment would probably not be able to cope to the extent that he might like?

**Bill Aitken:** The technophobe in me recognises that there are difficulties, but things move on. We should wait and see the results of improved technology. I accept that there are difficulties, but we ought to wait and see how things pan out in the longer term.

One of Mr Martin's other proposals relates to the use and retention of DNA samples, about which I have serious reservations. One side might argue that any method that will enable people to be caught and dealt with is a good thing. The other side is the privacy issue. Although I am open to listening to the arguments, I cannot be convinced that the loss of privacy and all the dangers that that would entail could result in the greater benefit.

Implementation of the so-called Megan's law and Sarah's law would cause another difficulty. Again, I understand the arguments, but I cannot accept that such legislation would not present a real danger that sex offenders would go underground. That is why I lodged my amendment.

I move amendment S3M-1432.1.2, to insert after "Scotland":

"believes that the monitoring of sex offenders could be made more effective by means of satellite tracking and the use of lie detector tests where an offender has breached the terms of their registration requirement and has effectively been out of contact for a period".

10:50

**Mike Pringle (Edinburgh South) (LD):** It is not yet a year since we last debated this emotive issue in the chamber. However, as disturbing figures that were released during the past few days detailing widespread rises in sex-related offences in Scotland have shown, we are clearly not making the required progress in tackling the issue. More can be done to protect the public, particularly children and vulnerable others, from sexual exploitation and sexually predatory behaviour. That was acknowledged, at least



partially, by the Cabinet Secretary for Justice in *The Scotsman* earlier this week.

As the Labour motion points out, in December 2006 the Justice 2 Sub-Committee made 33 recommendations for the management of convicted sex offenders. Those guidelines are thorough and persuasive, and they represent an excellent starting point for any future bill. The recommendations address the frailties in the supervision process for registered sex offenders by advocating a formal warning system to trigger increased supervision and control of an offender should they behave inappropriately, as well as placing stricter legal conditions on offenders in the community. Another highlight was the recommendation that more resources should be made available for the development and delivery of intervention programmes to reduce the potential risk that sex offenders pose. I would welcome any statement from the Government on the implementation of those recommendations.

Several other measures deserve due consideration. I will examine the circles of accountability scheme in more detail later, but for the moment I will focus on current deficiencies in the law. The police have no power to apply for the extension of a period of registration for a sex offender, so as the law stands, an offender could still be considered a risk but might no longer be monitored by the authorities. That must be addressed. Likewise, if warning and intervention schemes are to be successful, far swifter procedures for the securing of police warrants must be implemented. However, any such reforms must be tempered by due consideration for civil liberties. It would be a great yet terrible irony if, in attempting to protect the people of Scotland by law, the legislature effectively criminalised innocent members of the community. The key, as ever, is balance.

Some in the chamber might want to see the introduction of the so-called Megan's law, to which Bill Aitken referred. The concept of Megan's law is a step too far. The indiscriminate public naming of offenders could drive them underground and open the door to possible vigilante action. That is not to mention the problematic relationship that any such legislation would have in encountering the current law. Important questions would have to be asked about the risks of double jeopardy, because if offenders were named they would, in effect, be punished twice for the same crime.

I urge caution over the issue of DNA retention. Any proposal for the indiscriminate retention of the DNA of all criminal suspects is a step too far. If someone commits a criminal offence, it is right that they should be punished thoroughly and, depending on the nature of the crime, supervised to ensure that they do not reoffend. However, it is

ridiculous to propose that the innocent, or someone who has been only accused of or implicated in a crime, should be supervised to the same extent, as would happen under Labour's proposals for DNA retention. The individual's rights against the state form one of the core principles on which Scottish society is built and the Parliament cannot allow them to be compromised.

I have spoken in the Parliament previously about the circles of support programme, which was first developed in Canada and which would address some of Bill Aitken's concerns about sex offenders. A circle of support—sometimes called a circle of friends—is a group of people who meet regularly to help somebody encompass their personal goals in life. Members of the circle, who are usually unpaid, might include family members, friends and other community members. A properly facilitated circle is empowering to all the individuals involved and, unlike many service systems, does not reinforce dependency. Circles of support and accountability work with sex offenders to attempt to help them avoid further offending.

As I have said, the idea began in Canada in 1994. In the United Kingdom, it has been championed by the Quaker community and its crime and community justice committee. Last year it was highlighted by the Justice 2 Sub-Committee, which was set up to investigate and report on the issues surrounding sex offending, including circles of support. The scheme has been on-going in Hampshire and Thames valley for the past four years. In the first three years—2002 to 2005—the Thames valley group worked with 20 high-risk sex offenders. So far, expected rates of recidivism among that group of offenders have been reduced; only three men, none of whom had committed a further sexual offence, were recalled. That figure is similar to those of the Canadian circles, evaluated over a 10-year period. Does the cabinet secretary have any new information on circles of support? Is the Government willing to have a trial of the scheme in Scotland?

This is an important debate. I am glad that the Labour Party has given us a second opportunity to discuss the issue. We will support the SNP amendment, as well as our amendment in the name of Margaret Smith.

I move amendment S3M-1432.1.1, to insert after "Professor James Fraser;":

"rejects the blanket retention of DNA samples and fingerprints;".

10:56

**Helen Eadie (Dunfermline East) (Lab):** I am grateful to have the chance to contribute to this important debate. Sex offences are sickening and

horrific crimes. First and foremost, those who are convicted of such serious crimes deserve punishment in prison for a very long time. Over the past few years, there has been much more recognition than ever before of the fact that dangerous sex offenders need supervision beyond the sentences that they serve following their criminal wrongdoing, after they have been found out and convicted of sex offences.

We have done much that is aimed at focusing supervision to reduce the serious potential harm that such individuals can cause later in their lives, as after their conviction they may go on to commit further offences. Under Labour, Scotland had a raft of new police powers, more stringent conditions for offenders and further investment to enable the police to share intelligence on sexual and violent offenders throughout the UK. A formal police warning system for sex offenders was introduced.

I will focus on the use of 21<sup>st</sup> century technology. I disagree with both Gil Paterson and the amendment in Margaret Smith's name on the issue of DNA retention. The use of forensic DNA to solve crimes is proving to be revolutionary for law enforcement. Forensic DNA work is an extraordinary tool for investigators, because it presents a myriad of possibilities in the investigation of cases. It works in a way that helps to convict the guilty and to exonerate the innocent. It can link the same suspect to multiple crime scenes or rule him out. It can help police to determine whether one or more suspects were involved in a crime. It can be used to solve very old cases and can be stored and consulted in a way that permits the rapid linking of cases and identification of suspects. At national level, random checks can lead to so-called cold hits, linking a person to a crime when he was not even under investigation.

It is no wonder that more and more police forces are using DNA at national level to help them solve crimes. More than 50 countries already maintain national DNA databases. The number will continue to increase, until one day all countries will use DNA as part of their standard operating procedure in the investigation of crimes. However, the Labour Party is sensitive to legitimate policy concerns about what kind of DNA information should be shared internationally, in what context and under what conditions. We are intensely interested in the court case that is currently taking place in Brussels.

Like Bill Aitken, I believe that new technology, especially for information sharing, is helping us. The ability to share information is important. Criminal justice agencies appreciate the significance of compiling and—even more important—sharing information about violent and

sex offenders. The Bichard inquiry into the handling of Ian Huntley in the Soham murders case gave added impetus to the need for criminal justice agencies, especially the police, to be able to share information.

The media have helped the public to become aware of the threats to children. "Panorama", Channel 5 and the *Daily Mirror* have identified many examples that give every family in the land major cause for concern. A crime correspondent discovered an area of "Second Life" called Wonderland, in which child-like characters sold sex for Linden dollars, the currency that is used in the game. The name of the environment is a sick reference to the Wonderland gang, a notorious group of child abusers. There were virtual children of all ages, who were exposed to many sordid sexual acts. We need to keep a close eye on information technology, including the gaming side of it. I hope that the cabinet secretary will address that issue when he winds up.

I am interested in the Tory amendment. All MSPs have been lobbied by the charity Barnardo's, which is calling on the Government to use lie detector tests and satellite tracking to monitor sex offenders. We will observe developments in that area with interest.

Speaking in the House of Commons at the end of last year, my colleague Jimmy Hood raised a number of serious and interesting issues. He suggested that, if the controls for sex offenders in Scotland are not the same as those in the rest of the UK, Scotland could become a refuge and hiding place for sex offenders fleeing tougher controls in England and Wales. The last thing that we should do is make Scotland a soft option for paedophiles. I understand that Scotland plans to include violent and dangerous offenders in multi-agency public protection arrangements only in about 18 months' time. I hope that that is not the case and that the cabinet secretary will address the issue with real urgency. If paedophiles think that it is more likely that an eye will be kept on them in England than in Scotland, there may be some temptation for them to move north of the border, for all the wrong reasons.

11:01

**Christina McKelvie (Central Scotland) (SNP):**

I am grateful to have the opportunity to contribute to today's debate. My professional background is in social work. Although it has been some time since I was involved in an active case, I retain a strong interest in the area.

I have taken some time to consider the report that is mentioned in the motion and what the SNP Government has done so far. It is only fair that I make clear that the issues of DNA retention and

fingerprinting that are referred to in the motion were not addressed in the Justice 2 Sub-Committee's report. The report made some reference to police officers' powers to require DNA samples and to the improved requirement for convicted persons to provide a DNA sample. I am sure that no member opposes the proper and appropriate use of those powers. However, we must be clear about the fact that the report contained no recommendations on the retention of DNA samples and no reference at all to fingerprinting. Nor should it have—such considerations were not within the sub-committee's remit.

I understand that Paul Martin has worked hard with the family of Mark Cummings and that he wants to see a result for his constituent. His concerns have been demonstrated clearly on a number of occasions, and I hope that he will take my comments constructively. In an emotive debate such as the wider one of which this parliamentary debate is part, it is important that the subject matter is observed carefully and that at least some attempt is made to engage with it dispassionately, although I understand that that is difficult.

On 7 June last year, the Cabinet Secretary for Justice indicated that he intended to build on the good work and recommendations of the Justice 2 Sub-Committee. As he pointed out at the time—he has done so again this morning—the problem lies with a small group of offenders. It is those offenders who should be targeted to improve the safety of children in Scotland.

I cannot agree that the maintenance of a database that includes many who are innocent would offer any protection to Scottish children. Four out of every five cases of sexual abuse of children that come to light occur within the family unit, with abuse perpetrated by either family members or family friends. Finding the appropriate means of protecting those children is rather more complicated than maintaining a database. The issue is more likely to fall on the shoulders of social work than on those of the police. Such protection cases slot into the child protection system and should focus on what is best for the children concerned. It is important that the focus should be on child protection.

For all Scotland's children, it is important that we seek to ensure that, so far as is possible, predatory individuals cannot prey upon them. However, as the cabinet secretary said and as Cathy Jamieson rightly pointed out when she was Minister for Justice, there is a balance to be struck. We must ensure child protection, but also maintain its reasonableness in the eyes of the people of Scotland.

In addition, we must take into consideration the fact that events elsewhere may overtake our

debate. Yesterday, the civil liberties point that is at stake in this debate was tested in the European Court of Human Rights. Two gentlemen from Sheffield challenged the right of the state to hold their fingerprints and DNA after they had been acquitted, in one case, and their case discontinued, in the other. They contend that, as people without convictions who are no longer suspected criminals, they should be treated in exactly the same way as the rest of the population. The judgment in the case of *S and Michael Marper v the United Kingdom* may make this a moot debate.

**Paul Martin:** Will the member give way?

**Christina McKelvie:** I am about to finish.

I urge Paul Martin and the rest of the Labour Party to come back on board the cross-party consensus on sex crimes and to work with the Government to deliver a safer Scotland. I appreciate that much has been done since 1999. Much remains to be done, but Scotland will be better served if we take forward the issue on a consensual and cross-party basis. I would like to think that we can find an appropriate and effective way of ensuring the protection of Scotland's children, without losing the support of the people of this country.

11:05

**Claire Baker (Mid Scotland and Fife) (Lab):**

Sex offences against children are among the worst crimes in our society. There is agreement in Parliament that we must do all that we can do to prevent such crimes in a reasonable and measured way.

At the same time, we must avoid feeding the fears of parents. We must recognise that, thankfully, sex offences against children are rare, although the new technologies that Helen Eadie mentioned present us with new challenges. Equally, we must remember that 80 per cent of reported sex crimes against children are perpetrated by friends and family members. Stranger danger exists, but by no means is it the source of the majority of such crimes against children. We need to keep in perspective where the risk to children lies and do what we can to reduce that risk. In focusing on sex offenders in the community, we must not forget the violence and abuse that are experienced by some children in the home.

The previous Scottish Executive took many steps forward in child protection. The Justice 2 Sub-Committee report came at an opportune time for reviewing progress and looking to the future. Of the report's 33 recommendations, we know that 16 have been implemented and that the Scottish Government is working to implement the

remainder. I share the concerns that Paul Martin mentioned in his opening speech, but I welcome the cabinet secretary's announcement—which I believe is prompted by today's debate—that the Government will report to the Justice Committee. I am confident that the cabinet secretary will not only provide information on what recommendations have been implemented, but detail what plans exist for taking forward the remaining recommendations.

Over the past 10 years or so, we have had a series of changes to the legislative framework to protect children from sex offenders. We all recognise that it is impossible to reduce the risk of such offending to zero but, while acknowledging the significant progress that has been made on issues such as information sharing, the sub-committee's report also identified weaknesses in the system. I seek an assurance that we will continue to address those issues, particularly those on which we could provide greater reassurance to parents.

It is crucial that the approaches that are taken to management of sex offenders, including notification arrangements, are co-ordinated across United Kingdom jurisdictions. The ability to move around the UK is exploited by sex offenders, in particular by those who have not been identified and are not on the register but are committing offences. There can be no weak links in the protection systems that we have in the UK. It would be helpful to consider whether we can learn from the decisions that have been taken in England and Wales to improve management of sex offenders.

The media's focus in the debate has been on DNA retention. DNA can help to identify offenders quickly and, crucially, it can help to identify those who are guilty of offences before they go on to reoffend in what might be a more serious manner. We know that many of the sex offenders who have perpetrated some of the most serious crimes in the UK exhibited earlier behaviour that could have been used as a pointer to their future crimes. DNA retention is a huge breakthrough that we must utilise as far as possible. Clearly, we must do that without violating rights to privacy and without discriminating against particular sections of society. On collection of DNA, I know that there are arguments in both directions, but I believe that it is our duty to reflect on whether, in the light of the DNA collection regime in England and Wales, we have the best system in Scotland for meeting the challenges that we face.

**Kenny MacAskill:** Is the member aware that 40 per cent of young black men south of the border are on the DNA register? Given what she has said, does that give her cause for concern?

**Claire Baker:** I am aware of those figures. As I said, we need to be careful. We need to analyse

the figures. If particular sections of society are being targeted, we must take that into consideration. However, my argument is that Scotland should also reflect on the positive aspects of the system that is currently in operation in England and Wales. We need to consider whether we are in the right place in the spectrum in comparing where we are with the position in England and Wales.

A key issue for the public and parents—

**The Deputy Presiding Officer (Alasdair Morgan):** You have one minute.

**Claire Baker:** I will need to skip that bit, so I will move on.

Management of sex offenders in the community presents the issue of disclosure. The cabinet secretary has stated that he is willing to learn from the pilots in England and Wales, which, in very limited cases, extend third-party disclosure to parents who request information about a partner's or carer's status on the sex offenders register. That may be a way of further managing the risks that some children face in their own homes when new members join the family unit—an issue that I mentioned at the start of my speech. The cabinet secretary seems to be keen to wait until the pilots finish—which I understand may not be for two or three years—before judging whether such a move would be appropriate for Scotland. There is an argument that we should try to learn from the pilots before then.

The recommendation on resources must be addressed. Monitoring of offenders should be intensive and sustained. There are strong arguments for the extension of agency involvement in terms of timescales. Parents and communities must be assured that the system is robust and rigorous and that Parliament will work with and support others to do everything possible to protect children.

11:10

**Ian McKee (Lothians) (SNP):** Protection of children is a top priority for my party, as is evidenced by our willingness to work with other parties on the issue. However, we must not let that determination lead to policies and actions that are not firmly evidence based. Emotionally upsetting—indeed, revolting—though it may be to all right-thinking people to contemplate sexual advances towards innocent children, we owe it to those children and to children who may be at risk in the future to make the right decisions with a clear head as well as with an angry heart.

Although we like to think of the paedophilic sex offender as a stranger—the proverbial man in the dirty mac who hangs around children's

playgrounds—the reality is very different. As Christina McKelvie and Claire Baker said, it is estimated that 80 per cent of known sex offences against children are committed by members of their own families or friends of their families. Indeed, although we tell children not to talk to strangers, the sad fact is that a stranger is far less likely to be a threat than is a father, uncle or brother or the neighbour who baby-sits. Paradoxically, we might be better to advise children to confide in strangers if we acknowledge what the statistics tell us. As Claire Baker said, domestic abuse rightly deserves more attention.

In considering the motion against that background, an imbalance immediately presents itself. If it is true, as it is, that the vast amount of sex abuse of children is perpetrated by people in their immediate circle of relatives and friends, the infringement of civil liberties that is involved in retaining DNA material from a wide range of individuals—most of whom have not the remotest connection with sex offences—would be grossly disproportionate. I point out that at least two members of Parliament have been suspected of a criminal offence in the recent past. Should their data therefore be included on a sex offenders database? That is why I cannot support the motion in the name of Paul Martin.

Is my attitude open to the charge that I am being soft on sex offenders? Definitely not. Of course we must retain the DNA of convicted sex offenders for a long time—perhaps for ever.

**Paul Martin:** On infringement of civil liberties, does the member accept that the law lords ruling, on a four-to-one majority, acknowledged that no such infringement was involved?

**Ian McKee:** I am afraid that I do not agree with every ruling of the law lords. In this country, far too many of our civil liberties have been taken away and we have not done enough to protest about that.

Special attention must be paid to known sex offenders whose behaviour causes concern. For example, if they are seen hanging around schools or swimming pools where children congregate, key organisations in the area could be warned about the nature of the concern. I support the key recommendations in Professor George Irving's report of 2005, such as giving the police powers to enter sex offenders' homes to monitor their activities, and extending the range of information that registered offenders are required to provide about themselves.

I also support the fact that Scotland's eight police forces introduced into their standing procedures last year a new warning system for sex offenders who enter their area. I welcome their new ability to track sex offenders online by

publishing photographs of high-risk child sex offenders on the Crimestoppers most-wanted list.

There is even a case for introducing a version of Megan's law—a provision that was signed into US law by President Clinton in 1997—whereby we would require compulsory community notification of sex offenders who move to a new district. However, the evidence for the law's effectiveness is mixed. Further study is needed before such a radical measure is introduced here.

Some will say that any measure is worth while if it saves one child from abuse or even death. However, we could easily save thousands of children from injury and death if we gave up the motor car, but no one seriously suggests such a measure. Every decision in life is subject to proportionality; the motion in the name of Paul Martin would overstep the limit slightly. For that reason, I ask members to support the amendment in the name of Kenny MacAskill.

**The Deputy Presiding Officer:** Nigel Don—two minutes only.

11:14

**Nigel Don (North East Scotland) (SNP):** My speech will have to be very short. I hope that what I say is entirely accurate, because I have no desire to mislead Parliament, bearing in mind what was said earlier.

I will consider briefly how DNA is tested and what that tells us, which is the important bit. We all recognise that it is something to do with biochemistry, and one does not have to be a technophobe to want to run away from that. As far as I can see, our DNA sequence is a very, very long number, 90-something per cent of which is exactly the same for us—because we are human—and for the apes, which share the same origins.

As I understand it, the test looks at five areas in that sequence where we know that the changes between us show up. The clever bit—the reason why the test works—is that it looks at those areas of the sequence where little bits of code repeat: in other words, where the same telephone number appears over and over. That is what enables DNA analysis to distinguish between people.

My understanding is that if one has a good sample A and a good sample B and one gets a match, the chance of sample B coming from another member of the population is about one in a thousand million. That is probably enough to distinguish most of us clearly and to provide convincing evidence. However, members will appreciate that if the sample is not complete, that statistic rapidly declines.

The fact that the person who is most likely to have the same DNA match as me is my brother causes a problem, given what we know about who sex offenders are most likely to be. If that person happens to be an identical twin, they should have the same DNA and if there is any incestuous tendency further back in the population, it is apparent that the possibility of identifying someone disappears. In other words, DNA has limited applicability, although it does provide a pointer.

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

11:16

**Margaret Smith (Edinburgh West) (LD):** For the most part, the debate has been consensual and interesting. The management of sex offenders is a difficult and complex issue. As parents and as human beings, we have an overwhelming sense of horror at the depravity of paedophiles who prey on children. However, as Bill Aitken and Ian McKee said, as legislators, we must go beyond that and accept that a balance must be struck between the protection of children and the delivery of a system that deals with those offenders in a way that encourages them to address their behaviour, to work with agencies, to remain visible to the authorities and to respond, when possible, to rehabilitation efforts.

We must ensure that the processes that we have in place for registering, monitoring and housing sex offenders are as effective as possible. Many speakers, including Christina McKelvie and Claire Baker, rightly said that the majority of children who are subjected to sexual abuse suffer it at the hands of family members or other people they should be able to trust. We must never lose sight of the fact that it is in their own homes that children are most at risk. Although stranger danger cannot be ignored, it must be set in context. In an enthralling speech, in which even he found some of the subject matter challenging, Nigel Don hinted at some of the difficulties that arise when one relies on DNA evidence in cases involving family relationships.

That is one reason why I think, as many members who spoke do, that we must be wary of the Megan's law approach, which involves the wholesale naming and shaming of sex offenders. Such an approach runs the risk not only of driving offenders underground, where they are surely more, rather than less, likely to reoffend, but of lulling people into a false sense of security. Sadly, it is not the case that just because parents know where a few known paedophiles live, that will provide enough protection for their children.

Many members have rightly acknowledged the work that the present Government, the previous

Executive and the Parliament have done in this important area: we have made a great deal of progress in the past few years. The cabinet secretary was right to say that we have built on the Cosgrove, MacLean and Irving reports. We have tightened the granting of bail for sex offenders and abolished automatic early release for sex offenders who are sentenced to between six months and four years in prison. We now allow chief constables to apply to the sheriff for a risk of sexual harm order to restrict the activities of people who are believed to pose a risk of causing sexual harm to children, even if they have not been convicted. We have also created an offence of grooming children.

It is right that we have spent a considerable amount of time supporting efforts to protect our children, and the Liberal Democrats remain ready to consider any further legislative or non-legislative changes that would help to provide greater protection for them. As Mike Pringle said, we suggested that the police should be given the power to extend a sex offender's registration period.

Such matters must be kept under constant review, but important measures such as the national accommodation strategy for sex offenders and the MAPPAs, which came into effect only last year, probably need time to bed in. It is essential that we constantly evaluate what is working and what is not working, and that the necessary resources are in place. We are not talking about a cheap option—protection of our children must be properly resourced.

The motion rightly refers to the 33 recommendations of the Justice 2 Sub-Committee's report on sex offenders, all but one of which were unanimous. We welcome the progress that has been made so far. The recommendations covered a large number of issues. I welcome the cabinet secretary's willingness to write to the Justice Committee to detail the progress that has been made but, as a member of that committee, I also hope that he will come before us to discuss the matter.

The motion refers to the pilot schemes in England and Wales that will allow parents to ask the police whether a named individual has previously been placed on the sex offenders register. We welcome liaison between the Scottish Government and Westminster on that issue and will be happy to examine the results of those schemes. Disparity in the approaches that are adopted in different parts of the UK is not necessarily a good thing because, as Claire Baker said, paedophiles will exploit it.

In line with Professor Irving's recommendation, we strengthened the operation of the notification scheme in Scotland. Decisions about disclosure

are considered in relation to risk. The police have the power to notify a community if an offender absconds, and they make use of it. That power has an important deterrent effect because offenders know that if they abscond, they will be named and shamed. It is worth comparing the number of sex offenders in Scotland who we know have gone underground with the equivalent figures for states in the United States in which a Megan's law operates.

My amendment deals with the retention of DNA, the arguments on which have been well rehearsed.

**The Deputy Presiding Officer:** The member must conclude.

**Margaret Smith:** The Omagh bombing case shows that DNA does not always provide the answer.

11:22

**Elizabeth Smith (Mid Scotland and Fife) (Con):** All the speeches in the debate have made it abundantly clear that Parliament recognises that the first duty of any society is to protect its public, most especially its vulnerable groups, which include young children.

Sex offenders present a very real danger to children for the obvious reasons that many members have spelled out. The recent high-profile cases serve only to fuel the fear. When sex offenders are released from prison or from hospital and are, quite rightly, carefully monitored and supervised, that process must be as effective as possible in order to secure public trust in the system, and the safety of the community. If the public is to have that trust, it is crucial that, collectively, Parliament demonstrates the same strength in campaigning that Paul Martin has demonstrated.

As Helen Eadie and Bill Aitken made clear, we must not be afraid to embrace the technology that helps us to protect the most vulnerable groups in our communities, although we must pay heed to some of the constraints that Margaret Smith mentioned. All eight of Scotland's police forces are now able to publish photographs of high-risk child sex offenders on the internationally-recognised Child Exploitation and Online Protection Centre's most-wanted website. Co-operation is crucial if we are to make progress. The formal contract, which involves agreement between the Crown Office, ACPOS, the CEOPC and Crimestoppers, makes it clear that, in certain situations, the photographs of certain offenders, including high-risk child sex offenders who have failed to comply with the requirements of the sex offenders register, can be published, once there has been careful consideration of the legal implications and, in

particular, of the potential prejudice to any future criminal proceedings.

It is interesting that Labour has inserted into its motion reference to the retention of the DNA samples "of all crime suspects", even when those suspects might not have been charged or found guilty. That is interesting because of the appeal that is going through the European Court of Human Rights, which might mean that the UK Parliament will have to change the Police and Justice Act 2006, which in turn will mean the destruction of tens of thousands of DNA samples. The Conservatives are not comfortable with the idea of innocent people having their DNA held by the state.

We were concerned last year, when the Westminster Government was toying with the idea of introducing much wider powers of disclosure in relation to sex offenders, which would have amounted to the adoption of an American-style Megan's law. We are happier now that the plans seem to be more limited.

This month, the Home Office has announced plans for pilot schemes that will allow parents or guardians to check whether someone with whom they have a personal relationship has any previous convictions for child sex offences. However, we continue to harbour concerns about whether the introduction of the Sarah's law pilot projects might push sex offenders underground, thereby putting children more at risk instead of making them safer.

**Paul Martin:** Whether the member is for or against disclosure, the point at issue is that the judicial process is a public one. When a sex offender is placed on the register, they are identified. The process is public, even prior to any disclosure.

**Elizabeth Smith:** I absolutely accept that, but safeguards have to be put in place to ensure public confidence in the system.

We believe that the names and photographs of sex offenders who have broken their registration requirements should be published when it is believed that doing so is in the best interests of public safety. We want technology to be used, particularly global positioning system tracking so that all those whom the court or Risk Management Authority deems to be a flight risk can be tracked. Once caught, the offender should be required to undergo mandatory polygraph testing and the extended use of GPS tracking should then track and monitor their movements.

The Conservatives welcome the U-turn on the idea of a United States-style Megan's law. We also welcome the Government's commitment to allow Parliament to examine in great detail the new proposals. We need to ensure that answers

are given to the serious questions in respect of how to put in place the necessary safeguards. On this issue, public confidence is absolutely paramount. We support the motion.

11:26

**Kenny MacAskill:** The debate has been useful. It has shown that there is more that unites than divides us. Obviously, there are clear areas on which there is no agreement. The Government is happy to review points that were raised by members, such as those that were made by Claire Baker and Margaret Smith, including the request for me to go before the Justice Committee. I am happy to do that, if the convener wants me to do so. The subject of the debate is one that we constantly monitor because it is an area that changes both in terms of technology and circumstances, so we have to adapt.

The Government comes to the issue from the perspective of proportionality. Ian McKee mentioned that, as did Claire Baker and Christina McKelvie. In our society, we have to get the balance right. If we go too far one way, we run the risk of imploding the relationship between adults and youngsters in good organisations such as the Boys Brigade and of people fearing that any interaction with children could result in their possible classification as a paedophile. We have to make it clear that that is not where we wish to go as a society.

Equally, we have to recognise that, although—as Margaret Smith pointed out—there is stranger danger, the tragic fact is that a child is still more likely to be molested by their ma's boyfriend than by anyone else. We have to be constant and vigilant, without disturbing the relationships that are good and beneficial to the child and society. The issue is one of proportionality and of keeping matters under review.

**Claire Baker:** The cabinet secretary spoke of the risk that is posed by new family members. Will he at the earliest possibility look at the England and Wales pilot, in which people can ask the question whether someone with whom they are involved is, or has been, on the sex offenders register?

**Kenny MacAskill:** The whole purpose of a pilot is that it is a pilot. There is a pilot scheme in England and Wales—we should wait and see how it works out. Before the UK Government decides whether to roll out the pilot, it will have to see whether it works out. Our position is that we will examine whether the pilot works out and whether the measure would be appropriate and proportionate. I undertake to look at the pilot, but I do not confirm that we will introduce the measure

in Scotland. We believe that matters should be dealt with in that way.

I turn to Helen Eadie's contribution. The Scottish Crime and Drug Enforcement Agency has expanded its e-crime unit in order to pursue a greater number of web-based paedophile cases. Mike Pringle raised the issue of circles of support. The Scottish Government has commissioned the Scottish centre for crime and justice research to prepare a report on such circles of support. We expect to receive the report in April.

I turn to technology, which Elizabeth Smith and Bill Aitken spoke about. We recognise that there is a role for technology—although, like the Justice Committee convener, I am not noted for my technical abilities—but the Government also recognises the restrictions on technology. Clearly, home detention curfew is a good measure. Using electronic monitoring, it allows us to track people, but there are limits to what the technology allows. Recently, I heard on a radio report that Network Rail has reported a significant increase in disruption on railway lines because greater numbers of people are using GPS. People buy a TomTom or other system for their car, and get the benefits of using it, but they can also end up on railway lines because the system cannot tell the difference between road and rail.

Although GPS can be used to tell us where someone is, it cannot in every instance tell us where they are going or what they are doing. Although we cannot support the Conservative amendment, I give this undertaking: we recognise the benefits of technology and we will consider and analyse them.

I turn to DNA. Our view is that we cannot support blanket retention of DNA, so for that reason we will support the Liberal Democrat amendment. Our policing culture in Scotland rests on consent. People must support the police and consent to what they ask them to do. Anything that we do that would make people afraid or wary of the police, or of state intrusion, would be counterproductive.

Some time ago, a dreadful rape occurred not far from where I stay. The police asked people who lived in the locality to come forward and give their DNA in order to expedite matters and allow them to pursue their investigation. People did so. They came forward not only because it would help the police to catch the perpetrator, but because giving a DNA sample would not impinge on them, as there was no risk of the sample being used again at a future date.

People say that if someone has nothing to hide, they have nothing to fear. Of course, if we are talking about criminal convictions, good people have nothing to fear. However, we also need to be



clear that, for a variety of reasons, people do not want the state to know what they are doing—often, they do not wish the boss or the wife to know. I am always reminded of the country and western song, “Long Black Veil”, by Lefty Frizzell:

“The judge said son, what is your alibi  
If you were somewhere else, then you won’t have to die  
I spoke not a word, though it meant my life  
For I’d been in the arms of my best friend’s wife.”

There are instances of sexual indiscretions, homosexual dalliances—

**Margaret Smith** rose—

**Kenny MacAskill:** I am sorry, but I think that I am in my last minute.

There are instances when people are at the pub and not at work and they do not want the boss to know. People may simply want to protect their privacy.

**The Deputy Presiding Officer:** One minute.

**Kenny MacAskill:** We have to ensure that we have the information on people who are dangerous, those who have committed offences, and those who we believe present a risk. That is why we are commissioning Professor Fraser’s review. Clearly, if a person has a propensity to commit sexual or violent offences at 14, there is clear reason to believe that that propensity will remain at 34, 64 or 84. The review is therefore appropriate. That said, people who have committed no offence—those who have not been convicted of any offence other than doing something that they do not want others to find out about—should run no risk of the state intruding unnecessarily into their lives.

I return to the point that Claire Baker made and accepted, which is that there should be proportionality. There is clear concern south of the border about the fact that 40 per cent of young black men are on the register. We cannot afford to further divide our society. As I said, someone may have a reason to hang their head in shame, perhaps because they were in the arms of their best friend’s wife or in the pub and not at work, but such matters are not criminal offences, nor are they responsibility of the state. People themselves should account for them.

**The Deputy Presiding Officer:** I call Pauline McNeill to wind up the debate. She should sit down at 11.40.

11:32

**Pauline McNeill (Glasgow Kelvin) (Lab):** There is no higher duty than to protect children from harm. We need the right systems, practices, laws and attitudes to deal with the sex offenders and dangerous and violent criminals who put our

children and communities at risk. Since 1997, at Westminster and at Holyrood, Labour has reformed, renewed and tightened the law to protect children. It has placed a focus on dealing with sex offenders and violent offenders. A key element of that reform was learning from the past.

In good speeches, Christina McKelvie and Claire Baker pointed to the nature and profile of sex offenders. We should not forget that profile.

The multi-agency public protection arrangements are a key weapon in the fight to protect communities. Their remit will be broadened beyond dealing with sex offenders to include dealing with violent offenders and restricted patients, but the essence of MAPPA is having a much more sophisticated risk assessment information-sharing trigger point that determines the information that should be released in a measured way to protect communities from harm.

The statutory duties that are now in place for the police, health workers and social workers enable them to use information to act in a measured way. That changes our approach to dealing with sex offenders, and rightly so. The Tory amendment raises interesting points about the use of lie detectors and electronic monitoring that should not be dismissed.

The former Justice 2 Committee’s excellent report was produced by a sub-committee on which Paul Martin and Kenny MacAskill sat. In some ways, it is a definitive report in terms of the work that the Parliament has undertaken. That is why the Labour Party choose the subject for debate today. We are pleased that the Cabinet Secretary for Justice has said that he will act on all the report’s recommendations.

The SNP Government is in the driving seat and it needs to reflect on some of the key issues that we have raised. The tone of the cabinet secretary’s comments on the role of the DNA database will not help if he thinks that the comparison of someone being in the arms of their best friend’s wife relates to the debate that we want to have. Not once has the cabinet secretary challenged the figures that Paul Martin presented to him on the real point of the debate—the clear-up rate. We have presented real information about the clear-up rate from retaining DNA.

**Kenny MacAskill:** Is the member aware that many of the crimes that have been referred to could have been cleared up by other methods? The suggestion that DNA retention is all-singing, all-dancing is not true; other policing methods could have achieved the results. In some instances, using DNA is beneficial, and that is appropriate, but it is untrue to say that it has had all the results that have been described.

**Pauline McNeill:** That is interesting. You had seven minutes to challenge the figures—

**The Deputy Presiding Officer:** Order. I ask the member to depersonalise her remarks.

**Pauline McNeill:** The cabinet secretary had seven minutes to challenge the figures that we presented. The police would disagree with what he said, because the clear-up rates for serious and violent crime are hard statistics that provide compelling evidence to prompt any Government at least to consider the role of retaining DNA.

**Margaret Smith:** Will the member give way?

**Pauline McNeill:** I will return to the subject, if the member wants to intervene later.

The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 is important because it criminalised those who seek to groom children and because it tries to prevent crime. The Parliament did good work in passing that act.

How far we should go on third-party notification of a sex offender's presence in an area is an important question for the Parliament. I would like the cabinet secretary to respond a bit more forcefully to the four pilots in England and Wales, because they will produce seriously important information for whether we should adopt something. I would like the cabinet secretary to show a stronger interest in those pilots.

Every parent rightly wants to know exactly what the dangers are for their child. Parents will demand information about people who live and work in their communities and who could pose a danger to their children. Mike Pringle talked about circles of accountability, but knowing where sex offenders are is an important aspect of the strategy because a missing sex offender is a risk.

If we are the guardians of the information that will be provided about offenders and we restrict to whom and when that information will be provided, we must win the trust of communities that those who are entrusted with that knowledge and information on the state's behalf will act in the place of a concerned parent or individual in a measured way. Balancing public and child safety with the safety of keeping information is the key to determining how far we should go on third-party notification.

The law lords have ruled that retaining DNA to help the fight against violent crime is a proportionate aspect of our system. This week, the Prime Minister highlighted that retaining DNA on our database was critical to producing a result in the Wright case. For the record, 452 homicides, 644 rapes and 1,800 violent crimes have been solved because of the retention of DNA.

I do not make the argument lightly. Claire Baker talked about public concerns about holding an innocent person's DNA information, but we went down that road to a degree and the SNP supported us. We retain the DNA information of people who are arrested as suspects when a violent or sexual crime has been committed. We have gone down that road a bit. The question is whether we should go further.

If the Government dismisses the important role of DNA retention, it must come up with hard evidence to challenge the figures, which are compelling in the argument about what is proportionate. Even Liberty's policy director says that what is fair and proportionate should guide us in the debate.

What we suggest is a proportionate response and the Government would be wrong to dismiss it. I hope that the Government will consider what Labour members have said this morning.

## Question Time

### SCOTTISH EXECUTIVE

#### General Questions

11:40

#### Voluntary Sector (Partnership Working)

##### 1. Richard Baker (North East Scotland) (Lab):

To ask the Scottish Executive how it is encouraging partnership working with the voluntary sector to deliver key services to vulnerable people. (S3O-2397)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** The Scottish Government recognises the valuable role that social enterprises and voluntary organisations play in the delivery of public services and their potential to contribute to the attainment of best value. The Scottish Government has considered in particular the potential for added value through public-social partnerships, given that social enterprises and voluntary organisations have a proven ability to innovate and vast experience in working with particular client groups, including vulnerable people. By bringing the public, private and social enterprise sectors together as equal partners, we can ensure that the people of Scotland benefit.

**Richard Baker:** How can effective partnership working or added value be achieved in Aberdeen when council funding for voluntary sector groups is being slashed as part of £27 million of budget cuts? What action will the Scottish Government take to alleviate the effect of Aberdeen City Council's decision—highlighted in today's *Evening Express*—to threaten with closure the Glencraft factory, which has for decades enabled people with disabilities to have meaningful jobs?

**Nicola Sturgeon:** Another day, another bout of scaremongering by a Labour member. I remind the member that the Government has given local authorities record funding for the next three years. In addition, the Government has relaxed ring fencing to allow local authorities to meet their communities' needs flexibly. I stress again for the member's benefit the Government's commitment to the voluntary sector. Every day of my working life I have the privilege of seeing examples of how the voluntary sector and social enterprises add value to the work of the national health service and other parts of the statutory sector. The Government is keen to support that. In the next three years, we will invest £93 million in the third sector. The people of Scotland will look on that commitment very favourably.

**Bob Doris (Glasgow) (SNP):** The Realise Community Project in Maryhill, which is a voluntary sector organisation in my region, provides education and employability support for adults who are recovering drug and alcohol addicts. As a small local voluntary sector organisation, it is finding it difficult to work in partnership with the Glasgow community planning partnership and Glasgow works because of their criteria for funding and how they tender for providers of key employability services.

**The Presiding Officer (Alex Fergusson):** A question, please.

**Bob Doris:** Will the minister meet me to discuss the plight of the Realise Community Project, which might soon have to close because of those issues, and to discuss what advice and support the Scottish Government can give it?

**Nicola Sturgeon:** I am more than happy to discuss that with the member and to look into any projects that members raise with me, wherever they might be. I will make one or two points that relate to the generality of the question. The member will know that the fairer Scotland fund—£435 million of investment—will benefit people throughout Scotland. Glasgow will receive more than a third of that fund. It is for community planning partnerships to decide how best to invest that money, because they know better than anyone else their communities' needs. I know that there are discussions in Glasgow and elsewhere about how that money can be best spent to cater for the needs of Glasgow and other areas. As always, I am more than happy to look into specific examples that are cited to me and to follow up the issue with the member.

**Rhoda Grant (Highlands and Islands) (Lab):** Vulnerable people in the Highlands have received support from Highland Community Care Forum and Age Concern Highland—voluntary organisations that Highland Council previously funded. Unfortunately, when the Scottish National Party took over that council, that funding was withdrawn. Rather than accuse me of scaremongering, what will the minister do to provide that service to vulnerable people in the Highlands and protect those organisations?

**Nicola Sturgeon:** I would never accuse the member of scaremongering. She asked a question reasonably and constructively and, as I said to Bob Doris, I am happy to look into the circumstances that members raise.

I will state an important principle. The Scottish Government provides funding to local authorities and NHS boards, but it is for local agencies to determine their areas' needs. The Labour Party adhered to that principle when it was in office and

it would do its credibility more good than harm to stick to that principle in opposition.

### **Blind and Partially Sighted People**

#### **2. James Kelly (Glasgow Rutherglen) (Lab):**

To ask the Scottish Executive what provision it is making in the 2008-09 budget to support blind and partially sighted people. (S3O-2415)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** The Scottish Government is providing £2.6 million over two years to national health service boards to develop eye care services. More than 50 per cent of that money has been issued in the current financial year and the remainder will be issued in 2008-09.

**James Kelly:** The cabinet secretary will be aware that glaucoma can lead to eyesight deterioration if it is not treated early enough. I have written to her this week on concerns raised by a constituent of mine that the glaucoma clinic at Gartnavel hospital has not been operating since last September. Does the cabinet secretary share my concern about that? Will she agree to look into the issue as a matter of urgency?

**Nicola Sturgeon:** James Kelly's question is on an important matter that I agree to look into. As he has already written to me, a full response will be issued in due course.

In December 2006, under the previous Administration, £2 million was made available as pump-prime funding to allow health boards and the partners they work with to make proposals for developing eye care services. At the Scottish optometric conference in December last year, the Minister for Public Health announced details of the successful bidders and that £2.6 million would be made available. As I said in my original answer, more than 50 per cent of that funding has been allocated to successful bidders and the remainder will be allocated in the next financial year. I hope that the member takes that as a sign of the importance that this Government attaches to eye care services generally. I will look into the particular issue the member has raised—about glaucoma services—and get back to him.

### **Sure Start**

#### **3. Sarah Boyack (Edinburgh Central) (Lab):**

To ask the Scottish Executive whether it remains committed to the sure start programme to bring together early education, child care, health and family support for disadvantaged families. (S3O-2399)

**The Minister for Schools and Skills (Maureen Watt):** The Scottish Government is committed to supporting vulnerable and disadvantaged families. That is clearly highlighted in the national outcomes

in the concordat agreement with local authorities, which, in tandem with recent guidance on single outcome agreements, makes it clear that we expect local authorities and community planning partners to work together to improve outcomes for such families.

**Sarah Boyack:** Is the minister aware that, months ago, even before the recent council budget decisions in Edinburgh, sure start projects were identified for cuts of nearly £1 million? That is not scaremongering—the figures are the council's. Will she acknowledge the importance of sure start to the poorest children in our society and investigate how the outcomes she mentioned will be met? It was put to me that for every parent who benefits from sure start, an average of two children, as well as other members of the family, benefit. The cuts are described as devastating by local project leaders. Her aspirations will clearly not be met, so will she investigate what is happening on the ground?

**Maureen Watt:** I can certainly meet the member to see what is happening on the ground. I assure her that all the £59.9 million that was flagged as SS money remains available to local authorities to support vulnerable and disadvantaged families. As has been the case since the inception of the programme in 1999, local authorities have the discretion to deploy those resources in a way that they think best meets identified local need. Local authorities have always had control over the distribution of resources under sure start. Nothing has changed in that regard. We believe that local authorities are best placed to identify local need.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** I had the pleasure of meeting Penicuik stepping forward and sure start Midlothian staff and parents in the Parliament last night. They explained to me the real benefit that individuals receive and called for greater sustainability in their funding, as well as potential flexibility in the provision of the service. The service is not just for parents of early years children. When the minister is taking forward the development of sure start, as has been called for by other members, will she bear those aspects in mind, as well as the serious concerns about the sustainability of funding?

**Maureen Watt:** The member has identified an important point. That is precisely why ring fencing is being taken away—to achieve flexibility so that local authorities, working with all their partners and agencies, can develop the best way forward to support vulnerable families.

### **National Concessionary Travel Scheme**

**4. Des McNulty (Clydebank and Milngavie) (Lab):** To ask the Scottish Executive what estimate it has made of the uptake by passengers

of the national concessionary travel scheme in 2008-09 and what the difference is between the capped figure in the 2008-09 budget for reimbursement for concessionary travel and the projected claims for reimbursement if the current estimate for uptake is accurate. (S3O-2427)

**The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson):** Transport Scotland is in discussions with the bus industry body, the Confederation of Passenger Transport, over an agreed cost escalator for 2008-09 that would set the payments limit to bus operators. Therefore, issues relating to the usage and possible cost of the scheme in 2008-09 are commercially sensitive at this stage.

**Des McNulty:** We could translate that as, "I don't know." It is interesting that the minister does not know, because the budget has been set. With the budget set, that rather restricts what he can now do. Over the past 10 years, there has been substantial bus patronage growth and stability in fares, but he has failed to increase the bus service operators grant in line with what happens south of the border. The price of the council tax freeze is a sharp, above-inflation rise in bus fares. Does he recognise that if fares go up, the cost to the Treasury of concessionary fares will go up and we will end up in a financial mess?

**Stewart Stevenson:** The member may care to note that the structure, eligibility and funding process for the scheme has remained entirely unchanged. When and if he chooses to criticise the scheme, he criticises the previous Administration.

**Ian McKee (Lothians) (SNP):** Like me, the minister is a member of the national concessionary travel scheme, so he will realise that many pensioners do not want just to curl up at night with a cup of cocoa. Does he have any plans to extend the scheme to include travel on night buses?

**Stewart Stevenson:** I acknowledge my interest in the scheme. I have already used the eligibility card more than 60 times on ministerial business. We will review the scheme for 2008-09, and we will of course take account of the experience of the scheme and its success to date.

#### **Alcohol Support Services (Designated Place)**

**5. Lewis Macdonald (Aberdeen Central) (Lab):** To ask the Scottish Executive whether it considers that the designated place at Albyn house in Aberdeen provides a good model of how to deal with people who are drunk and incapable that can be copied by other alcohol support services to avoid inappropriate admission to hospital and detention in police cells. (S3O-2422)

**The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):** Albyn house provides one model of service for dealing with people who are drunk and incapable. We will continue to work with partner agencies to identify the most suitable and effective alternatives to inappropriate admissions and detention.

**Lewis Macdonald:** I am sure that the health secretary agrees with Kenny MacAskill, who praised the work of Albyn house when he visited it at the end of last year. Is she aware that Albyn house delivers big savings to health and social work budgets? It is funded by NHS Grampian and Aberdeen City Council and it is in the middle of reviews that they have commissioned. Does she share my surprise that Aberdeen City Council has chosen to cut its funding while it is in the middle of that review? Will she join me in calling on the city council to continue its funding of the designated place, in partnership with the national health service, at least until the reports that have been commissioned are made available?

**Nicola Sturgeon:** I am sure that Albyn house provides a service in the area it serves. It is not for me to tell individual local authorities how to spend their budget. That may have happened in the old days, under the old regime, but we have a much more grown up and mature relationship with local authorities now, which most Labour councillors seem to warmly welcome.

I strongly agree that providing services to deal with people who are drunk and incapable is increasingly important. It is essential that we have services to reduce inappropriate admissions to hospital—that is part of a wider priority for the Scottish Government—and to minimise inappropriate detention in police cells. My officials have been engaged in discussions with the Association of Chief Police Officers in Scotland about the issue and will continue to do so.

A limited number of projects, of which Albyn house is one, provide these services. It is important that we consider them carefully. We have perhaps not done enough to evaluate their success and the services they provide, which is why the Scottish Government is working with partner agencies to ensure that we have robust evaluation in place.

I remind the member that the Government is committed to tackling alcohol misuse, which is why we will invest an additional £85 million—the biggest ever investment—over the next three years to deal with this serious problem.

#### **Domestic Energy Consumption**

**6. Shirley-Anne Somerville (Lothians) (SNP):** To ask the Scottish Government what action is

being taken to reduce energy consumption in the domestic housing sector. (S3O-2391)

**The Minister for Communities and Sport (Stewart Maxwell):** The Scottish Government is taking a wide range of action to encourage reduced energy consumption in Scotland's homes, including improving energy efficiency through our fuel poverty programmes, support for microgeneration and delivery of energy efficiency advice. We are also considering the cost implications of "A Low Carbon Building Standards Strategy For Scotland", otherwise known as the Sullivan report. From December 2008, all house purchasers will receive as part of the home report a comprehensive report on the energy efficiency of a property before they bid.

**Shirley-Anne Somerville:** Does the minister agree that the introduction throughout Scotland of smart meters, which provide accurate information and monitoring of electricity and gas usage, would be instrumental in meeting the Scottish Government's carbon reduction targets? Is he aware that the United Kingdom Government has refused to include a mandate for the introduction of such meters in the Energy Bill, which is currently going through Westminster? Will he make representations to UK ministers to ensure the greater use of smart meters in Scotland?

**Stewart Maxwell:** Back in November, I wrote to two Westminster ministers on the wider issue of fuel poverty. The introduction of smart meters obviously forms a part of that agenda, but I have yet to receive a response from either minister. As soon as I do, I will be happy to inform the member of the outcome. I am certainly disappointed that the UK Government has not included in its Energy Bill any requirement for companies to have an adequate support programme for their most vulnerable customers, as outlined in the energy white paper.

I have met the Energy Retail Association to discuss, among other issues, smart metering, and I certainly recognise that the accurate real-time information provided by such meters could help householders and large organisations such as local authorities to control their energy use and tackle areas of energy waste. However, I understand that smart meters raise a number of technical issues and that a range of different meters need to be looked at.

The UK Government is running a number of smart metering pilots, and it would be best to await the outcome of those pilots before we decide the best way of taking the matter forward. That said, I am very sympathetic to the idea that smart meters can play an important role in dealing with energy consumption in Scotland.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** Does the minister agree not only that small-scale renewable energy technologies can play an important role in reducing domestic energy consumption but that the 15 per cent renewables target for new developments set out in Scottish planning policy 6, which was issued before the election, can be important in expanding their use? If so, why have the majority of local authorities not translated the target into their local plans, and why have they not received any support or pressure from the Scottish Government to do so? Moreover, why is the Scottish Government dragging its heels on introducing permitted development rights for microrenewables in existing buildings, despite independent advice received more than a year ago that supported the policy?

**Stewart Maxwell:** If the member can wait, he will soon find out the answers to his questions. We are currently considering many of those issues, and an announcement will be made very shortly.

#### **Biodiesel Plant (Grangemouth)**

**7. Cathy Peattie (Falkirk East) (Lab):** To ask the Scottish Executive whether it will provide an update on its involvement with proposals for a biodiesel plant at Grangemouth. (S3O-2433)

**The Minister for Enterprise, Energy and Tourism (Jim Mather):** In March 2007, an offer of £9 million of regional selective assistance was accepted to support a £68 million investment by the INEOS Group in biodiesel manufacturing at its Grangemouth site. Officials are continuing to work with the company to progress this project, which is expected to create 22 new jobs and safeguard a further 410.

**Cathy Peattie:** Does the minister share my disappointment at the news that the proposed biodiesel plant at Grangemouth is not going to happen? Has the Scottish Government given any money to INEOS? If so, how much?

**Jim Mather:** I confirm that no money has been paid and that the Government will continue to explore every possible option to maintain and maximise Scotland's energy mix and energy security.

## First Minister's Question Time

### Engagements

#### 1. Ms Wendy Alexander (Paisley North) (Lab):

To ask the First Minister what engagements he has planned for the rest of the day. (S3F-540)

**The First Minister (Alex Salmond):** Later today I will have meetings to take forward the Government's programme for Scotland.

I think that all members will want to join me in thanking the emergency services for the quick and effective way in which they dealt with the radiation scare in Edinburgh yesterday. *[Applause.]*

**Ms Alexander:** I associate myself with the First Minister's comments.

As ever, the First Minister has a lot on his plate. He is making sure that we can see the footie on television—we are all for that—and he is currying favour with the people of Berwick, although perhaps Lockerbie needed some extra tender loving care this week. Amid all that activity, can he tell the Parliament when he will publish his plans for a local income tax?

**The First Minister:** Very soon indeed. In relation to the consultation paper, we have been waiting for every local authority to set its council tax for this year so that we can compare the amount that would be raised by local income tax with the amount raised by council tax. I am delighted that it looks like every local authority in Scotland bar one will freeze council tax, in contrast with the 3.9 per cent average increase south of the border.

The council that is not going to freeze council tax is Labour-led Stirling Council, which, thanks to the generosity of the local government settlement in Scotland, is able to maintain and expand vital services and cut its council tax. The local income tax document will be released in that context.

**Ms Alexander:** As ever, the First Minister talks a good game—*[Interruption.]*

**The Presiding Officer (Alex Fergusson):** That is enough. Order.

**Ms Alexander:** When it comes to local income tax, it is time that the First Minister started doing his talking on the pitch, because we are already into extra time. First we were promised plans within 100 days in government, but that did not happen. Then, in November, John Swinney promised that the document would be ready in a few weeks' time, but Christmas came and went. Until 10.23 this morning, the Government's website said that the document would be published today, but at 10.24 the website changed. By tomorrow we will have been waiting

300 days for a 100-days promise. Why is it taking the First Minister so long?

**The First Minister:** I refer the member to my answer to her earlier question. It would probably have been better if she had listened to it before she repeated Simon Pia's carefully crafted words. I must say that I thank him for saying that the First Minister talks a good game.

Simon Pia's praise for this First Minister is nothing compared with that of the other remaining spin doctor, Gavin Yates, who said of me that it is great to see a politician at the top of his game. According to Wendy Alexander's spin doctors, this Government does not just talk a good game, it plays a good game.

**Ms Alexander:** Before the First Minister offers further praise for Simon Pia, he might reflect that Simon suggested in his column that the First Minister could be described as Mussolini, Fat Boab from Oor Wullie and the great pudding of the chieftain race, which proves that in politics we all need a thick skin.

The country wants to know whether the Scottish National Party's election promise of a local income tax, fixed at 3p in the pound, still stands—yes or no?

**The First Minister:** That is what the consultation document will show us. It compares the council tax that is raised with the local income tax proposals—of course it does.

Wendy Alexander is a bit confused. Her spin doctors are meant to criticise me; they are not meant to criticise her. I assure her that I will never describe her as a gruppenführer, as Simon Pia once did, nor will I ever write, because it would be disparaging:

"Spotted in the executive lounge at Heathrow waiting for the shuttle were a senior Labour MP and his researcher. Huddled over their papers they were attracting attention with the odd guffaw. Could it have been another one of Wendy Alexander's policy papers they were reading?"

When we publish our paper on local income tax, it will not cause any guffaws, unlike, as Simon Pia thinks, her policy papers do in the Labour Party.

**Ms Alexander:** The question was: does the SNP's election promise of a local income tax fixed at 3p in the pound still stand—yes or no?

**The First Minister** rose—

**Ms Alexander:** The truth, of course—*[Laughter.]*

**The Presiding Officer:** Order.

**Ms Alexander:** The First Minister has his knickerbockers in a twist when it comes to his local income tax because, as we have just seen, he is never shy about quoting others when he thinks that they agree with him. When it comes to

local income tax, what does he have to say to the Confederation of British Industry, which says that it is misguided, to the Institute of Directors, which says that it would be anti-business, or to the Federation of Small Businesses, which condemned its huge financial cost for business? Even his own Minister for Enterprise, Energy and Tourism, Jim Mather, admitted:

"raising income tax rates would be naive in a knowledge economy".

When the SNP finally gets round to publishing its plans, will not Scotland see that the next item on the menu from Mr Takeaway is a huge chunk out of the pay packet of every hard-working Scot?

**The First Minister:** I say to Wendy Alexander that the form is that, when a member demands a yes-or-no answer to a question, they are meant to stop and allow the person to answer.

Yes, of course we will publish our consultation document on local income tax. Of course we will cite the Parliament's support this session for the principle of such a tax and put forward why the general public believe that it is much fairer than the council tax or any other available system.

On people commenting on the Government's performance, I am content to leave the final arbitration to Lord George Foulkes, who said this week on "Scotland at Ten":

"The SNP are on a very dangerous tack at the moment. What they are doing is trying to build up a situation in Scotland where the services are manifestly better than south of the border in a number of areas."

Colin MacKay intervened to say:

"Is that a bad thing?"

Lord George said:

"No, but they are doing it deliberately".

This Government is content to rest on the final arbiter of its performance: Lord George Foulkes.

### **Prime Minister (Meetings)**

**2. Annabel Goldie (West of Scotland) (Con):** To ask the First Minister when he will next meet the Prime Minister. (S3F-541)

**The First Minister (Alex Salmond):** I have no plans at present to meet the Prime Minister.

**Annabel Goldie:** In the past seven days, the First Minister's gloss has tarnished visibly. Last week, I gave him a chance to distance himself from his party's hostility to the private sector. Instead, he reaffirmed his undiminished affection, not only for himself but for state control.

This week, we had the unwelcome and unsavoury comments by the First Minister's official parliamentary liaison officer—the formerly anonymous but now notorious Christopher Harvie.

Mr Harvie, who is forever consigned to history as Mr Knickerbocker Glory, unbelievably kicked Lockerbie, of all places—a town that we should support, not denigrate. Then we had Christine Grahame's disgraceful and repugnant comments about the George medal, which were a slur on the heroism and courage of all those who have been honoured with it.

The truth is that the SNP is a rag bag of publicity-seeking individuals with only cheap popularity and a desire to break up the United Kingdom in common. The more intelligent members on its benches will know when to keep quiet. The truth is that good government is about taking hard decisions and facing up to real challenges, such as the perilous future that now confronts our universities. Will the First Minister put aside the populist gestures and the easy headlines, and take the hard but correct decision to back the independent review of further and higher education for which the Scottish Conservatives have been calling?

**The First Minister:** We have a working party that is addressing the matter, which is what the universities have been calling for, as opposed to kicking it into the long grass, like the Conservatives would.

I do not know where Annabel Goldie has been this week, but I have heard a great welcome for the SNP Government and for the report from the expert group on retaining neurosurgery across the four centres, including Aberdeen. I have noticed that waiting lists are at an all-time record low in Scotland, and that the hidden waiting lists of the previous Administration have been abolished. I have noticed celebrations in Monklands and Ayr, as their accident and emergency services have now been saved.

I am also getting an increasing amount of representations to stop Annabel Goldie combining with Wendy Alexander in an alliance to stop the reimplementation of free education in Scotland. Is it not wonderful that there are demonstrations outside this Parliament supporting the Government, whereas in London there are demonstrations by policemen opposing the Government?

**Annabel Goldie:** Unfortunately for the First Minister, the headlines that have prevailed are those borne out of cheap publicity stunts. Let me make it clear that if our amendment is agreed to, we shall support the Graduate Endowment Abolition (Scotland) Bill at 5 o'clock tonight. However, the question remains: why should the future of our universities rest on an internal Government discussion, rather than on a robust, evidence-based, independent commission? Such an independent commission is supported not just by Andrew Cubie but by Brian Lang, principal of



the University of St Andrews, by student leaders and, just this morning, by the University and College Union Scotland, which represents the people who actually deliver the learning and research. If that is their view, why is the First Minister right and all of them are wrong?

**The First Minister:** The universities and their representatives have welcomed the review group that has been established by the Cabinet Secretary for Education and Lifelong Learning, in quote after quote, just as they welcomed the £100 million of capital expenditure that was announced this financial year, over and above previous commitments, and the extra £10 million that the education secretary announced two weeks ago for this financial year. The concordat with the higher education sector and the universities offers great possibilities for the future of higher education in Scotland. Kicking matters into the long grass and coming back to them some years later would be totally inadequate for the university sector in Scotland. This Government takes action.

I welcome the fact that Annabel Goldie seems to be bending on her previous determination to keep the imposition of the graduate endowment and tuition fees in Scotland. I detect from her question a little bit of movement towards the Government's position to re-establish the historic right of every Scot to free education in this country.

### Cabinet (Meetings)

**3. Nicol Stephen (Aberdeen South) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-542)

**The First Minister (Alex Salmond):** The next meeting of Cabinet will discuss issues of importance to the people of Scotland.

**Nicol Stephen:** How much of this year's £40 million for class size reduction has so far been spent on reducing class sizes?

**The First Minister:** There has been substantial progress in local authorities throughout Scotland. Nicol Stephen should reflect on the fact that, had it not been for this Government inputting additional money over and above the inadequate budget that he left us when he was Deputy First Minister, there would be no money at all for that crucial investment in the young people of Scotland.

**Nicol Stephen:** The First Minister knows that it was the £100 million extra that was provided by the previous Government that led to the class size reductions that were published this week. The promise that the First Minister made was that the money that was announced last year would be delivered promptly to address class size issues. However, documents released by councils under freedom of information legislation show where that

money has been spent. One council spent it on a new boiler, one council spent it on a long-wheelbase minibus, one spent it on a new chemical store, two spent it on staff toilets and one spent it on car parking spaces. Those might be worthwhile investments, but they do not match the claims of the Government.

Is this the future of the First Minister's class size policy? Does he intend to stop counting children if they are packed off in the school minibus or locked in the new staff toilets when the inspectors arrive? Will the same tactics be used to magic up the extra teachers who are needed genuinely to cut class sizes in Scotland, even though not a single extra penny is being provided by his Government?

**The First Minister:** Oh dear, oh dear. Nicol Stephen seems to have forgotten the £9 million for 300 additional teachers in this financial year, over and above what was left by his Government.

I would have thought that, in this week of all weeks, Nicol Stephen might take the opportunity to apologise for his scaremongering on 20 December, when he announced to the chamber that neurosurgery was about to be withdrawn from Aberdeen because of a review instigated by his Government. I would have thought that, now that neurosurgery has been saved, he would welcome the process. [*Interruption.*]

**The Presiding Officer:** Order.

**The First Minister:** While Nicol Stephen was at it, he might have explained why the Liberal Democrats in Westminster sat on their hands on Tuesday night instead of supporting the Scottish fishing industry in resisting exclusive competence for the European Union over that vital industry throughout Scotland.

As for Nicol Stephen's general slur on Scottish local government, we will see—[*Interruption.*]

**The Presiding Officer:** Order. The chamber will come to order.

**The First Minister:** We will see in the outcome agreements council after council investing in a quality of education for our young people that is far and above that provided by the broken commitments of and the partnership agreement signed by Nicol Stephen.

**The Presiding Officer:** We will take a constituency question from Elaine Smith.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Is the First Minister aware of the situation at Coatbridge College, where the provision of general education is under threat, with redundancy packages being offered to lecturers this week? Does he agree that highers, intermediate and access courses provide crucial learning opportunities, particularly for people who, for a

variety of reasons, missed out at school? Is he in a position to support my proposal, which has cross-party backing, to shelve the process in order to allow proper community consultation and debate on that vital provision?

**The First Minister:** I am aware of Elaine Smith's motion and I know that it has cross-party support. I am happy to consider the issue, and I shall write to her.

### Rendition Flights

**4. Ian McKee (Lothians) (SNP):** To ask the First Minister what information the Scottish Government has concerning the possible use of Scottish airports as staging posts for rendition flights. (S3F-547)

**The First Minister (Alex Salmond):** The information that we have was supplied by civil liberty groups and it has been passed to Strathclyde Police. The Scottish Government is strongly opposed to rendition flights, and the people of Scotland are entitled to know whether a Scottish airport has ever been used for such activities.

The announcement last week by the Foreign Secretary relates only to Diego Garcia, and the information held by the United Kingdom Government does not indicate that any rendition flights have used Scottish airports. Obviously, we are now deeply concerned about the reliability of the assurances that previously were received from the United States authorities.

It is a matter of regret that the UK Government did not see fit to forewarn the Scottish Government prior to the Foreign Secretary's statement in the House of Commons. Accordingly, the Cabinet Secretary for Justice has written to the Foreign Secretary to express our concerns and to seek confirmation that Scotland will be covered by the further assurances that are to be sought from the US authorities about past practice and, even more important, a guarantee from the Government that it will be made crystal clear that Scottish airports should not and cannot be used for rendition flights.

**Ian McKee:** I am sure that the First Minister will agree that there are strong bonds of friendship and respect between the United States of America and Scotland. Indeed, almost half the signatories to the declaration of independence were of Scottish ancestry and two were graduates of Edinburgh medical school. However, does the First Minister agree that the statement by UK Foreign Secretary David Miliband in the House of Commons on 21 February that, contrary to earlier assurances, the US has used British territory for rendition flights is of deep concern? Aviation policy is a reserved matter, but justice is not.

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

**Ian McKee:** Rendition is illegal under international law. Will the First Minister take firm measures to follow the issue up?

**The First Minister:** There can be no country in the world that has a warmer relationship with the United States than Ireland, but the Irish Government has banned rendition flights from using any Irish airport. I suggest that we have the same, correct attitude in Scotland.

Civil aviation is a reserved matter, as is the information that United States authorities give to the Foreign Secretary. However, if an individual was unlawfully transitted through Scotland to facilitate torture, that would constitute a crime under Scots law. It would be for the police to investigate any such allegations and to report the results of their investigation to the procurator fiscal.

**Robin Harper (Lothians) (Green):** I hope that the First Minister has been furnished by Amnesty International with the details of three aircraft that are known to be possibly associated with the Central Intelligence Agency and which between them have made 87 stops in Scottish airports. Will the First Minister seek specific assurances that those three aircraft have not been and will not be used for rendition flights?

**The First Minister:** The Cabinet Secretary for Justice is seeking such assurances from the Foreign Secretary. The cabinet secretary met civil liberties groups, including Amnesty International, in August 2007. Following that, information from the groups was submitted to the Crown Office for consideration of whether there was sufficient evidence to justify criminal proceedings. The information was subsequently passed to Strathclyde Police, where it is still under consideration. All members should have confidence in the criminal authorities in Scotland when they have the opportunity to investigate cases.

**Robert Brown (Glasgow) (LD):** Does the First Minister agree that the possible use of Scottish airports for rendition flights has caused considerable disquiet and outrage across Scotland? Given the highly political nature of the issue, the independence of the Scottish prosecution system and, indeed, the operational independence of chief constables, is the First Minister in a position to raise with the Lord Advocate the possibility of her appointing an independent investigator—perhaps a senior or retired procurator fiscal—to examine the allegations, the information that is available and the evidence of the possible use of Prestwick or other airports for illegal purposes in connection

with rendition flights, and to report back to her? Does the First Minister agree that the extraordinary background to the matter might require extraordinary measures to be taken to address the public's concern?

**The First Minister:** I agree about the general public concern.

There is a missing link in this matter, which is that we need to have positive and comprehensive assurances in response to the various allegations that have been made. That is why the Cabinet Secretary for Justice has written to the Foreign Secretary, following on from the fact that the Foreign Secretary had to accept that information that he had given to the House of Commons was not correct.

On the provision of strong information to show that the allegations are not substantiated, we should have confidence in the processes of the Scottish judicial system. Following the meeting in August 2007, exactly the right thing was done. The information that was supplied by the various groups was submitted to the Crown Office and passed to Strathclyde Police, where it is still under consideration. We should have confidence in the processes of Scottish law and Scottish justice.

**John Scott (Ayr) (Con):** The First Minister will be aware of my interest in Prestwick airport. Can he assure Parliament that the Government will take all necessary steps to ensure that, whatever might or might not have happened in the past, Prestwick is not used for rendition flights in future? Further, will he outline what specific measures he can take to ensure that that happens?

**The First Minister:** I refer John Scott to the answer that I gave to Ian McKee. In the information that we are seeking from the Foreign Secretary, we are dealing with the past, in terms of looking for information and explicit denials from the United States Government, but even more important we are also asking that it be made crystal clear that Scottish airports, including Prestwick, cannot be used for this illegal activity.

#### DNA Retention

**5. Pauline McNeill (Glasgow Kelvin) (Lab):** To ask the First Minister whether the Scottish Government intends to extend the categories of suspects whose DNA is retained after arrest. (S3F-563)

**The First Minister (Alex Salmond):** Scotland's police can take and retain the DNA of anyone they arrest for an imprisonable offence. We have no plans for fundamental change, but we have asked Professor James Fraser to examine the current law on how long the DNA of people who are accused of a sexual or violent offence should be retained. In our view, that approach strikes the

right balance between individual rights and the safety of our communities.

**Pauline McNeill:** Will the First Minister acknowledge that recent figures in England and Wales this year show that DNA retention was crucial in solving 452 murders, 644 rapes and 1,800 violent crimes? Does he consider there to be a compelling case for Scotland to at least consider expanding the use of DNA to tackle violent crime? Notwithstanding public concerns, does he consider DNA to be an extraordinary tool in fighting violent crime? The First Minister has a duty to act on that evidence, and give police forces access to a key tool in fighting violent crime.

**The First Minister:** There is no division among members in the chamber in accepting that DNA evidence is vital in tackling violent crime—everyone accepts that. I point out to Pauline McNeill that it is only a year since Cathy Jamieson described the present arrangements—never mind the review that we are carrying out specifically into crimes, or suspected crimes, of a sexual nature—as a “sensible balance”.

As I understand it, no one—certainly not the United Kingdom Government—is proposing a compulsory DNA register. The question then becomes one of how extensive the information that is collected should be and, in particular, whether the DNA of people who are proven innocent should be held indefinitely by the authorities—the very question of which will be examined and judged shortly in the European courts.

We have asked Professor Fraser to consider specifically the question of how long the DNA of those who are accused of sexual and violent offences should be kept. Pauline McNeill should accept that we are all trying to find the sensible balance to which Cathy Jamieson referred, between civil liberties on the one hand and protecting the public on the other.

#### Planning System

**6. Liam McArthur (Orkney) (LD):** To ask the First Minister what action the Scottish Government is taking to improve the operation of the planning system. (S3F-553)

**The First Minister (Alex Salmond):** Every member will be aware of the need for urgent change in relation to our planning system. That is why all parties in the chamber supported the passage of the Planning etc (Scotland) Act 2006. It is also why the Government is determined to push ahead with implementing the key aspects of that legislation over the course of the next year. I hope that by next year we can arrive at a situation in which planning and planning timescales in Scotland are a comparative advantage, as

opposed to a disadvantage, for our country.

**Liam McArthur:** The First Minister will be aware of Iain McMillan's comment earlier this week that Scotland will fail to meet its 2011 target of equalling the United Kingdom's growth rate if it does not accelerate the planning process. Fewer than half of major planning applications are decided within a four-month deadline, and delays are more common now than they were two years ago.

Why has the First Minister's Government not yet brought forward the secondary legislation that will help to give effect to the much-needed reforms that were agreed, as he said, under the Planning etc (Scotland) Act 2006? Why, despite repeated calls from business, councils and all those with an interest in the creation of an efficient and effective planning system, is no firm timetable in place to ensure the delivery of those reforms? Will the First Minister undertake to provide local authorities with sufficient resources and support so that they can meet their planning targets?

**The First Minister:** I point out to Liam McArthur, in case he did not look at them himself, that the statistics that caused a stushie this week were actually statistics from the time period of the previous Administration, of which he was a fervent supporter. The legislation and the requirements that are needed to expedite the legislation will be brought forward to the Parliament. I hope that we can carry all-party support for them, because they are vital for the future economy of Scotland, which is precisely why the Council of Economic Advisers has focused on exactly that question at its first two meetings.

The member can rest assured that those measures will be brought forward expeditiously, and I look forward to having the same enthusiastic support as he gave the previous Government—which, unfortunately, was responsible for the delay in the planning timetable on which he commented in his question.

**Sandra White (Glasgow) (SNP):** I thank the First Minister for his reply regarding the speed with which the planning laws will come into force. Will he comment on the use of good neighbour agreements, which I know he is very aware of? Does he agree that, when we consider development, we must also consider consultation with local communities? Does he agree that—

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

**Sandra White:** Does he agree that good neighbour agreements are the best way for local communities to put forward their ideas and work in partnership with developers?

**The First Minister:** The consultation document on good neighbour agreements will be brought

forward as expeditiously as the planning agreements, to implement what is a very necessary reform of the Scottish planning system.

12:30

*Meeting suspended until 14:15.*

14:15

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Rural Affairs and the Environment

##### European Regional Development Funding 2007-2013

**1. Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** To ask the Scottish Executive how much of the £24.32 million allocation of European regional development funding prioritised towards rural development between 2007 and 2013 has been allocated to eligible projects. (S3O-2414)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** It is expected that recommendations for the first allocations of ERDF funding for 2007 to 2013 in lowland and upland Scotland, including for the rural development priority, will be made at the programme monitoring committee meeting on 19 March 2008.

**Cathy Jamieson:** The minister might be aware that there is some concern that that funding stream might not attract enough allocations to allow the total amount to be allocated. In those circumstances, will the minister consider widening the geographical coverage to reduce the risk of underspending available funds and to allow areas such as South Ayrshire, which falls just outside the criteria and where nearly a third of residents live in rural areas, to benefit from such investment?

**Richard Lochhead:** I take on board the member's point. It is the case that, currently, only 10 of Scotland's 32 local authorities are eligible for funding under the rural development priority. However, although South Ayrshire is not one of the 10 qualifying councils, East Ayrshire qualifies for funding under all four priorities in the programme, not just the rural development priority, so at least part of the member's constituency is set to benefit.

I will reflect on the member's comments, but as the programme runs from 2007 to 2013, time will tell how many applications have been made. We will have a better idea of the situation on 19 March.

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** The minister will understand that the loss of objective 1 funding in the Highlands and Islands was a major blow and possibly should never have happened. Please will he look as favourably as possible on all

applications emanating from the Highlands at his meeting in March? ERDF funding will be essential in view of the decommissioning of Dounreay, which is on-going and will continue for some years. If not enough applications are made, will he consider ways of attracting applications from the areas affected, such as Dounreay and Caithness?

**Richard Lochhead:** Again, I take on board the member's points and will reflect on them. I am happy to write to him about the number of funding streams that apply to his constituency, given that only 10 of 32 local authorities qualify for ERDF under the rural development priority. I think that he will be reassured that, over coming years, significant funding streams will apply to his constituency.

#### Food Supplies

**2. Willie Coffey (Kilmarnock and Loudoun) (SNP):** To ask the Scottish Government what steps it is taking to ensure that Scotland's food supplies are safe, secure and sustainable. (S3O-2375)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** In January, I launched a national discussion on food to help us develop a national food policy for Scotland that will boost jobs and business, help make food healthier and minimise environmental impacts across the food supply chain. I believe that our food policy will help to ensure that fresh, high-quality Scottish food is the first choice on everyone's menu in Scotland and beyond.

**Willie Coffey:** I ask the minister to join me in congratulating Alyn Smith MEP and his Irish counterparts in particular on their successful campaign for a Europe-wide ban on the import of Brazilian beef. Does he agree that Scottish farmers are rightly concerned by the unfair competition from Brazil, which has been criticised for its lax animal health and traceability regime? Is the decision on the ban another example of how Scotland can be more successful when it works directly with other European states to achieve common goals?

**Richard Lochhead:** I thank Willie Coffey for his question and comments; he made a number of good comments. The Scottish Government has paid extremely close attention to the situation in relation to beef imports from Brazil. We have made known our strong views on the matter to the European authorities and the United Kingdom Government, and contributed, I hope, to the European Commission's decision to impose the ban a few weeks back.

As the member said, it is absolutely essential that our primary producers and the agriculture sector, including the livestock sector in particular,

have a level playing field in Europe. Therefore, imports to Europe must meet the same high standards that our producers in Scotland have to meet. I join him in congratulating those who prosecuted the case in Europe on behalf of our livestock farmers in Scotland.

**Andy Kerr (East Kilbride) (Lab):** I, too, welcome that decision and the good measure that has been taken. I am sure that this happens, but I appeal to the minister to ensure that conversations take place with small farm owners in Scotland, who are struggling in difficult times with higher costs for fuel and other items, while there is a squeeze on the prices for their products. What conversations are on-going to try to alleviate some of those burdens and to ensure, in the interests of security of supply, that families stay in the farming business and that we continue to grow Scotland's farming industry?

**Richard Lochhead:** Family-owned farms in Scotland have a crucial role in delivering food for the nation and we are determined to support them so that they can continue to play that role. The member refers rightly to the current situation in which the costs of inputs, such as energy, fertiliser and, in the livestock sector, grain, are putting enormous pressure on parts of the agriculture sector in Scotland. However, at a time when the global trends are potential food shortages and rising food costs, food producers in Scotland have an opportunity to receive a greater return for the food that they produce. I hope that that will begin to happen. In recent days, the prices that farmers receive for their produce have increased. As the member says, it is important that the Scottish Government continues to support that.

**John Scott (Ayr) (Con):** I welcome the minister's initial response on food security. With worldwide wheat stocks already down to 50 days' supply, does he agree that Scotland will need to maximise food production with the help of our farmers and growers? Has he or his officials started to consider ways of achieving that?

**Richard Lochhead:** Yes, we are considering ways of achieving that. The current debate on the national food policy is considering those issues. Only last Friday, I spoke to the annual NFU Scotland council meeting in Dunblane and discussed several of those issues with the industry. I assure the member that, as I am sure all members are aware, the debate on food security and food production in Scotland is now near the top of the political agenda, and we all want it to be there, because it is important. That debate touches on other debates in Scotland, such as that on how we use our land, to which the member referred. We need to consider whether land should be used for energy crops, forestry or producing food. We must get the balance right to ensure that we act in the national interest.

## **Scottish Rural Development Programme (Agri-environment Schemes)**

### **3. Marlyn Glen (North East Scotland) (Lab):**

To ask the Scottish Executive what plans there are for agri-environment schemes under the Scottish rural development programme. (S3O-2409)

**The Minister for Environment (Michael Russell):** In the Scotland rural development programme, £400 million has been allocated to agri-environment measures. About £170 million will be used to honour all existing agri-environment agreements and £230 million will be available for new commitments. That represents a substantial increase compared with the sum of £110 million that was allocated for new agri-environment commitments under the previous SRDP.

**Marlyn Glen:** That answer should, I hope, come as good news to people who have been awaiting an announcement on the issue. Will the minister give details of the timetable for seeking parliamentary approval for the programme?

**Michael Russell:** We will seek parliamentary approval in the next few months. There is nothing contentious in the programme. The member is right to welcome it enthusiastically, as it will provide a major opportunity for land owners, land managers and others in Scotland. We are holding 21 implementation seminars throughout Scotland and information is available about the means by which people can apply for the schemes, which are many and various, with more than 120 options on the present menu.

**Tavish Scott (Shetland) (LD):** The minister will accept that the programme will be a good-news story and a great opportunity only if crofters and farmers can access the schemes. However, that is by no means guaranteed for the 1,000 units in Shetland that are currently in the environmentally sensitive areas scheme, the organic aid scheme or the rural stewardship scheme. Will the minister consider again the potential for ensuring that all that valuable benefit is continued in constituencies such as Shetland? Will he consider devolving the budgets to local management committees, which is absolutely within his gift and which would ensure that decisions are taken locally and are the right ones?

**Michael Russell:** The member makes some good and interesting points. The key issues of ensuring access and ensuring that agri-environment schemes carry on is addressed in the programme, and could have been addressed in more focus by the previous Administration, which drew up the schemes.

However, we take the point. As a Government, we are exceptionally keen that the ultimate decision making should be devolved to areas that can be involved in the schemes. We want to see

local input. I encourage the member to show something of his usual sunny disposition and, rather than trying to pick holes in the schemes, to welcome whole-heartedly the opportunities that will exist, some of which were devised by his party.

#### **Biodiversity (West of Scotland)**

**4. Jackson Carlaw (West of Scotland) (Con):** To ask the Scottish Executive what action it is taking to protect the biodiversity of the west of Scotland. (S3O-2359)

**The Minister for Environment (Michael Russell):** The Scottish Government, with its partners in agencies, nature conservation bodies, land management, local government and other public and private sector organisations, is leading a range of actions to protect biodiversity across Scotland, including the west of Scotland. We recently published a progress report on our biodiversity strategy, which is available from the Scottish Parliament information centre, and we had a detailed and positive debate in the chamber on biodiversity in taking forward our priorities.

**Jackson Carlaw:** I am sure that the minister will agree that one of the most common ways in which many Scots enjoy the great outdoors is by visiting their local park. That is especially true for people living in large towns and cities. Many people's view of their local environment and diversity is influenced in that way.

Will the minister indicate what steps the Government is taking, or might consider taking, to ensure that such valuable green spaces are protected from being repeatedly chipped away at by a successive jungle of environmentally damaging development projects—especially when they go against the wishes of the local population—given all the negative consequences that that will have for biodiversity, particularly in the west of Scotland?

**Michael Russell:** This Government recognises that it is exceptionally important that communities are involved in decision making about green spaces. We have in place a range of measures that allow that involvement to happen and we are always sympathetic to discussing more such measures. I point the member to the good work done by the Forestry Commission Scotland in the woods in and around towns project on providing spaces that are the green lungs of cities and towns. Where there is a threat to green space, there are statutory obligations in relation to consultation in taking those issues forward.

The member can be absolutely sure that the last thing that this Government wants to see is a reduction in the opportunity for people to access green space and the countryside, which is one of our biodiversity indicators.

#### **Food (Affordability and Accessibility)**

**5. Andy Kerr (East Kilbride) (Lab):** I am bringing my sunny disposition to question time.

To ask the Scottish Executive how its proposed food policy will address the affordability and accessibility of healthy food. (S3O-2416)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** The member's sunny disposition is always blinding, and I am delighted to answer his question.

Access to healthier food at affordable prices for those living in deprived areas is a priority for the Scottish Government and has been highlighted in the discussion paper "Choosing the Right Ingredients". Some programmes are already making a difference—examples include the community food and health (Scotland) programme and the Scottish Grocers Federation's healthy living programme—but we will use the discussion to enable the development of closer links across the supply chain in a way that will benefit health outcomes. The discussion is of course on-going and everyone, including the member, is encouraged to have their say about food and health outcomes.

**Andy Kerr:** I thank the minister for that answer, but, of course, there is stormy weather ahead. The results of the health check study on Scotland's volunteer and community-led health sector show that 72 per cent of local volunteer-led organisations expect to close by the end of March 2008, that staff are being laid off and that organisations do not expect to continue in the same form post March 2008.

Will the minister ensure the continuation of vital local projects that provide services for local people, including the cheap provision of fresh fruit and vegetables to the community, where there is a trusted supplier and good buyer relationships? Will he ensure that resources are put in to support such projects?

**Richard Lochhead:** I agree that many such local projects play an invaluable role in promoting the healthy eating agenda. Phase 2 of the healthy living programme, which is run in conjunction with the Scottish Government and the Scottish Grocers Federation, has seen a 28 per cent increase in fruit and vegetable sales in participating stores, many of which are located in our more deprived communities. Local initiatives, to which the member referred, are playing a full role and are making their own submissions to the national discussion on food policy. We are keen to hear their views on what role they have to play in the development of a national food policy for Scotland.

**Nanette Milne (North East Scotland) (Con):** Given that I come from a generation whose

parents and grandparents were used to preparing simple, nourishing food, largely from local produce in season, I know how much cheaper and healthier such food is than the ready meals that are the staple diet of so many people today. Has the cabinet secretary given any thought to promoting home cooking as part of his proposed national food policy? Perhaps we could enlist the help of senior citizens in the education of school pupils, which would allow them to pass on their culinary skills and knowledge and would be to the benefit of both generations.

**Richard Lochhead:** Nanette Milne raises an important issue. Many chefs who have commented on the food policy for Scotland have made those points—some of Scotland's celebrity chefs are keen that there should be movement in that direction.

I urge the member to submit her views to the national food policy discussion. She asks me what my opinion is, but the Scottish Government's opinions will reflect the submissions that we receive between now and late April as part of that discussion. The issues raised by Nanette Milne will be addressed in many debates and events around Scotland. We look forward to the outcome of the discussion.

### Energy-from-waste Plants

**6. Iain Gray (East Lothian) (Lab):** To ask the Scottish Executive whether, following its statement to the Parliament on its waste strategy, reports that energy-from-waste plants will only be permitted if they have a capacity of up to 100,000 tonnes per year are accurate. (S3O-2412)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** No, we have not used that figure. Instead, we announced in our statement on 24 January that by 2025 no more than a quarter of municipal waste, at both national and regional levels, should be treated by energy-from-waste processes. We also made it clear that energy-from-waste plants should have high levels of efficiency.

**Iain Gray:** I think that my constituents in East Lothian will find that reply disappointing. The cabinet secretary's comment in his statement that the Scottish Government would not support the building of large-scale energy-from-waste plants was welcome, and the press appear to have been briefed that that would have had the effect of halting the construction of any plant with a capacity of more than 100,000 tonnes per year. For the sake of clarity, it would be helpful if the cabinet secretary would indicate whether the proposed scheme near Dunbar, which includes plans for an incinerator with a 450,000 tonne capacity, is unlikely to go ahead under the waste strategy.

**Richard Lochhead:** As the member is aware, I am limited in what I can say about applications that may come before ministers in due course. Enforcement of the Government's policy, which I outlined in my statement to Parliament, will be reflected in the national planning framework, in both the regional and national caps. The Government's policy will also be reflected in the Scottish Environment Protection Agency's guidelines and in its consideration of the permits that it is asked to issue to such plants. I think that that is very clear.

On regional caps, although no decision has been made yet, if the former area waste group that included East Lothian Council, the City of Edinburgh Council, Midlothian Council, West Lothian Council and Scottish Borders Council were to be one of the regions where the 25 per cent cap was applied, the cap would equate to 145,000 tonnes of municipal waste, which is much less than some of the figures that are being quoted as arising from a particular project. The direction of the Government's policy is clear. It has wide support throughout Scotland, and I hope that it also has the member's support.

**Jim Hume (South of Scotland) (LD):** The Department for Environment, Food and Rural Affairs has recently announced funding to support anaerobic digestion plants. Such plants would help to address this Government's waste management and renewable energy targets. What plans does the Government have to support anaerobic digestion plants?

**Richard Lochhead:** The Scottish Government takes a close interest in the role that could be played by anaerobic digestion. As part of the budget, we announced the zero waste fund, which amounts to £154 million over three years. Of that sum, £100 million will be earmarked for infrastructure for the purposes of recycling and treating waste and so on, which potentially includes anaerobic digestion. We are setting up a short-life working group with the Convention of Scottish Local Authorities to ensure that we have discussions with local authorities about how the £100 million will be distributed, but there is lots of potential that it will include projects such as those mentioned by the member.

### Zero Waste Fund

**7. Charlie Gordon (Glasgow Cathcart) (Lab):** To ask the Scottish Executive whether it will give details of the criteria and processes under which local authorities may apply for finance from the zero waste fund. (S3O-2410)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** In our parliamentary statement on waste policy on 24 January, we indicated that we would establish a



short-life working group with the Convention of Scottish Local Authorities to discuss the allocation, over three years, of more than £100 million from the zero waste fund. COSLA has provided us with the names of its representatives for the group and the first meeting will take place shortly.

**Charlie Gordon:** Might finance from the zero waste fund be used in, for example, the development and procurement of physical treatment technologies, such as autoclaving, to capture recycling materials from the waste stream?

**Richard Lochhead:** I see no reason why they could not be covered by the £100 million, but that would, of course, be subject to the discussions with COSLA. The views of local authorities, including those of Glasgow City Council, will be taken into account in those discussions. As I said, the £100 million is for infrastructure, and we look forward to the outcome of our discussions with local authorities.

## Justice and Law Officers

### Strathclyde Police

**1. Margaret Curran (Glasgow Baillieston) (Lab):** To ask the Scottish Executive what recent discussions it has had with Strathclyde Police. (S3O-2404)

**The Cabinet Secretary for Justice (Kenny MacAskill):** I regularly meet representatives of all police forces. Only last Friday, I attended the launch of Strathclyde Police's national mobile data project. The innovative use of technology by Strathclyde Police and other forces will free up officers' time so that they can police our streets. That is the kind of initiative that we wish to encourage. Indeed, I had lunch with the chief constable of Strathclyde Police on Tuesday.

**Margaret Curran:** I hope that the minister enjoyed his lunch.

How many new police officers will there be in Strathclyde in 2008-09? Specifically, how many will there be in my constituency of Glasgow Baillieston?

**Kenny MacAskill:** As the member well knows, such matters are subject to operational directions from chief constables. That has always been the case, and it will remain the case. Where police officers are deployed in Strathclyde is correctly a matter for the chief constable there.

The Government is committed to providing 1,000 additional police officers. In addition, the three Rs will serve us well, as we have said. We will not only recruit officers but retain existing valuable officers who are leaving and redeploy officers. The chief constable of Strathclyde Police

has been setting an excellent example in that respect to ensure that our communities are better served. I simply say that the 150 additional officers whom we have committed to providing will be through by the end of the financial year. That will ensure that the level of recruitment that we inherited, which was the lowest since devolution, is rectified.

**The Presiding Officer (Alex Fergusson):** Dave Thompson has a question. He should bear it in mind that Margaret Curran's question was on Strathclyde Police.

**Dave Thompson (Highlands and Islands) (SNP):** Yes, Presiding Officer.

Bellshill held its first blue-light disco on 16 February and Northern Constabulary is to hold its first blue-light disco soon. Does the cabinet secretary agree that such safe, alcohol-free environments, which are provided courtesy of the police and community organisations, are a valuable demonstration of support for our young people and that they help to ensure that young people find an alternative to alcohol abuse and crime?

**The Presiding Officer:** That was very astute, Mr Thompson.

**Kenny MacAskill:** I absolutely agree with the member. I am aware of the scheme that operates in Strathclyde, but I have also seen similar schemes that operate in Clackmannan and elsewhere. Such things seek to keep young people out of trouble and away from cheap alcohol, so we have supported the police's approach. We have considered whether proceeds of crime funds can be utilised for such schemes, but it appears that they are operating well without our additional input. The Government believes that such diversions and alternatives are good, so we will support them in any way that we can.

**Johann Lamont (Glasgow Pollok) (Lab):** In discussions with Strathclyde Police, has the minister raised the issues of repeat victimisation and the critical importance of having the public's confidence that the police will respond to disorder and community intimidation? He may be aware of the case in my constituency involving Stephen Armstrong, who has been a repeat victim of crime and has now found himself in jail. Is the minister willing to meet me to discuss the critical issues that have emerged from that case relating to the appropriateness of sentences and, in particular, the importance of our communities having confidence that the system will respond at an early stage so that people do not end up taking the law into their own hands?

**Kenny MacAskill:** I recognise the considerable problems that exist in Glasgow in particular and in other areas of the west of Scotland. Indeed, I

discussed those problems at lunch with the chief constable.

During the recess, the member for Glasgow Govan, Miss Sturgeon, and I visited the police and discussed the gang problem that we face. It is clear that the chief constable of Strathclyde Police will act to address the matter. That force will have the Government's full support. I am always happy to meet any member to chat with them about particular issues.

Issues have been raised that I cannot deal with in my position as the Cabinet Secretary for Justice, as they relate to cases that are subject to on-going appeals. However, the member can rest assured that Strathclyde Police is seeking to address the problems of violence and intimidation in our communities by gangs in particular. There are too many gangs and they have been with us for far too long. The Government will provide support in any way that we can to those who seek to enforce the law through either the Crown Office and Procurator Fiscal Service or front-line policing in order to ensure that we break violence and intimidation. Whether we do that through enforcement, diversion or other means, we will back that means in whatever way that we can.

#### Police Pensions

**2. Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Executive how it will fund any additional burdens arising from police pensions in the next financial year. (S3O-2396)

**The Cabinet Secretary for Justice (Kenny MacAskill):** As the Cabinet Secretary for Finance and Sustainable Development announced in his statement to Parliament on 13 December, funding for police pensions is included within the local authority funding settlement. It is for police boards to negotiate budgets with their constituent local authorities. The issue of police pensions was discussed at a meeting in January with ministers, police board conveners and representatives of the Convention of Scottish Local Authorities and the Association of Chief Police Officers in Scotland. The meeting confirmed that it is for councils, police authorities and chief constables to address pensions pressures. I understand that virtually every force has now reached agreement with its constituent local authorities on funding levels for the next financial year.

**Jackie Baillie:** At his lunch with Strathclyde's chief constable, did the minister discuss the interesting letter from Strathclyde Police's head of finance and resources, which indicates that plans for police recruitment will be undermined because of the Scottish National Party Government's failure to fully fund police pensions over the next few years? A shortfall of £104 million across Scotland is anticipated, which represents a shortfall of £54

million in Strathclyde and, in my area, a shortfall of £1 million in Argyll and Bute and £500,000 in West Dunbartonshire. Will the minister ensure that additional funds are made available to meet that shortfall? Does he accept that, if he fails to do so, extra funding for recruitment might be wiped out and his policy of additional police officers will be in tatters?

**Kenny MacAskill:** That is the same song that Labour ran with at the last election—talking Scotland down with doom and gloom.

The meeting in January was attended not only by the Cabinet Secretary for Finance and Sustainable Growth but by Councillor Paul Rooney, the convener of Strathclyde police board and the chair of the police board conveners group, who accepted that the issue that Jackie Baillie raises is a matter for the constituent local authorities and police boards and their chief constables to address. If he has not passed on that view to Ms Baillie, that is not a matter that is within my control. However, I should say that I have the utmost confidence in the abilities of Mr Rooney and it might just be that there are none so blind as those who will not see.

#### Sentencing (Non-violent Offenders)

**3. Dr Richard Simpson (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive what practical steps it plans to take to implement the Scottish National Party manifesto promise to reduce the number of non-violent offenders committed to serve prison sentences of six months or less. (S3O-2434)

**The Cabinet Secretary for Justice (Kenny MacAskill):** We published our review of community penalties on 27 November and the Scottish Prisons Commission is due to report in June. They will help us to deliver a safer and stronger Scotland, where prison is the appropriate sentence for serious and violent offenders but community penalties are a tough and effective disposal for those who can safely serve their sentences in the community.

**Dr Simpson:** Will the cabinet secretary confirm that the Bath Street time-out centre for drug-using, non-violent women offenders, who might otherwise be sentenced to short-term custody, has been successful? Will he review why alternative-to-custody measures, including drug treatment and testing orders and drug courts, have such a low take-up for women offenders? Has he reviewed the evaluation of the community reparation order pilots, which involve a new alternative to custody for fine default? Will he consider ordering a new pilot that will address the problems in the original pilots? Will he invite the Sentencing Commission to examine the reasons for the massive increase in remand custody for

men and women when alternatives such as bail supervision and tagging are now available?

**Kenny MacAskill:** I thank Dr Simpson for the spirit in which he raised those matters.

I am advised that the Lord Advocate visited the Bath Street time-out centre last week and that Fergus Ewing will visit it next week. We recognise the good work that it does, but we also recognise that not everybody who goes there will not reoffend. Sometimes people fail to take the opportunities that they are presented with or, indeed, do not manage to overcome their drug addiction or other problems. However, statistically, the rate of recidivism is significantly lower among people who have been presented with such opportunities. That is why we are seeking to build on initiatives such as the one that Dr Simpson mentioned and which, in his time as a minister, he sought to promote.

With regard to alternative measures, there is a clear and on-going problem. I am aware that, in a particular sheriffdom, matters were drawn to the attention of sheriffs, who accepted that there was a problem. We will seek to work with the judiciary on that issue.

On the community reparation order pilots, the position is that the orders have not been seen to work out in practice. I give Dr Simpson the same reassurance that I gave to Pauline McNeill. If it can be shown that the orders can work and that matters could not be dealt with using a community service order, a probation order or some other order that currently exists, we are more than happy to review the situation. The door is not closed.

On the reasons for the massive increase in the number of people in remand custody, there are significant problems. I will consider whether we should invite the Sentencing Commission to do what Dr Simpson suggests. It might be that there are other ways in which we can address the issue. However, he has raised a significant problem that we must address. I am happy to work with him and members of any party to address what is a national problem.

**Bill Aitken (Glasgow) (Con):** The cabinet secretary is clearly committed to the principle of significantly reducing the number of short-term prison sentences of six months or less. For which of the following does he consider a custodial sentence to be inappropriate: the wife abuser; the knife carrier; the disqualified drunk driver; or the thief with 20 previous convictions?

**Kenny MacAskill:** We have been over this ground before. We have said that it is always for the judiciary to impose the appropriate sentence. I remind Mr Aitken that when I went to Cornton Vale—I know that he has been there too—I was

told that 98 per cent of the prisoners have a mental health problem, a huge percentage have been subject to abuse during their life, and 70 or 80 per cent have an addiction problem.

There are people who have committed offences who have to be detained and locked up but, equally, we have within our prison and penal system people who have underlying addiction and mental health problems. As a society, we do not seek to have community care and to take people from a big house on a hill only to remand them in a prison. That is not what prison is for.

The Government will always remain committed to ensuring that those who are a danger to our community and who commit serious and violent offences will be detained, if need be for a very long time and if need be until the day they depart from the planet. Others, who have an underlying problem, will be treated in a manner that is cost effective for us, better for our communities and, ultimately, better for them in ending their cycle of reoffending.

### Clear-up Fund

**4. Margaret Smith (Edinburgh West) (LD):** To ask the Scottish Executive what progress it has made towards the creation of a national clear-up fund to assist the families of murder victims. (S3O-2452)

**The Cabinet Secretary for Justice (Kenny MacAskill):** I thank the member for raising that very serious issue, which I am keen to resolve as quickly as possible. Officials have contacted the Convention of Scottish Local Authorities, the Association of Chief Police Officers in Scotland, the Association of British Insurers, the Scottish Federation of Housing Associations and representatives of victims organisations, and will meet them as soon as can be arranged to discuss the best way to meet families' needs following a homicide in a person's home. I will write to the member after discussions with the relevant agencies are completed.

**Margaret Smith:** I thank the cabinet secretary for that response and for the support that he has shown so far on this important issue. He will be aware that criminal injuries compensation payments do not cover this issue and that there is a need for timeous help for bereaved families who have to cope with such terrible circumstances. A murder clean-up fund would cost around £50,000 a year, which would be a small amount for the Government but a very big help to the families.

I welcome what the cabinet secretary says. I would like a national fund to be taken forward, because that would be the fairest way; I hope that he will comment on that. On the wider issue of compensation, will he agree to work to increase

awareness of existing compensation schemes for victims of crime, and explore measures to expedite payments to victims more speedily than is happening at present?

**Kenny MacAskill:** A national fund would be appropriate. One of the problems that we are trying to work through is to do with differences in tenure—how we can deal with those who are in owner-occupied houses, how we fund those who are in local authority housing and how we deal with those who live in a private sector let. It would be manifestly unjust and unfair if somebody in a certain category of tenure was able to be recompensed while others were not. Equally it would be unfair if we had a postcode lottery, in which people in only some parts of Scotland were eligible to claim from the fund and to be recompensed.

This is not so much about the monetary aspect as it is about the trauma that goes with it. There can be nothing more heart-rending and fundamentally degrading—it adds insult and compounds injury—than for those who have suffered the loss of a relative to be required to clean it up and bear the ignominy of the costs. We are committed to addressing that matter and we will come back to the member on it.

We accept that there is a variety of ways to provide funding. We have given increased funding to Victim Support Scotland, which I met last week, during European victims week. As a nation, we have perhaps ignored this issue in the past. We have sought to remedy that by recompensing victims, and—to the credit of the Lord Advocate now and in the past, when she was Solicitor General for Scotland—it has been recognised that we have treated victims unacceptably in the judicial system. I pay tribute to the work of the Lord Advocate, Cathy Jamieson and previous ministers in ensuring that we change those ways that were unacceptable and move on.

**The Presiding Officer:** Question 5 has been withdrawn.

### Prisons (Drugs)

**6. Andrew Welsh (Angus) (SNP):** To ask the Scottish Government what action is being taken towards the establishment of a drug-free environment in prisons. (S3O-2393)

**The Minister for Community Safety (Fergus Ewing):** The Scottish Prison Service invests considerable resources to reduce supply and demand and the harm that is caused by the misuse of illegal drugs in prisons. Drug testing is undertaken in all prisons to identify incidence and prevalence rates and to support the management of prisoner health and progression.

All prisoners who have a drug misuse problem are offered advice, support, education and health

interventions. Prisoners who serve more than 31 days can access enhanced addiction services and wider wrap-around support by engaging in the integrated case management system. Intelligence, drug detection dogs and new technology are used to detect and deter the trafficking of drugs in prisons.

**Andrew Welsh:** Given that a large number of prisoners serve short sentences, how is the Government dealing with the problems of detection, rehabilitation and treatment in prisons? Can the minister assure me that tackling the availability of drugs in Scottish prisons remains a priority for the Government?

**Fergus Ewing:** I give the member that assurance. On detection, I have visited five prisons in the past three months and, in every case, huge efforts are devoted to detecting drugs coming in. I discovered that that is the case at Saughton, Polmont, Castle Huntly and Porterfield as well as at Barlinnie. There is no end to some people's ingenuity in finding ways to try to take drugs into prison. However, I assure the member that a massive and unrelenting effort is devoted to tackling that problem.

The member also mentioned rehabilitation and treatment. Some 1,059 prisoners completed drugs courses and more than 30,000 hours were devoted to delivering treatment to try to help rehabilitation. Two thirds of prisoners go to prison with a drugs problem.

Finally, there is a particular problem that is not widely appreciated. For prisoners who serve less than 31 days, there is insufficient time to provide a proper course and support. That is another reason why the Government's approach—that those who have a health problem are best dealt with outwith prison—is the right one. That approach will help both society and the prisoners who are involved.

### Designated Places (Police Support)

**7. Brian Adam (Aberdeen North) (SNP):** To ask the Scottish Executive what role there is for the police in supporting designated places schemes as an alternative disposal to detaining those who are under the influence of alcohol. (S3O-2371)

**The Cabinet Secretary for Justice (Kenny MacAskill):** The police are acutely aware of the inappropriateness of police cells for the detention of drunk and incapable people who have no other cause to be there. The Association of Chief Police Officers in Scotland has established a sub-group to consider the provision of care in police custody and it will work with other agencies to identify the most appropriate and effective alternatives for the detention of drunk and incapable persons for their own safety.

The Scottish Government is also seeking to introduce a polluter-pays approach, to ensure that the licensed trade contributes to the cost of dealing with the consequences of alcohol misuse.

**Brian Adam:** The cabinet secretary is aware of Albyn house in Aberdeen, where there is a scheme that appears to be successful. Will he encourage the local police force and perhaps the local licensed trade to contribute to the continuing work?

**Kenny MacAskill:** Absolutely. I visited Albyn house last year and was impressed by the services there. Others will agree that it would be a cause for regret if its services were not available.

The Government's position is clear. Cells and casualty units are not appropriate places for people who find themselves drunk and incapable. Designated places are the appropriate places, and we believe that there should be a contribution from those who profit through the tills.

Until such time as polluter-pays legislation can be introduced, I ask the licensed trade and those who profit from the sale of alcohol to consider contributing voluntarily. That would help to make Aberdeen a safer and stronger place. If voluntary contributions are not made, the member has the Government's assurance that we will seek to introduce polluter-pays legislation as soon as we can. That will allow the local authority in Aberdeen to levy a charge if it cannot obtain voluntary contributions.

### **Safety (Highlands and Islands)**

**8. Jamie McGrigor (Highlands and Islands)**  
**(Con):** To ask the Scottish Executive what action it is taking to make people feel safe in the Highlands and Islands. (S3O-2363)

**The Minister for Community Safety (Fergus Ewing):** The Government is committed to the promotion of community safety throughout Scotland.

**Jamie McGrigor:** Does the minister agree that Northern Constabulary's recent survey of the public's perception of community safety, which showed that 95 per cent of people felt safe in their community, is a tribute not only to all those policemen, policewomen and other staff who work for Northern Constabulary but to their system and method? Does he think that that should be looked on by other police regions as an example of good practice?

**Fergus Ewing:** Although, as members will appreciate, I am entirely impartial in such matters, I commend Northern Constabulary for its exemplary record, which provides a lead throughout Scotland. I have always felt that that is the case, and I warmly endorse the comments and

judgment of Jamie McGrigor, with whom I agree in this matter. Northern Constabulary has pioneered community policing, and the closer the links are between the police and the community, the safer the community tends to be.

## Business Motion

14:55

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-1431, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Graduate Endowment Abolition (Scotland) Bill.

I call on Bruce Crawford to move motion S3M-1431—oh dear, he is not in the chamber. I ask the Cabinet Secretary for Education and Lifelong Learning to move the motion in lieu of Mr Crawford. [*Interruption.*] Sorry. It has been pointed out to me that a member of the Parliamentary Bureau must move the timetabling motion. I therefore ask Mr McLetchie whether he is willing to move it.

**David McLetchie (Edinburgh Pentlands) (Con):** It is a rare honour. We are getting into practice for the future.

I move,

That the Parliament agrees that, during Stage 3 of the Graduate Endowment Abolition (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the Stage being called) or otherwise not in progress:

Group 1: 20 minutes.

*Motion agreed to.*

## Graduate Endowment Abolition (Scotland) Bill: Stage 3

14:57

**The Presiding Officer (Alex Fergusson):** The next item of business is stage 3 proceedings on the Graduate Endowment Abolition (Scotland) Bill. In dealing with amendments, members should have in front of them the reissued bill—SP Bill 2A (Revised); the reissued marshalled list—SP Bill 2A-ML (Revised); and the groupings, which I have agreed. The division bell will sound and proceedings will be suspended for five minutes in the event of a division this afternoon, and the period of voting for that and for any other divisions will be 30 seconds.

### Section 3B—Effect on student support

**The Presiding Officer:** There is one group with two amendments. Amendment 1, in the name of Jeremy Purvis, is grouped with amendment 2.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** I congratulate Mr McLetchie on perhaps the first formal act of the new coalition that is developing in the chamber—his moving a motion on behalf of Mr Crawford.

The amendments in the group tidy up the amendments that were agreed during stage 2 consideration of the bill. At stage 1, there was debate about whether an unintended consequence of the abolition of the graduate endowment would be the removal of a duty on ministers to provide specific support for students through bursaries and the servicing of student loans. The current statutory provision in the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 that allows ministers to provide such support amended the provision in the Education (Scotland) Act 1980 and required ministers to make specific budgetary provisions for the use of the funds raised through the graduate endowment.

Members know that the funds raised through the graduate endowment could not be used for anything other than student support and that specific reference to that effect had to be made in each budget bill. That provision would be abolished if the bill were passed later this afternoon, as the graduate endowment would no longer exist and so the funds would not be raised. Inadvertently, in passing the bill as it is currently drafted, we would ensure that there was no longer a specific requirement for ministers to indicate within the budget process what support they are providing specifically for the young student bursary scheme, which was previously funded through the graduate endowment.

The Government says that there will be no diminution in the funding that will be made available for the young student bursary scheme but, even with the best of intentions, the minister cannot bind her successors to that. The provision in the 2001 act that the bill will abolish states in statute that ministers are required to make funding available, and it is appropriate that that should continue to be reflected in statute.

I am grateful for the support of the Scottish Government officials who advised me on the wording of my amendments. Amendment 2 concerns the budget proposals that would require to be outlined so that funding for student support is not adversely affected when we pass the new measures this afternoon. I hope that my amendments will receive cross-party support.

I move amendment 1.

15:00

**Aileen Campbell (South of Scotland) (SNP):** I am glad to be participating in today's stage 3 debate, which will finally kick tuition fees into the bucket where they belong. I thank the students from the University of Edinburgh, who mobilised their peers to protest today.

Jeremy Purvis seeks to amend the bill to guarantee that student support will not be adversely affected by the abolition of the graduate endowment. I accept that he is trying to be constructive and make the bill more acceptable to a party that introduced the graduate endowment, and although the amendments are not entirely necessary, I am sure that the cabinet secretary will agree that there is no difficulty in agreeing to them.

The abolition of the graduation endowment will improve student support, remove the worrying burden of additional debt from current students and give them stability and confidence when planning their future. However, until we can be sure that Labour and the Tories will concede that they are wrong in their opposition to the aim of the Scottish National Party Government to make higher education in Scotland free once again—and there was a hint of a breakthrough in Annabel Goldie's comments at First Minister's question time—I guess that it will be down to the SNP, the Greens and the Liberal Democrats to speak up for Scotland's students.

The Tories have flip-flopped all over—

**Murdo Fraser (Mid Scotland and Fife) (Con):** On a point of order, Presiding Officer.

**The Presiding Officer:** I am about to anticipate it. Miss Campbell, I would be grateful if you could address the amendment that we are meant to be discussing.

**Aileen Campbell:** I have addressed the amendment; I am explaining why I think that the abolition of the graduate endowment is—

**The Presiding Officer:** I do not think that that is appropriate under the discussion of amendments, Miss Campbell. If you would confine your remarks to the amendments, I would be grateful.

**Aileen Campbell:** Today's abolition of the graduate endowment, including the amendments, will stop students being penalised financially and affected by the hardship that the endowment causes. The Government should be applauded for tackling student financial hardship and for making Scottish education free once again—

**Members:** Oh, come on!

**The Presiding Officer:** Miss Campbell, I am afraid that you are not referring to the amendment.

**Aileen Campbell:** Today's bill is not an end in itself but a start—

**The Presiding Officer:** I am sorry but I am moving on to the next speaker.

**Richard Baker (North East Scotland) (Lab):** That justifies our arguments, which will follow this afternoon.

We supported Jeremy Purvis's amendments at stage 2, so we have no objection to the amendments that he seeks to make today. The matter is technical and in no way changes the effect of the bill. It certainly does not represent any kind of victory on student funding. However, it will be helpful to have the clarity that a legislative requirement on the provision of student support that might otherwise have been affected by the new act will give. Therefore, we have no objection to amendment 1.

**The Presiding Officer:** I call Christina McKelvie. [*Interruption.*] Her name seems to have been withdrawn. I call Murdo Fraser.

**Murdo Fraser:** As Richard Baker pointed out, the wording of amendments 1 and 2 would replace wording that Mr Purvis inserted at stage 2. The amendments would not change the bill's substance or policy intent. On that basis, the Conservatives are happy to support Mr Purvis's amendments, although if Mr Purvis has ministerial ambitions, he should improve his drafting technique.

**The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop):** To put amendment 1 in context, two thirds of students cannot afford to repay the graduate endowment fee in cash, so they add it to their student loans, and one third of it is lost in administration charges. It is not an efficient generator of income for student support.

The terms of the original act meant that any income was uncertain because it came in via student loan repayments, had to be applied in-year, and could not be baselined. This Government—and, indeed, the previous Administration—did not rely on income from the graduate endowment to finance support for students, and the current budget for student support runs at more than £500 million.

When the amendment to introduce new section 3B was first lodged at stage 2, I resisted its inclusion for two reasons. First, it was redundant, given that there could be no adverse effect on the student support budget and because of the actions that we have taken since, in the budget and spending review. Secondly, I thought that technically Mr Purvis's amendments were not expressed in terms that represented accurately the way in which budget proposals are made.

Throughout the process, I have given clear assurances that the student support budget will not be adversely affected by the bill. That is clearly stated in the policy and financial memoranda, and I repeated the point on the record in the chamber and in committee during stages 1 and 2. The key point is that, due to the overly complicated system that was set up to account for the graduate endowment fee, income was never used directly for core student support. Instead, it was used to free up resources to fund other in-year pressures, such as language courses for non-English speakers, that we have now taken steps to mainstream. Through the Budget (Scotland) Bill, which the Parliament passed, we have been able to baseline those additional pressures, while increasing the amount of support that will go to students.

Over the next three years, we will invest an additional £119 million in student support, to allow the abolition of the graduate endowment fee and the introduction of new support, in the form of a grant for part-time students to replace loans. In 2010-11, £30 million will be invested in improving support for students. Later this year, we will consult students and other interested parties on the best way in which to invest that money.

I am happy to support the amendments, even though they take a posture on student funding. There is no shortfall or adverse effect to address. However, the amendments provide for post-budget approval of the actions that the Government has already taken to increase student support by providing £119 million over three years for that purpose. I am willing to take a generous view of the matter today, if it means that we can reach a consensus on removing this inefficient and unfair tax. I am satisfied that redrafting the amendments has improved them. If my supporting them will allow us to provide a final assurance that

the bill will have no adverse effect on student support budgets, I am content to do so.

**Jeremy Purvis:** I am grateful to the Government for acknowledging that students need to be given a final assurance that the bill will have no unintended or intended adverse effects on student support. I will leave ministerial ambitions to my colleagues on the Conservative benches.

*Amendment 1 agreed to.*

*Amendment 2 moved—[Jeremy Purvis]—and agreed to.*

**The Presiding Officer:** That ends the consideration of amendments.



## Graduate Endowment Abolition (Scotland) Bill

**The Presiding Officer (Alex Fergusson):** The next item of business is a debate on motion S3M-1367, in the name of Fiona Hyslop, on the Graduate Endowment Abolition (Scotland) Bill.

15:08

**The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop):** With this bill, we are finally abolishing tuition fees. The Scottish National Party Government has promised to do so before and today we can deliver that commitment. The graduate endowment fee was a sleight of hand that replaced up-front fees with a back-end charge on graduation—a new burden for our students as they leave university to enter the world of work. Today the chamber has the opportunity to get it right for our young graduates by scrapping that unfair fee and removing the financial hurdle that they face when they leave university.

Access to education should be based on the ability to learn and not on the ability to pay. Today the SNP Government is providing the Parliament with the opportunity to restore free education in Scotland.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** In supporting the abolition of the graduate endowment fee, will the cabinet secretary acknowledge that more students in Scotland will continue to pay tuition fees than will not, because part-time students, of whom there are more than there are full-time higher education degree students, will still pay part-time tuition fees?

**Fiona Hyslop:** I note the point that the member makes and welcome the Scottish Liberal Democrats' support for the abolition of the graduate endowment fee. I hope that the member welcomes the fact that the Government has already moved to tackle the unfair system that requires part-time students to take out loans to pay fees. Our introduction of a grant to help part-time students addresses precisely the issue that he raises.

Abolishing the graduate endowment fee will immediately save 50,000 young people almost £2,300 each. The young people who will benefit include those who graduated last year; those who will graduate this year; other students who are currently at university; and all future generations of graduates.

The bill will send a clear message to students and graduates that the Scottish Parliament values the contribution that they make to society and will

do all that it can to support them at one of the most crucial stages of their lives.

**Rhona Brankin (Midlothian) (Lab):** Will the minister abolish student debt?

**Fiona Hyslop:** We have to tackle student debt. Abolition of the graduate endowment fee will tackle 20 per cent of that graduate debt. If Labour members are concerned to abolish graduate debt, they should support us in abolishing the graduate endowment debt.

I am delighted to open this stage 3 debate on the bill. I take this opportunity to record my appreciation for all the hard work of officials, the parliamentary authorities and the members of the Finance Committee and the Education, Lifelong Learning and Culture Committee. Both those committees considered the bill and its implications.

In the wide-ranging discussion that took place throughout that process, I was pleased that the bill received such broad support from students, universities and many others who are involved in the higher education sector. With that overwhelming support, the SNP Government is assured that abolishing this unfair and inefficient fee is the right thing to do.

As the debate has progressed, I have heard no substantial argument for keeping the graduate endowment fee. Indeed, from the amendments that have been lodged, it is clear that Labour and the Conservatives are falling over themselves to find an excuse to vote for this popular bill.

During the budget process, Labour members of the Education, Lifelong Learning and Culture Committee unsuccessfully sought to amend the budget to divert funds from the abolition of the graduate endowment fee to provide additional funding for universities. They clearly did not understand that by keeping the fee and their original legislation, the Parliament would be locked into retaining that income for student support as the money could not be diverted into general university funding.

**Richard Baker (North East Scotland) (Lab):** Will the cabinet secretary take an intervention?

**Fiona Hyslop:** No, thank you.

There are many myths about the Education (Graduate Endowment and Student Support) (Scotland) Act 2001. It was meant to widen access; it did not. It was to provide income for universities; legally, it could not. It was to provide a regular, dependable income stream for student support; it never did. The issue of university funding is important, but the act that Labour and the Liberal Democrats introduced was not about university funding then and its abolition is not about university funding now.

**Elizabeth Smith (Mid Scotland and Fife)**

**(Con):** Will the cabinet secretary present us this afternoon with evidence that the abolition of the graduate endowment fee will increase access?

**Fiona Hyslop:** If the member is prepared to listen, she will find that the evidence will be presented as the debate develops. Indeed, the evidence was presented at stage 1 and stage 2.

The graduate endowment fee was a political compromise that suited no one. It bears repeating that more than two thirds of students cannot afford to pay the graduate endowment fee in cash so they are forced to add it on to their student loan. Furthermore, around one third of that loan income is lost because it is paid out in administration and other associated charges due to the inefficiencies of the student loan system. If a charity lost one third of its income to administration charges, there would be a public outcry. On the graduate endowment fee, there is a public outcry and it is being led by the SNP Government.

We are investing in the future not only of our students but of our universities. An additional £263 million will be invested in our universities between now and 2010-11. That will increase our overall investment during the next spending review period to a massive £3.24 billion. Investment in universities represents 3.77 per cent of departmental expenditure allocated by the Government. The equivalent figure over the previous spending review period was 3.75 per cent. That represents an increase under the SNP Government.

On top of that, since coming to power, the Government has provided universities with an additional cash injection of £50 million for use in improving their estates. Having said that I would explore the possibility of providing extra funding beyond that, I recently announced a further funding package of £10 million. The effects of both those allocations will be felt not just this year but over many years to come.

To raise income for our universities, we need to use innovative and sustainable solutions that make the most effective use of all the available resources without adding to the burden on students or the universities that they attend. I am exploring a number of the issues around that with Universities Scotland, as part of our joint future thinking task force on universities, which is engaged in short, sharp, focused, radical thinking, not in kicking issues into the long grass. The task force will report to the further and higher education round table, where staff and student representatives and principals are equal partners.

**Murdo Fraser (Mid Scotland and Fife) (Con):**

Is the cabinet secretary aware of the University and College Union Scotland's comments on her joint future thinking task force? It said:

"If the new Scottish government is genuinely interested in a new approach to Scottish higher education, what is needed is something closer to a Robbins report rather than this narrow review."

How does she respond to that criticism?

**Fiona Hyslop:** Our aim is not to kick the issue into the long grass. Such a review would be too late to influence the next spending review. At the FE/HE round table to which the task force will report, unions represent staff and students as equal partners.

Let me trade quotations. Murdo Fraser might not be aware that David Caldwell of Universities Scotland has today summed up well the work that is being done in the task force. He said:

"We appreciate that those calling for an independent review are doing so with the best of intentions. However the universities think that the most promising way forward at the present time is through the Joint Future Thinking Taskforce on Universities which has enabled constructive and positive engagement with the Scottish Government."

The president of the National Union of Students Scotland, James Alexander—who I believe is in the public gallery—is also against the review of higher education that is proposed by Labour and supported by the Conservatives, as it would create the lethal cocktail of a simultaneous review of student support and university funding, which in England resulted in top-up fees.

Alongside the new partnership that we are forging with universities, we have been able to deliver new money for Scotland's students. As well as finding the funds to allow us to abolish the graduate endowment fee, we have pledged to invest an additional £30 million in student support in 2010-11. We intend to consult later this year on how to use that extra money to best effect. I assure members that our decision will see record amounts being invested in student support. In fact, our total package amounts to £119 million over the next three years.

Through the actions of this Government, students in Scotland will experience something that, in years gone by, was available to many of the graduates on the Opposition benches, many of whom might, later today, vote to deny students the key benefit that they enjoyed—free university education.

As we debate the future of the graduate endowment fee, it is important for me to address some of the issues that emerged during stages 1 and 2 of the bill's consideration so that all members are clear about what we are trying to achieve.

I acknowledge that, in itself, abolition of the graduate endowment fee will not widen access to higher education overnight. The evidence clearly shows that a number of deep-seated factors need

to be addressed if we are to widen access to higher education. Debt, and the fear of debt, is one of many such factors. Debt, and the fear of debt, is a barrier, particularly to people from lower-income backgrounds. By removing a significant proportion of the debt that is incurred at university, we will remove part of that barrier, thereby aiding wider access.

Our measure will help students from low-income backgrounds. The graduate endowment fee is not means tested, as some people believe and as members such as Rhona Brankin have suggested. As a front-bench spokesperson and a member of the party that was responsible for introducing the graduate endowment fee in the first place, she should have known better.

**Rhona Brankin:** Will the minister give way?

**Fiona Hyslop:** In a moment.

**The Presiding Officer:** You are in your final minute.

**Fiona Hyslop:** Under the Education (Graduate Endowment and Student Support) (Scotland) Act 2001, which I hope will be swept from the statute book today, students were burdened with £2,300 of state-sponsored graduate debt. We will lift that burden, as part of the social democratic contract that this Government has made with the people of Scotland. Let us release our students from the burden of graduate endowment debt, let us remove a financial barrier to learning and let us restore Scotland to its proud place as the home of free education. We consider the abolition of the graduate endowment fee to be a down payment on our plans to tackle student debt. For those students who are affected, it will make a real difference as they leave university.

I move,

That the Parliament agrees that the Graduate Endowment Abolition (Scotland) Bill be passed.

15:19

**Rhona Brankin (Midlothian) (Lab):** In February 2007, Alex Salmond made a podcast to students, during which he said:

"the SNP's plan is to dump the debt."

I am sure that he thought that he was being very clever in communicating by podcast. Well, Mr Salmond, students are very clever, but it is not necessary to have a PhD to know who has really been dumped. The students in the public gallery know that there was not a single penny in the SNP budget for writing off student debt. That is yet another broken promise from the SNP.

Today, the Cabinet Secretary for Education and Lifelong Learning, who has presided over the worst financial settlement for universities since

devolution, told the chamber that the SNP cares about students and universities.

**Alex Neil (Central Scotland) (SNP):** Will the member take an intervention?

**Rhona Brankin:** No, thank you.

The SNP claims that abolishing the graduate endowment will improve access to higher education and tackle student hardship, but those claims are not accurate. The cabinet secretary failed miserably to produce persuasive evidence to support her claim. As Universities Scotland has recognised, Scotland's record in bringing into university education students from under-represented areas is 50 per cent higher than is the case in the rest of the United Kingdom.

The age participation index shows that overall participation rates have risen since 2001. In an answer to a parliamentary question, the cabinet secretary acknowledged that the number of students entering higher education from the 20 per cent most deprived areas is, in fact, rising. We in the Labour Party want the number to rise yet further.

We do not share the Government's simplistic view that abolition of the graduate endowment will automatically increase access to higher education. Indeed, the Scottish Further and Higher Education Funding Council told the Education, Lifelong Learning and Culture Committee that it was not aware of any clear evidence that the graduate endowment is of itself a barrier to access. There is no evidence to suggest that the endowment militates against increased access. Indeed, only half of all students pay the endowment, and only when they have graduated. The abolition of the endowment will not tackle the problems of access and student poverty. Students from poorer backgrounds do not pay it. They also have access to student bursaries during their period of study.

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

**Rhona Brankin:** Later on.

Labour believes that the SNP should do more to support students from poorer backgrounds when they are at university. Student support in Scotland is already falling way behind. It has fallen behind support in England as a result of the totally inadequate increase in the young students bursary.

The SNP Government has broken its promise to university principals that abolishing the graduate endowment would not impact on university funding. Is it simply a coincidence that, at the same time that the Government is seeking to abolish the graduate endowment, it has also produced a cut in university funding? In evidence to the committee, Universities Scotland said that it could not separate the two issues of student support and university funding.

**Fiona Hyslop:** It is important that the chamber is informed by members who understand not only the current legislation, but that which is proposed. It is clear that the existing legislation does not provide opportunities for investment in universities. It is also clear that the existing graduate endowment fee is not means tested. In terms of participation, does the member acknowledge that, whereas in 2000-01 51 per cent of people went to university, the figure is now down to 47 per cent? It is important that members debate the issues from a position of knowledge, information and understanding. Does she agree?

**Rhona Brankin:** The cabinet secretary is fond of quoting Universities Scotland. Let me tell her what David Caldwell said on the matter. He said that, if student support comes out of the Scottish block, funding

"will not be available for other purposes."—[*Official Report, Education, Lifelong Learning and Culture Committee*, 28 November 2007; c 407.]

There we are. That is what Universities Scotland said. He could not have been clearer than that.

**Fiona Hyslop:** What about the figures?

**Rhona Brankin:** The cabinet secretary wants me to quote the figures. Last year, a record 74,500 students graduated from Scottish universities.

In its budget, the SNP has shown that exactly what was predicted has happened. The universities have the worst settlement since devolution. Universities such as the University of St Andrews are planning cuts in staffing. Sir Alan Langlands, the principal of the University of Dundee, had the courage of his convictions when he spoke out about the poor settlement there.

When I talk to university principals, they tell me about their grave concerns for their universities. They tell me that they worry that whole departments could go south or abroad if we lose our international competitiveness. Indeed, university principals in Ireland are calling for a return to fees, given that abolition failed completely to improve access to university education.

**Alasdair Allan (Western Isles) (SNP):** Will the member give way?

**Rhona Brankin:** No, thank you.

The SNP has presided over a complete mess in terms of universities and student funding. Indeed, the Liberal Democrats continue to be in a complete mess on all the issues. What has the SNP Government done about the outcry that followed its appalling budget settlement? It has provided a measly £10 million in additional funding to universities that will leave them £10 million short in meeting pay agreements alone. It has set up a

working party with no representation from either students or university staff and announced at the first meeting that the working party could discuss only what the Government wanted it to discuss.

Labour believes that it is time to establish an independent commission on further and higher education in Scotland, whose remit should include consideration of structures, future funding of the sector and—what is important—student support. It is eight years since the Cubie committee reported and Andrew Cubie fervently supports the establishment of an independent commission, as do students and many university staff.

To be frank, Scottish universities have just received an appalling settlement that has met universal criticism from universities, students and Opposition politicians. Labour members passionately believe in the importance of world-class universities to the Scottish economy, to Scottish students and to the wellbeing of everybody in Scotland.

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

**Rhona Brankin:** No, thank you.

That belief is why the previous Government put record funding into our universities. The Labour Party believes in social justice. We want to create opportunities for students from less well-off backgrounds and for those who come from communities, such as mine in Midlothian, that have little tradition of going to university.

The time is right to set a long-term direction for our universities and to support students. I urge members to support the amendment in my name. Labour will also support the Conservative amendment. In the spirit of co-operation and from a desire to go forward jointly to deliver a vibrant and world-class education sector, if those amendments are agreed to, Labour will support the bill.

I move amendment S3M-1367.1, to insert at end:

"and, in so doing, notes that the Scottish Government is no longer pledged to abolish graduate loan debt and acknowledges also the inadequate increase in the Young Students' Bursary and, as the Scottish Government has a responsibility to develop a system of student funding to provide sufficient financial support to students while they study, believes that an independent commission should be established on further and higher education in Scotland whose remit shall include consideration of structures and future funding of the sector and student support."

15:26

**Murdo Fraser (Mid Scotland and Fife) (Con):** In the stage 1 debate, I set out the Scottish

Conservatives' concerns about the bill. I made it clear that the Scottish Conservatives opposed the introduction of the graduate endowment, which I gently remind Jeremy Purvis and his colleagues that the Liberal Democrats—and, of course, Labour—introduced while in government. However, abolition of the graduate endowment will take £17 million per year out of the Scottish Government's budget. Our concern was and remains that that has indirectly resulted in a poor financial settlement for Scottish universities.

It is well known, as Rhona Brankin said, that our universities face a real-terms cut in funding for the next financial year. We already know of widespread concerns that our universities are falling behind their counterparts south of the border, which have the benefit of the additional income from top-up tuition fees of £3,000 per year. As we also know, in 2009, the cap on those fees might be lifted.

**Alex Neil:** Will the member take an intervention?

**Murdo Fraser:** Let me make a point—I might give way in a moment.

We in the Conservative party are immensely proud of our Scottish universities and of their contribution to Scotland's standards of education and economy. The Conservatives in government substantially expanded student numbers at universities in Scotland and created many more institutions. We should all be concerned if our universities' future competitive position is under threat.

In our manifesto for the election last May, we called for a wide-ranging independent review of Scottish higher and further education. That review would consider not simply funding, but the purpose of higher and further education, the number of institutions, the proportion of young people who attend institutions as students and proper student support. I am pleased that our call for such an independent review has been echoed elsewhere and that the Labour Party has reached a similar conclusion to us. I have seen support for an independent review from the likes of Dr Andrew Cubie and Dr Brian Lang, who is the principal of the University of St Andrews; from student representatives, including the Coalition of Higher Education Students in Scotland; and from the University and College Union, which represents lecturers.

**Margo MacDonald (Lothians) (Ind):** Will the member give way?

**Mike Rumbles:** Will the member take an intervention on that point?

**Murdo Fraser:** I will happily give way to Mr Rumbles, who voted to introduce the graduate endowment.

**Mike Rumbles:** Do Murdo Fraser and the Conservatives find it somewhat ironic that they are using arguments from trade unions and the Labour Party to oppose a major tax cut for our students?

**Murdo Fraser:** What is ironic is the position of the Liberal Democrats, who claim at every turn to be concerned about the future funding of our universities but who are prepared to vote for a measure that will take £17 million a year out of the Scottish Government's budget. That is irony.

I will make progress.

**Alex Neil:** Will the member take an intervention?

**Murdo Fraser:** Not at the moment, Mr Neil.

The SNP Government has established its future thinking task force on higher education, but it does not go far enough. For a start, it is internal to the Government and is therefore unlikely to ask the hard questions that we need to ask, never mind come up with the answers. Further, apart from Government, only university principals are represented on the body. There is no room to hear the voices of students, lecturers or wider interests such as those of the business community. It is no surprise that Universities Scotland, which represents university principals, has welcomed the future thinking task force, but from a wider perspective it is far too narrow in its focus.

The Conservatives are calling for an independent review to be established because we believe that it is time for a proper look at the future of further and higher education in Scotland, and in particular at threats to its future competitive position.

**Margo MacDonald:** If the member believes that it is time to look at the future, the structure—presumably—and the funding of higher and further education, does that include redrawing the demarcation line between the two and reassessing whether the competitiveness of the universities is needed as much as it was?

**Murdo Fraser:** That is a fair point from Margo MacDonald. There are real issues regarding the relationship between further and higher education in Scotland. A lot of higher education is delivered within the setting of FE colleges, which is exactly the sort of issue that could be considered by a review.

As I have set out, our concern about the graduate endowment is about taking money out of the higher education budget. However, if Parliament can agree today to establish an independent review, that objection would be largely removed and we would be happy to vote for the abolition of the graduate endowment.

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

**Murdo Fraser:** I am sorry—I am out of time.

It would be a tremendous way forward if Parliament could speak with one voice on the issue and agree to abolish the graduate endowment, while at the same time agreeing to establish an independent review of the sector. I am happy to support the Labour amendment. It largely reflects our position, which our amendment fleshes out in more detail.

We have still not heard one word from the SNP on fulfilling its manifesto pledge to write off student debt. In the run-up to the election, there was no doubt where the SNP stood on the issue. It would replace student loans with student grants and write off outstanding debts. We are coming up to the first anniversary of the election and there are still no detailed costings for the proposal, no proposed legislation and not even a consultation. It is perfectly clear that this is a manifesto pledge that the SNP has no intention of fulfilling. It is yet another broken promise from the SNP, and a betrayal of Scotland's students. We must have an independent review.

I move amendment S3M-1367.1.1, to insert at end:

"and whose remit and membership shall be agreed in partnership with the Education, Lifelong Learning and Culture Committee and which shall be set up by the end of June 2008 and shall report to the Scottish Government and the Parliament by the end of 2009."

15:33

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Regrettably, it is still the case that, as a proportion of the population, fewer young people who go to our universities are from poorer backgrounds than are from wealthier ones. For some families and communities, that is deeply ingrained. For others, finance is the key consideration. Even considering the best intentions behind the establishment of the graduate endowment in 2001, as part of an overall package Liberal Democrats support a different path for student funding in future.

Interesting evidence in the Education, Lifelong Learning and Culture Committee's consideration of the bill revealed that many students from a poorer background have a greater fear of being unable to afford to study while studying than of post-graduation debt. That is why Liberal Democrats are pressing to uplift both the bursary support and the borrowing limit to establish a package of funding to what the National Union of Students has established is a baseline of about £7,000 in an academic year—a minimum income guarantee to allow students to afford to live. It would mean that we would provide a student with more support in one year than they would gain from the abolition of the graduate endowment.

**Richard Baker:** Does the point that Mr Purvis makes not reinforce the fact that it is more important to provide additional funding to students while they study than to abolish the graduate endowment?

**Jeremy Purvis:** If that is the case, Mr Baker must deeply regret moves on his and his colleagues' part to use part of the funding, if the graduate endowment is retained, to fund institutions.

**Rhona Brankin:** That is rubbish.

**Jeremy Purvis:** Rhona Brankin says that that is rubbish. She will regret that comment when I quote it back to her in a moment.

The graduate endowment was put in place as part of a fundamental package that has had a radical impact on the reduction of debt in Scotland. Today we are asked by the Conservatives and Labour to support an independent review. Why? Our university sector in Scotland is incredibly strong and internationally renowned. We are far from complacent, however; Liberal Democrats have argued consistently, both in the 2007 election and since, that the Universities Scotland funding bid is sound and should be met in full. That would mean that there would be no requirement for the type of review that the Labour Party and the Conservatives want.

**Fiona Hyslop:** I appreciate the member's comments, but the idea that the Liberal Democrats could fund in full the universities settlement by mutualising Scottish Water, which would not be realised during the current spending review, makes that analysis somewhat remote.

**Jeremy Purvis:** I say to the cabinet secretary that that is a regrettable and irrelevant position on the argument in our manifesto, which was that choices would be made in an overall budget. The point is that we accepted the Universities Scotland bid as a coherent approach to the future of universities, not just with regard to public sector funding, but because they would use the bid to lever in over £160 million a year from other funding sources—and not from student sources.

This is the point at which we ask the Conservatives, in particular, whether, hand on heart, they really are opposed to students contributing to their tuition costs in Scotland or whether they are hoping that an independent commission will propose that and provide them with political cover. They must be very clear about their position.

**Murdo Fraser:** Will Mr Purvis give way?

**Jeremy Purvis:** I would normally, but I am afraid that there are time restrictions.

During the consideration of the bill and, more specifically, the budget process, the Labour and

Conservative parties argued strongly that part of the funds raised from the graduate endowment should be used to fund universities directly. Rhona Brankin said that that was rubbish. Paragraph 58 of the Education, Lifelong Learning and Culture Committee's report on the budget, agreed to on the casting vote of the Labour convener, stated:

"If the Parliament should vote to retain the graduate endowment, the Committee submits that the £17 million sum which would have been spent on its abolition should be reallocated to the budgets for higher education revenue funding and the provision of more Young Students' Bursaries."

I voted against that paragraph, but it was agreed to by Labour and the Conservatives. Given that the funds raised through the endowment already fund the young students bursaries, I am not sure how they propose to spend the money twice, but Labour and the Conservatives actually wanted the law to be changed to allow the funds raised to go directly to universities.

**Rhona Brankin:** Will the member give way?

**Jeremy Purvis:** No, I would normally, but I do not have time.

Imaginative as it is to try and spend the same money three times over, it was a clear illustration of their policy now that they believe that graduates should pay a charge for funding the university institutions separately from their contributions on income tax. That is quite clearly a graduate poll tax.

Our amendment would make a considerable improvement to the current situation, which is already radically better than when this Parliament was established.

At stage 1, I said that since the legislation to abolish tuition fees came into force, 200,000 Scottish students entering Scottish institutions have not paid the English-style tuition fees. I offer one example. For a medical degree in England, the graduate tuition debt alone now stands at £45,000. In Scotland, the figure is zero for an eligible graduate. Liberal Democrats have a strong record on alleviating graduate debt. We wish to go further and work with students. A minimum student income guarantee would have the beneficial effect of encouraging people from poorer backgrounds to apply to university and it would quadruple the impact of the Graduate Endowment Abolition (Scotland) Bill. I hope that the measure gains overall support in Parliament today.

I move amendment S3M-1367.2, to insert at end:

"and, in so doing, calls on the Scottish Ministers, when taking forward their consultation on student support later this year, to consider a number of wider options to improve financial support for students, including specific reference to the development of a new minimum income guarantee."

15:39

**Keith Brown (Ochil) (SNP):** Students today leave university with an average debt of around £11,000. We should be clear about that at the outset. With the stroke of a pen—or at least the push of a button—we can reduce that figure by around 20 per cent, or perhaps even more.

Partisan comments have already been made in the debate and there might be more before its end, perhaps including one or two from me. However, all members should be clear that we face a simple choice. Why is that choice important? As the cabinet secretary outlined, the fear of debt puts off potential students and it is precisely those young people whom we should be attracting if our universities are to be fair and be seen to be fair.

Before I move on, I point out to members that students from the University of Stirling, in my constituency, are in the public gallery today. I commend the students for their action to save their campus post office, which is set for closure by the Westminster Government. Facilities, as well as access, are important.

Just a fortnight ago, the Sutton Trust educational charity published a report on the English model, which I understand Labour proposes as a model for Scotland. In theory, there is higher up-front support, with much higher levels of debt afterwards. When I say much higher levels, I am talking about debts of £20,000 or £30,000 as standard—Jeremy Purvis mentioned debts of £45,000. However, it is flawed logic to think that we can increase access to universities by increasing student debt. The Sutton Trust found that two thirds of those who had decided not to apply to university blamed the fear of debt and the crippling financial burden that it imposes. Crucially, the decision was linked with being from a low-income background.

Most damning for Labour's world view was the Sutton Trust's finding that

"Most students make their choices about studying in Higher Education before they hear about the bursary options."

Nearly three quarters did not even know what the word "bursary" meant. Young people at the age of 17, who mostly have little or no experience of financial independence, are presented with five-digit debts as the cost of going to university. Sitting here, we think that those debts are too high but, to young people at the sharp end, they must look astronomical.

**Margo MacDonald:** I do not mean to be facetious, but if people who have reached the age of 17 and mean to go to university do not know what "bursary" means, they should think again about their choice of career development. That brings me to the point that I made to Murdo

Fraser. Does the SNP, anywhere in its planning, foresee a realignment of further and higher education, because that would have big funding implications?

**Keith Brown:** As Murdo Fraser said, that is a fair point. The question of university specialisation is also a pressing one.

On bursaries, facts are chieftains that winna ding—whether or not people should know what bursaries are, the fact is that three quarters of students do not know that, perhaps because they have not had to consider the issue previously.

The Sutton Trust, which carried out the study on the English model, has widening access as its main objective. To say the least, its founder is no enemy of the Labour Party. The trust funds the sort of summer schools and access initiatives on which, I assume, Labour would like to spend the graduate endowment money. Despite that, the Sutton Trust evidence makes the Labour Party policy of prioritising the complex and badly perceived bursary system look like mince, to borrow *The Sun's* view of Labour's position on the budget.

**Richard Baker:** Will Keith Brown take an intervention?

**Keith Brown:** Not just now.

We must be clear that the overriding problem is that going to university is seen by too many people as expensive. All the evidence shows that that is the case. Perhaps for the Tories, putting off people from lower-income backgrounds does not matter much, but other members would be advised to drop the craven and clucking imitation of the line of their masters at Westminster—who seem to be addicted to ever-higher tuition fees—and take a look at what is on the ground. They should ask the students and the school kids. The right-wing alliance that has developed is interesting. The Tories really should think about the company that they keep these days. We are talking about a party that is in bed with foreign media moguls and that believes in identity cards and huge tax breaks for non-domiciled millionaires.

A high-profile report last year by researchers from the London School of Economics and Political Science contained the shocking find that social mobility in the United Kingdom had plummeted. One of the main reasons given for that was the university system. In an ideal system, family background would not matter one way or the other, because young people would go to university on the basis of their ability, not their family income. We cannot create such a system here and now, but we can reduce student debt by about 20 per cent. More important, we can reduce fees by 100 per cent. Some argue that the graduate endowment is not a tuition fee, but it

certainly is a fee of some kind that people are charged when they graduate. If something looks like a tuition fee, hits like a tuition fee and not so much smells, but stinks like a tuition fee, it is a tuition fee. Abolishing the graduate endowment will, more than any other single act, send out a signal that ability to learn, not ability to pay will once again be the key to our universities.

As I said, the University of Stirling is in my constituency. Students from there and from many other universities are in the public gallery watching proceedings. No doubt, they are taking notes, along with the teaching unions and the universities of Scotland. Even the one or two university principals who complained about being apparently cash starved are part of the consensus in favour of abolishing the graduate endowment. Today, the Parliament can join that consensus and, by passing the bill, can go from opinion to reality. I support the motion.

15:44

**Karen Whitefield (Airdrie and Shotts) (Lab):** I welcome the opportunity to speak in the debate. As convener of the Education, Lifelong Learning and Culture Committee, I thank all those who were involved in assisting with the Parliament's consideration of the bill for their vital contribution to the process. In its consideration of the bill, the committee received submissions from a large number of individuals and organisations and I place on record my appreciation of those who submitted written evidence or gave oral evidence. I also thank my fellow committee members and the members of the Finance Committee for their thorough scrutiny of the bill; the clerking teams to both committees for ensuring that the correct procedures were followed and that the process was as smooth as possible; SPICe for producing detailed and helpful briefings; and the minister for her full engagement in the process.

The aim of the bill is to widen access to higher education. It is part of a package that is aimed at addressing student debt—an objective that I am sure everyone in the chamber shares. For too many people, especially in many of the communities that I represent, and others throughout Scotland, accessing higher education continues to be seen as something that other people do. It is the exception rather than the norm, and many of the opportunities that other young people take for granted can seem way out of reach. That is a wasted opportunity for not just the young people concerned, but their communities and Scotland as a whole.

During the stage 1 debate, I highlighted the evidence that the committee received as part of its scrutiny of the bill. That evidence demonstrated clearly that scrapping the graduate endowment will



have little impact on access to higher education; will do nothing to ease the financial hardship of students who are currently studying at university; and will do little to raise the aspirations of young people who are currently being left behind.

Scrapping the endowment will be of no benefit to part-time students either. If anything, it will worsen the situation and widen the gap between full-time and part-time students.

**Fiona Hyslop:** Does the member welcome the £38 million package of support for moving from loans to grants to help the part-time students to whom she refers?

**Karen Whitefield:** Of course any help for part-time students is welcome, but the reality is that part-time students will still pay fees after today. The bill does absolutely nothing to help such students, many of whom come from constituencies such as mine and need the most help.

If we are to ensure that in 21<sup>st</sup> century Scotland higher education is something to which all our young people can aspire, we need, as a matter of urgency, to consider ways of opening up higher education to all Scotland's young people, whatever their background. We need a strategy for widening access that begins in the early years and continues throughout school and beyond to raise not only attainment and achievement but aspirations.

As a recent Organisation for Economic Co-operation and Development report highlights, differences do not emerge only at age 16, when young people decide whether they will go on to higher education or into the world of work; significant differences can appear even before children have reached two years of age. Despite progress in recent years, the gap continues to widen when young people enter secondary school. Those who fall behind tend to stay behind. That affects not only the young person's chance of going to college or university, but their future life chances, confidence, employment prospects, health and even the opportunities that will be available to their children.

**Margo MacDonald:** I am anxious to discover from the various parties how they approach the issue of higher education philosophically. The member has given me the impression that if people do not go to university they can just lie down and die—I did not.

**Karen Whitefield:** I did not mean that at all. I do not think that university is for everyone, nor should it be if they do not choose to go. My point is that many young people in my constituency should be encouraged and supported in going to university if they want to do so. I still think that, at the moment, they do not get that opportunity or support.

That is why we need a strategy that addresses the gaps at every stage of the education system, to ensure that every young person can fulfil their potential and has the opportunity to succeed. The Government's proposals to scrap the graduate endowment will do little to address that vital issue. Rather than improving access, they will hit students from the most deprived backgrounds hardest. I fully support the intentions of the Government's bill, but it will do nothing to deliver its stated goal.

In evidence to the committee, Fiona Hyslop highlighted a quotation from a student who said that although she had enjoyed being at university, she did not have enough money to continue. The proposals in the bill will do nothing to help that individual. There are real problems with the proposals. That is why the Labour amendment, which calls for an independent commission, is important. I urge colleagues to support our amendment, which would enable us to look at the bigger picture and to develop a strategy to ensure that Scotland's universities are properly funded, that higher education is open and accessible to all—if people choose it—and that now and in the future Scotland's students receive the support and funding that they deserve.

15:51

**Bill Wilson (West of Scotland) (SNP):** "Education, education, education", Tony Blair assured us. What he meant was: education if someone is from a wealthy family; education if they can pay their fees; education that is free for members of the Scottish Parliament and members of Parliament, but not for students living under a Labour Government. That final point highlights the hypocrisy of the right-wing political parties—of the right-wing Tory-new Labour alliance. Tory and Labour MSPs in the chamber benefited from free education, but new Labour—or, should I say, the new tartan Tories—now seeks to deny others that benefit.

**Rhona Brankin:** Will the member give way?

**Bill Wilson:** Not at this point, thanks.

Free education is a benefit that I enjoyed. As I come from a working-class family and a low-income background, I can honestly say that I am not certain that I would have gone to university had I been faced with the debts that were imposed on students by new Labour policies. I certainly would not have chosen to study the environmental sciences, because that does not generate the income that is required to pay off the debts created by fees and loans.

When I look at the debts that many students must incur, I wonder how many of my old friends could have stayed in the environmental sciences.

Many of my friends took undergraduate degrees and postgraduate degrees before they went on to work in research or for environmental charities or to run nature reserves. Most of them were rather poorly paid. Many of my old colleagues never achieved the median wage—never mind the average wage—but they contributed greatly to society. Society cannot do without such contributions. However, under new Labour, students who wish to take that route—those who sacrifice earnings to contribute to society—become the sacrificial victims of new Labour fees and new Labour loans. No doubt we will hear words from some, perhaps from Richard Baker—the same member who, in 1999, assured *The Herald* that he was in favour of abolishing graduate endowment fees—who will argue that we need the endowments to pay for bursaries for poor students.

**Richard Baker:** Will the member give way?

**Bill Wilson:** I will let Richard Baker in shortly.

We can easily discard such arguments. One has only to look at the performance of new Labour in government to see how contemptible such promises are. The United States 2005 report into global higher education placed the UK 14<sup>th</sup> out of 16 developed nations for student support. New Labour provided exceptionally low levels of support when it came to helping students. In respect of the affordability of higher education, the UK was again placed 14<sup>th</sup> out of the 16 developed nations examined. New Labour has made Scotland and England among the most expensive places in the world in which to attend university. The graduate endowment is one more new Labour barrier to education. Two thirds of students add the endowment to their student debt. Student debt is increased by an average of 20 per cent to pay new Labour's new tartan Tory endowment fees.

**Rhona Brankin** *rose*—

**Bill Wilson:** I mentioned Richard Baker, so I will let him in now if he wants.

**Richard Baker:** I supported the establishment of the endowment as a student president, because it meant the introduction of bursaries. I was consistent on that for seven years—the SNP was not consistent for seven months on the abolition of graduate debt. If there is a more generous bursary, surely students will get into less debt. Does Bill Wilson not accept that?

**Bill Wilson:** That argument is bizarre. It is ludicrous to say that if we give students more generous bursaries, we should hit them with a £2,300-odd fee. New Labour is launching on to students debts that they should not have. It is a principle—remember that word? Perhaps new Labour has forgotten it.

The hypocrisy of the new Labour argument is revealed in the figures that I mentioned, which also reveal the failure of new Labour to support education. New Labour's right-wing credentials are also revealed in the figures. That is not the end of the dishonesty in the arguments from the right-wing, new Labour-Tory alliance. If those who imposed student fees—laughably called an endowment—really cared about inequality of access to education, they would have tackled that inequality. How do we know whether previous Governments tackled inequality? The answer is easy. The gap in attendance at universities between those from poor areas and those from wealthy areas would have vanished. How do we know that Labour did not tackle inequalities in access to higher education? Again, the answer is easy. The gap in attendance between those from poor areas and those from wealthy areas has certainly not vanished. If a person is born in a deprived area on any part of these islands, they are less likely to attend a higher education institution. What clearer condemnation of new Labour's claims could there be?

**Rhona Brankin:** Will the member take an intervention?

**Jeremy Purvis:** Will the member give way?

**Bill Wilson:** No. I do not have much time. Perhaps I will give way later.

In the eight years of new Labour in Scotland and the years for which it has been in power in the UK, there has been a complete and utter failure to break education barriers for poorer students. New Labour has used fees and loans to push students deeper into debt and to deny a place in higher education to students from the poorest backgrounds. Enough is enough. Unlike new Labour, the Scottish National Party is committed to social justice and believes that a person's social background should not determine their access to higher education. That is why the SNP is abolishing the graduate endowment and why it will deliver on student grants. It will do so because it is committed to a fair and just society and equal access to education for all.

If most Scots or MSPs were asked what Scots can be most proud of and what marks us out above all else, I believe that they would say "Education." Scotland was the first nation to introduce comprehensive education. It had four universities by 1583 and free education for 100 years. What became of that proud heritage? It was squandered by new Labour and the first two Scottish Executives. A hundred years of free education was replaced by education for a price, and 100 years of access for all was replaced by education for the wealthy. A hundred years of principle was abandoned by new Labour.

Today we can reclaim the proud traditions of Scotland and return to the fundamental principles of free education. We are all Jock Tamson's bairns. Regardless of status, wealth or birth, we all have a fundamental right to free education. I urge all members, especially those who have benefited from a free education, to ensure that that benefit is returned to all Scotland's people. I support the abolition of the graduate endowment.

15:57

**David Whitton (Strathkelvin and Bearsden) (Lab):** I do not know how many years Mr Wilson laboured for at university, but it strikes me that a poor investment was involved.

On the way to Parliament today, I met a group of University of Strathclyde students who were handing out leaflets. Those leaflets said that we should vote yes to abolish the graduate endowment. They added that the tax is one of the biggest barriers to students entering higher education. Whatever the graduate tax is, it is not the biggest barrier to any youngster entering higher education. I also heard a student representative saying on the radio this morning that most students did not even realise that they had to pay the graduate endowment, and that it was just another sum of money that was included in their overall debt.

There is no doubt that the graduate endowment fee has had a bad press. Members have heard why it was introduced, but it is probably worth reminding ourselves why that was done and what it tried to achieve. The endowment was to be paid after graduation and after the student got a job at a given salary level. The money that was raised was specifically meant to pay for bursaries for students from poorer backgrounds, whom Mr Wilson does so much to support. Indeed, Labour increased the young students bursary in the years between 2004 and 2007 by almost 17 per cent, which was well above the rate of inflation. That increase was accompanied by a steep increase in the family income ceiling for determining eligibility for the maximum bursary, which rose from £10,740 to £18,360. That led to an increase of 8,000 in the number of students who qualified for that assistance, and took the number who qualified to more than 20,000.

**Robin Harper (Lothians) (Green):** Will the member take an intervention?

**David Whitton:** No.

The most recent statistics show that under 12 per cent of school leavers from Scotland's most deprived areas are entering higher education, compared with 53 per cent of school leavers from our least deprived areas doing so. It is clear that a lot of work still has to be done to create a more

level playing field in the interests of social justice. Labour was doing that.

Let us consider what the SNP said prior to last year's elections. Its manifesto proclaimed:

"it's time to dump student debt."

That was a catchy phrase, and I am sure that it persuaded many students and even their parents—who, in most cases, end up at least sharing the debt burden—to vote for the SNP. However, there was a different story, as there was for much of the rest of its manifesto, once the SNP got into office.

**Alasdair Allan:** The member has painted a rosy picture of the graduate endowment and all its benefits. Are there any circumstances in which he would vote this afternoon to preserve the endowment?

**David Whitton:** The graduate endowment will stay unless we get the commission.

**Margo MacDonald:** Will the member clarify something for me? Am I correct in thinking that the motion says that the graduate endowment will go, and that Labour's amendment merely adds a measure to that?

**David Whitton:** Yes, that is correct.

It did not take long for the Cabinet Secretary for Finance and Sustainable Growth, John Swinney, to announce that, instead of dumping student debt, he was dumping the promise. To try and maintain some semblance of credibility with Scotland's students, the SNP has opted to get rid of the graduate endowment.

Labour members believe that the more important issue is widening access and providing financial support to students during their time at university and college. That is why I support the amendment in the name of my colleague Rhona Brankin, which calls on the Executive both to develop a system of student funding that provides sufficient financial support to students while they study, and to establish an independent commission to consider further and higher education, with a remit that includes consideration of their structures and future funding. It is not only students who are suffering under this SNP Government: the very institutions that the students attend are facing cuts in real terms to their financial support.

However the SNP and its spokespeople want to portray things, there is a reduction of £5 million for the year 2008-09. No wonder places such as the University of Dundee have announced job cuts. More may follow elsewhere. That is why Labour's call for a commission—to consider funding for universities and, more important, funding to deal with student hardship—should be supported.

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

**David Whitton:** Not yet.

I am surprised that SNP members are not supporting us, because the SNP said in its 2003 manifesto:

"We will reconvene the Cubie Committee with a remit to review financial support for students at present, as well as the overall context of further and higher education funding. The committee will not be restricted in its remit".

A lot has changed.

I find it incredible that Liberal members also refuse to support Labour's amendment. They are members of the party that, time and again, has raised questions on university finance in this chamber. During the debates on the spending review, those members made claims about inadequate funding, but now, when they can actually vote for something that could investigate the issues, they will sit on their hands. How typically Liberal—a complete refusal to take any responsibility for anything. Let us not forget that it was the party's leader, Nicol Stephen, who raised the issue of redundancies at the University of Dundee with the First Minister. What will he say in Dundee now? As someone who comes from that city, I have a fair idea of what they might say to him, but I would be accused of unparliamentary language if I repeated it.

Labour introduced the education maintenance allowance to provide financial support to pupils from low-income families to enable them to stay on at school beyond 16. Almost 30,000 youngsters benefited, many of whom went on to university or college. The SNP is taking 20 per cent out of that budget, so fewer youngsters will get the support. It is safe to assume that fewer people from less well-off backgrounds will find their way into higher education. So much for social justice, SNP style.

The SNP refuses to increase student bursaries beyond the level of inflation. We have heard that the current maximum funding available to students through grants and loans is £4,000. It will soon be £6,000 in the rest of the United Kingdom, and the National Union of Students would like to see a level of £7,000. Coincidentally, that is about the same as the average cost of annual school fees in the private sector, which I read about this morning. While people who have always been able to afford to pay for their education carry on as normal, the SNP does nothing for youngsters who are not born with a silver spoon in their mouths.

This Government is not doing enough to support students; it is not doing enough to support universities; and—as is clear from its actions—it is not doing enough to help Scotland's education system to keep pace with the rest of the UK, never mind the rest of the world.

16:04

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I am pleased that we are debating a party policy of the Liberal Democrats—the abolition of the graduate endowment—that was hard fought for at the election. As I have said before—during the stage 1 debate and earlier than that—the issue of the graduate endowment is unfinished business. As the SNP and Tories have discovered in the course of their budget negotiations together, coalitions between political parties invariably involve compromise. There is no question but that the introduction of the graduate endowment was a compromise between two political parties with very different views on education.

**Rhona Brankin:** Will the member take an intervention?

**Mike Rumbles:** In a moment.

The Liberal Democrats believe in the principle of free education. The Labour Party clearly demonstrated that difference between us when, in one of its first acts, Tony Blair's Government introduced tuition fees and scrapped student grants. The Labour Party does not believe in the concept of free education for all, and its opposition to that principle continues in the chamber today. Therefore, the introduction of the graduate endowment was, inevitably, a compromise.

I am proud, however, of the role that the Liberal Democrats played in abolishing tuition fees in Scotland. Since we did so, Scottish students have been paying £2,000 at the end of their studies instead of £9,000. If I was a student, I know which I would prefer to pay.

As I mentioned, the abolition of the graduate endowment was included in our election manifesto last May. It was, of course, also in the SNP's manifesto. It must be fantastic for SNP MSPs to be here today to deliver one of their manifesto commitments. I congratulate them on that, as they have failed to deliver on a range of other issues in their manifesto, such as reducing class sizes, providing 1,000 extra police officers, building new schools—I could go on and on, but I will not.

As well as promising to abolish the graduate endowment, the SNP manifesto said:

"We will remove the burden of debt repayments owed by Scottish domiciled and resident graduates."

It is very clear on that point.

**Alex Neil:** Does the member agree that the burden of debt on students was created by the Labour Government between 1997 and today? Student debt prior to the election of Tony Blair's Government was never a big issue—it was Labour that plunged students into dire poverty.

**Mike Rumbles:** As so often, Alex Neil makes a pertinent intervention. When that particular promise from the SNP manifesto—to dump our student debt—will be delivered, I do not know; I have a feeling that I will wait a long time for a specific commitment to an actual debate. I know that the minister has been writing to students to say that there is no majority in the chamber to do that, and that the Government will therefore not bring anything forward. Why does it not test the chamber? I would be delighted to be able to vote for a bill that abolished student debt—the Government should bring it on. It is a bit disingenuous of the Government to say that that cannot be done, when it has never been tested in the chamber. I will be interested to hear what the cabinet secretary says about that when she sums up.

**Tricia Marwick (Central Fife) (SNP):** Not having a majority, and therefore not testing it, was precisely the reason that the Liberal Democrats gave for not supporting my bill on proportional representation by single transferable vote when it came to the chamber in 2002.

**Mike Rumbles:** Does the member not realise that we have proportional representation, and the single transferable vote? That is why we delivered it, and that is why there are Liberal Democrats in one third of the administrations of local councils throughout Scotland. Once more, I thank an SNP member for a pertinent intervention.

I am very pleased—I am laughing, as it is a good news day for our students and for everybody who is involved with this—that we are ready to scrap the graduate endowment.

I turn to the Tories. Having been attacked for years by the Conservatives for introducing the endowment in return for abolishing fees, we find it slightly galling that they will vote today to retain it. However, I can assure them that I am only too happy to point out to my constituents in West Aberdeenshire the Conservatives' position on this issue—

**Murdo Fraser:** Will the member take an intervention?

**Mike Rumbles:** In a moment.

I am only too happy to point out to graduates who already find themselves with thousands of pounds of debt when they leave university that the Conservatives support this additional burden. The Conservatives' position is completely bizarre. They are in favour of cutting taxes by cutting business rates—

**Murdo Fraser:** Will the member take an intervention?

**Mike Rumbles:** I will let the member respond in a moment.

**The Deputy Presiding Officer (Trish Godman):** The member has one minute left.

**Mike Rumbles:** The Conservatives are in favour of cutting taxes by cutting business rates—and they want more business rates cuts, and again, and faster—but when it comes to cutting taxes on our students, they say, “Oh no—it will affect other budgets and should not be done.” Murdo Fraser has just said that. I think that our young people have got the measure of the Conservatives—the Tories are just not interested in them.

I happily give way to the Tories.

**The Deputy Presiding Officer:** Please be brief, Mr Fraser.

**Murdo Fraser:** I will be brief, Presiding Officer.

Is Mr Rumbles, as a unionist, not concerned about the dangerous game that he is playing today in propping up the SNP Government?

**The Deputy Presiding Officer:** Mr Rumbles, you should be finishing now.

**Mike Rumbles:** I came to the Parliament having been elected on a manifesto. I hope that the SNP will implement its manifesto promises as well.

The argument that students should pay for education because they will earn more in later years is simply ridiculous. We already have a system that ensures that those who earn more contribute more. It is called income tax. The Labour Party should remember that.

There can be no doubt that the graduate endowment is a barrier and a disincentive to those who wish to go into higher education. Access to higher education must be based on the ability to learn and not on the ability to pay. I will therefore take pleasure in voting for the abolition of the graduate endowment.

16:10

**Christina McKelvie (Central Scotland) (SNP):** I am sure that Jeremy Purvis, Mike Rumbles and my other Liberal Democrat colleagues are delighted that, today, at last, the removal of tuition fees for Scottish students is truly non-negotiable. I am also sure that the Conservatives will welcome the opportunity to remove an education tax from the shoulders of Scotland's students.

There are long-running debates about funding of students through higher education, but we can be fairly certain that student poverty and graduate debt have a negative effect on our country. Gurjit Singh, who is president of the University of Strathclyde Students Association, laid out the case by saying:

“Students are facing spiralling levels of debt and immense hardship, and the graduate endowment only adds to this burden.”

I am delighted that David Whitton confirmed that in his speech.

Gurjit Singh's view is representative of the opinion of students the length and breadth of the country who support the bill and who asked us to end the graduate endowment. He also said:

"Today's vote will be an important milestone in making sure Scotland has an education system that is accessible to all."

That is what we are looking for. The principle that underpins the SNP's policy on education is that access to education should—it has been said already today, but I say it again—be based on the ability to learn and not the ability to pay. Education should be free at the point of delivery.

We all pay for education in our contributions through the tax system, but we have to consider reducing the massive burden of debt that our graduates carry. At present, they leave university with debts that hamper their life chances and make it more difficult to start a family, buy a house and get on with their careers. As Keith Brown said, 20 per cent of their debt is due to the graduate endowment.

Removing the graduate endowment tuition fee will not, in itself, address all the issues around student poverty and graduate debt, but it is the first step. As Fiona Hyslop said, it is "a down payment" on the duty that we all have to improve the education system in Scotland and open up life chances for all.

**Rhona Brankin:** Is the member disappointed by her party's failure to dump student debt?

**Christina McKelvie:** I am not disappointed at all today—I am delighted to be standing here. I believe that Rhona Brankin is trying to engage me in a battle of wits, but I will not go into combat with someone who is unarmed. I remember the days during the Thatcher years when Labour campaigned for grants instead of loans. Labour has lost its principles.

The NUS's support for the SNP's policy might have been predicted, but the support of lecturers, through the Association of Teachers and Lecturers, is pleasing. The ATL noted that the SNP has moved swiftly to deliver on its manifesto promise to reduce student debt—another promise delivered. Edinburgh College of Art pointed out that the abolition of the graduate endowment will make it easier to attract students from less affluent backgrounds and will therefore help to level the playing field. I am sure that that widening of access is an important touchstone for us all.

Opening up education opportunities for all is an important contribution to Scotland's future. A well-educated and highly skilled workforce will be Scotland's best economic weapon in the future

and, indeed, is needed now. The more members of our population we can get through the system, the better served our country will be.

**Margo MacDonald:** The member said that the more members of our population we can get through the system—I presume she means the higher education system—the better. Does she believe that higher education and further education must be structured as they are just now and that the students in both sectors must be supported as they are just now?

**Christina McKelvie:** I think that Margo MacDonald knows the answer to that question. The matter is already being examined.

The Coalition of Higher Education Students in Scotland is also clear about the effect of the removal of this barrier. CHES says that

"for a working class family it"—

"it" is attending University—

"becomes a question of economics; 'can I afford it? Do I want to spend the rest of my working life trying to clear debts incurred because I chose to study?'"

In other words, the choice for potential students from poorer backgrounds is stark, and the fear of debt can be enough to persuade them that further study is not an appropriate route.

We have seen unprecedented levels of support for the bill—the students demonstrated that today—and we cannot but be persuaded that it is in the best interests of the people of Scotland that we return to fees-free education. The universities are behind the bill, too. Napier University went as far as to point out that the abolition of the graduate endowment would aid the welfare of students. The Association of Scottish Colleges welcomed the bill, as did the Educational Institute of Scotland, which argued a case with which I agree.

The bill is the first step. I am confident that the Scottish Government intends to deliver more in due course and that it has every intention of moving towards a system that allows participation in further and higher education for everyone who wants it and can benefit from that learning. The SNP believes in providing education opportunities from the cradle to the grave and in ensuring that those opportunities are open to all.

The benefits of education for individuals and for our society far outweigh the cost of education. We are constantly reminded about the economic benefits of education—the increased earning potential that it provides for individuals and for our nation, which brings greater taxation returns that pay for the education. We should also bear in mind the improved self-esteem of a successful learner, the improvement in public awareness and the greater engagement in public life that come with learning. We should be doing everything in

our power to increase and widen access to education, to improve the educational experience and to bring the benefits of education to us all.

The graduate endowment tuition fee has failed completely to serve Scotland's students and potential students. It is time for it to go.

16:17

**Mary Mulligan (Linlithgow) (Lab):** When I speak in the chamber, I usually—as many members do—welcome the opportunity to do so. Whether I agree with the motion or oppose it, it is always good to hear other members' views in a democratic chamber. Today, however, I have little enthusiasm for the debate because it is a sop—a fraud. It is a nod in the direction of students who were cruelly misled by the SNP prior to the May 2007 elections. Students were told by the SNP that it would “dump the debt”. Despite many warnings that were given by many people that that would cost millions of pounds that the Government could not afford, it brushed aside all protests. The reality is that the SNP is scrapping a graduate endowment that does nothing for student hardship because it is not paid until the students are in employment.

The only thing I can say in favour of the bill is that it is a piece of legislation—and we are here to legislate. Some members might say that there was too much legislation in the past, but that was because there was—I suggest that there still is—much that we have to do. However, the Government's approach of avoiding legislating while, at the same time, calling for additional powers for Parliament is nonsense.

So, what would be better than today's debate? It would be to face up to the two big issues that we really face: first, the need to widen access by addressing student hardship; and, secondly, university funding. I will start with the need to widen access. Abolition of the graduate endowment will not, in itself, widen access—even the cabinet secretary has accepted that today. I am glad that the Education, Lifelong Learning and Culture Committee accepted Labour's amendment at stage 2, which requires the Government to publish an annual report detailing how the policy has contributed to widening access. I suspect, however, that we will be disappointed.

**Fiona Hyslop:** The Education (Graduate Endowment and Student Support) (Scotland) Act 2001 had as a stated up-front policy intention the widening of access to, and participation in, university for people from poorer backgrounds. On the basis that that has not happened, does the member agree that the 2001 act has clearly failed?

**Mary Mulligan:** The graduate endowment allowed us to provide bursaries and, as the

cabinet secretary well knows, there has been an increase in student numbers, so what she is saying is not true. The most recent statistics on the destinations of Scottish school leavers note that just under 12 per cent of leavers from the most deprived areas enter higher education, compared with more than 53 per cent of those who come from the least deprived areas. It is foolishly optimistic to think that removing the graduate endowment from a larger debt burden that will not be paid until the graduate is working will address that huge gap.

I understand that students say that they fear debt and that it might put them off becoming students.

**Robin Harper:** Will the member give way?

**Mary Mulligan:** I will give way in a moment.

There might be some members for whom this is not true, but I suggest that, for most of us, debt is a part of our adult lives. It is a problem if we have no income to pay it, which is why the graduate endowment was to be paid only when there was an income out of which it could be paid.

The biggest financial problems for students are their living costs—paying rent, buying food and heating their properties. Abolition of the graduate endowment does not tackle those problems, but providing more bursaries at a higher rate would, and that is what we should be discussing this afternoon.

**Robin Harper:** The Cubie committee report recommended that the point at which people should pay the endowment should be £23,000, which is what I was earning at the time as a teacher with 37 years in the profession. In other words, repayment was some distance in time from leaving university, which would allow people to establish themselves before they had to pay back the debt. Why did the Government of the time reduce that limit by 50 per cent, thereby bringing almost everyone who left university immediately to the point where they had to pay it back?

**Mary Mulligan:** If Mr Harper remembers, we raised the threshold. If the debt is delayed, people will get other burdens and responsibilities. There are pros and cons and they would have to be resolved.

It would be wrong to think that widening access is just about money. There is clearly a cultural issue. Some people do not believe that university is for them. Abolition of the graduate endowment does not tackle that.

I am running out of time to raise the issue of university funding. By establishing a commission, we could consider several issues, including student hardship and how we fund our universities. We are already coming under

pressure because, around the world—not just in England—investment in universities is increasing and we seem to be unable to respond to that. The figures that the Scottish Government included in its budget settlement for university funding show that it is half-hearted about it.

Do we just ignore the challenges, as the SNP Government appears to be doing? The Labour proposal for a commission is a positive way forward. What does the SNP fear from a commission? Other cabinet secretaries seem to be happy to introduce independent bodies, for example, to review our health service—I see that Shona Robison is in the chamber—and there does not seem to be a problem with that. However, the Cabinet Secretary for Education and Lifelong Learning seems to fear such a commission that would consider widening access, student hardship and university funding. I hope that she will change her mind and vote to support the Labour amendment.

16:23

**Robin Harper (Lothians) (Green):** Like the SNP and Liberal Democrats, the Green party believes in free education. I support the Liberal Democrat amendment and the motion to abolish the graduate endowment.

I have been lobbied by students who wish to see the graduate endowment abolished, but I have received no lobbying on the Labour and Conservative proposals. Whether they came too late for overall discussion or whether their students are simply not interested in lobbying me on the issue, I do not know. As I will not be voting for them, I do not particularly care.

The Green party believes in parity of esteem for all young people who enter further and higher education. In a quiet way, Margo MacDonald made the same point. The Green party's basic income scheme would provide parity of esteem because, on attaining the age of 16, all young people would qualify for a basic income that would allow them to opt for part-time education. Such a scheme would also allow people to receive the same level of support if they were to return to university or college education as mature students at any time in their lives.

**Fiona Hyslop:** The member makes an important point. Because an increasing number of part-time students are taking higher education courses at colleges, we have moved quickly to equalise the system by ensuring that they do not have to take out loans to pay their fees. That will not happen overnight, but it is on the horizon and I have discussed the matter with students. Only last week, I met 30 college principals to discuss the future of the college sector in that regard.

**Robin Harper:** I thank the cabinet secretary for her intervention.

I turn to the Labour and Conservative amendments. This is not the right time—as has been explained—to set up an alternative to the discussion that is already taking place between the Government and the universities. I hope that that direct relationship will lead fairly rapidly to solutions that take us forward.

**Richard Baker** *rose—*

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

**Robin Harper:** I want to finish the point that I am making. The proposed commission could take up to two years to report and its conclusions could be ignored totally by the Government, as happened with the principal conclusion of the Cubie committee, on the point at which debt should be repaid. The establishment of a commission would simply delay matters.

We must address as a matter of urgency the problems of student debt, student funding and the funding of our universities; the quicker we get on with doing so, the better. I see the Labour and Conservative amendments as delaying tactics—perhaps not intentionally so, but delay would be the unintended consequence of establishing a commission.

**Margo MacDonald:** The member has voiced concerns about the timing of the proposed commission's work. However, that need not be a problem if Parliament were to say that the commission must report within the timescale that is set out in the Conservative amendment.

**Robin Harper:** I still think that the proposal is not productive and could turn out not to be the best use of everyone's time. A process is already under way and we hope that it will come up with some answers. Why should we interrupt that with a new process?

**Murdo Fraser:** Mr Harper is rector of that fine institution, the University of Aberdeen, of which I am an alumnus. Does he share my concern that the process that has already been established and that he described does not allow the voices of students and lecturers to be heard? The only voices that are being heard are those of university principals. Would it not make sense for us to support a wider review to allow other voices to be heard?

**Robin Harper:** I have some sympathy with Murdo Fraser's observations on the need for us to listen to students and university staff. However, the current process does not preclude the Government from listening directly to students and university staff. I hope that the cabinet secretary will say whether she intends in due course to



initiate a similar process with students and university staff, as would be wise and proper.

Perhaps I should have declared an interest as rector of the University of Aberdeen. However, I have not been lobbied directly by the university's students or staff—or by the principal—so I have felt myself free to say what I like in today's debate.

The fact that there has not been much time for people to respond to the Conservatives' proposal is one of my principal concerns about the Tory amendment. The Conservatives have given us pretty short notice. They should have been campaigning on their proposal for months beforehand to give people time to respond.

I thank the Government for introducing the bill, which I hope Parliament will pass.

**The Deputy Presiding Officer:** We now move to winding-up speeches.

16:30

**Hugh O'Donnell (Central Scotland) (LD):** Much of what has been said today has been a rehash of the stage 1 debate. To that extent, the debate has felt a little bit like groundhog day.

I should first declare an interest. Upon being elected to Parliament, I think that one of the first pieces of correspondence that I received was a letter from the Student Loans Company requesting that I start repaying my current student debt. Therefore, I have first-hand experience of the issue that we are debating.

For the Liberal Democrats, the debate on student finance goes well beyond the measure that we are considering today. As my colleague Jeremy Purvis said, we believe that the Government needs to give a commitment to provide a minimum student income. That is why we have lodged our amendment. Such a guarantee is fundamental to ensuring that quick progress is made on the widening access agenda, to which every party has signed up.

The need for quick progress is the key difficulty that the Liberal Democrats have with the Labour and Conservative amendments. All too often, commissions are simply mechanisms—all Governments have been guilty of using them—for kicking issues into the long grass. Liberal Democrats believe that our students are already under excessive pressure because of the need to balance study and work, which many require to do almost full time in order to make a living. The sooner we make progress, the better.

The abolition of the endowment fee is not a bad thing in itself—far from it. Indeed, its abolition was a Liberal Democrat manifesto commitment. We costed our manifesto proposals as a whole

package. Rather than simply tinker around the edges of student finance, we wanted—and continue to want—to consider the wider issues such as housing costs, living costs and student income as a whole. To that end, our manifesto commitment is reflected in the amendment in the name of Jeremy Purvis.

On its own, the bill will have limited impact on the widening access agenda. Fewer than 50 per cent of students currently pay the graduate endowment fee in any case, but the fee is only a small part of the burden on students. As other members have said, we must scotch the myth that such education is completely free. We have received assurances from the cabinet secretary in relation to part-time students. I look forward to further support for them, but issues remain about people who study for second degrees and those who have come to Scotland from elsewhere in the UK. Such students, who will not be affected by the bill, will still be liable to pay something in the order of £2,700 a year in fees.

Strong evidence suggests that debt worries are a disincentive to studying. Students from less affluent backgrounds are likely to incur far higher levels of debt because their parents lack the ability to provide additional support—they have a smaller bank of mum and dad. Parental contribution to student maintenance costs varies markedly by social class. Most students from semi-skilled and unskilled backgrounds desperately rely on bursaries, grants or loans. In that regard, such students will be disappointed that—yet again—the SNP Government has not completely fulfilled its manifesto commitment to dump student debt. I fully acknowledge that the bill is a small step in that direction, but to take only baby steps in dealing with a problem on such a scale is far from acceptable.

The Joseph Rowntree Foundation found that there is a sense of fear among young people from disadvantaged backgrounds, who are deterred from entering full-time education. In a previous existence, when I taught in FE, I found that that was a barrier even at FE level. That sense of fear results in a continuing cycle of economic hardship in those communities. If people do not recognise the opportunity that full-time education offers or are frightened by the prospect of stepping outside their comfort zones, they will not create role models or have the opportunity to see their peer group progress, which is not good for improving the outcomes for those poorer communities to which previous speakers have referred.

The Liberal Democrats welcome the removal of the graduate endowment fee from the debt burden on our students, but we will continue to press the Government hard to meaningfully address student debt and student support as a whole and, more

specifically, the development of a minimum income guarantee for Scotland's students, which we request in our amendment.

16:36

**Elizabeth Smith (Mid Scotland and Fife) (Con):** At 5 o'clock, members will face a stark choice. They can either show courage, by standing up and confronting the difficult task of delivering the long-term sustainable future of our universities and colleges—to which Margo MacDonald alluded—without which Scotland cannot retain the standards of excellence for which she is renowned and which the students in the public gallery represent, or they can show timidity, by opting to merely tinker at the edges and deliver nothing but more headaches for the years ahead.

This debate is one of the most important to come to Parliament in recent times. It is important not just because the Government chose to make the abolition of the graduate endowment a flagship policy, but because, in doing so, it has, perhaps unwittingly at times, sparked off—not just in the Parliament—one of the most vigorous and passionate debates about the future of our university and college structure.

Let me again put firmly on the record that it is our belief—and, I believe, that of at least one other party in the Parliament—that we have no less than a moral obligation to Scotland and to our future generations to ensure that that wider debate takes centre stage.

**Fiona Hyslop:** I appreciate the sincerity with which the member makes her point, but would she be satisfied with an independent review that reported at the end of 2009 but which had not received the Government's response, had not engaged with staff and students to come up with policy solutions and which arrived after the next spending review was published? Do we not have an obligation to move quickly to develop the bold and radical thinking that we need in this area?

**Elizabeth Smith:** I will be happy when there is a moral obligation to examine from all angles how to achieve a sustainable future for our universities and colleges, not just for the next few years but for decades ahead. Such a moral obligation seemed to appeal to the Liberals on 8 October 2007, when Jeremy Purvis said that unless we got a clear commitment from the Government to meet in full the Universities Scotland recommendation, Scotland would sleepwalk into an uncompetitive higher education sector, with potentially disastrous long-term implications for the Scottish economy.

**Jeremy Purvis:** I am grateful to Elizabeth Smith for highlighting the Liberal Democrats' consistency in stating the importance of the higher education

sector. We were the only party that said during the election campaign that we would meet the sector's funding in full.

Was the member as surprised as I was when, after the Education, Lifelong Learning and Culture Committee had reached its unanimous conclusions on the need for additional support for the sector, the proposals were voted down by her colleagues on the Finance Committee?

**Elizabeth Smith:** I am grateful for Mr Purvis's intervention. What I find extraordinary about the Liberal Democrats' position and cannot understand is why they cannot agree to the Labour and Conservative amendments that are on the table, which not only agree with the SNP on the abolition of the graduate endowment fee but propose a future independent inquiry.

I have listened carefully over many months to what the cabinet secretary has said about the joint future thinking task force on universities. She has claimed that the Graduate Endowment Abolition (Scotland) Bill is only the first step in dealing with student debt. I understand some of her points, but the overall supposition is naive and disingenuous. Before the election, in campaigning around the country, SNP members ingratiated themselves with the student body by making wild promises that they knew they could not keep—promises that would do nothing to secure the long-term future of our colleges and universities. As Jenny Hjul said in *The Sunday Times* at the weekend, the SNP took a calculated risk in the hope that its policy of underfunding would not upset as many people as would have been the case if the same policy had been directed at hospitals or schools.

What the SNP Government should have done—and what every MSP should do if they really care about the long-term future of colleges and universities—is recognise that the issue requires root-and-branch review to address not only the funding levels that are required to ensure that Scotland can compete on the international stage, university by university and college by college, but how university courses will articulate with the proposed changes in school education and those that may be made to the examination structure.

**Margo MacDonald:** Hear, hear.

**Elizabeth Smith:** I agree entirely with the point that Margo MacDonald made earlier.

At committee and in the stage 1 debate, I said that the connection in the debate on the graduate endowment and future funding and structure issues, which the Government persistently chooses to ignore, is simple: the principles and priorities of policy making. That theme was eloquently expounded by Professor Duncan Rice in a recent lecture to the Royal Society of Edinburgh.

There is one simple fact in the debate: the structure and funding of the university and college structure is not built for the 21<sup>st</sup> century. At 5 o'clock, with the courage of our convictions and minded of the moral obligation about which I spoke earlier, we have the opportunity to deliver on that. We must ensure that the structure and funding is so built. I ask members to dig deep into their consciences and support the Labour amendment and its Conservative addition.

**The Deputy Presiding Officer:** I call Richard Baker. You have eight minutes, Mr Baker.

16:42

**Richard Baker (North East Scotland) (Lab):** The debate has to be about what is best for students and our universities and colleges. The abolition of the graduate endowment may provide the SNP with a fig leaf for its failure to fulfil its manifesto promise to abolish all graduate loan debt, but it does not mean one penny more for one more student. The fact is that, under our proposals, students, particularly those from poorer backgrounds, would have seen a significant increase in their bursaries. Under the SNP, they will receive only an inflationary increase in the young students bursary.

Unlike the SNP, which has simply not been honest with the student community, members on this side of the chamber have been consistent on the issue of student funding. We believe that the retention of the endowment would have secured better student support. One crucial reason for doing that is that we must tackle the problem of the drop-out rate at our universities. For students to drop out is a waste of our investment in their education and a waste of an important life chance for them. The previous Executive knew the importance of improving bursaries. It knew that they make the difference between people being able to continue their studies and dropping out. Indeed, there has been an increase in students from poorer backgrounds dropping out of university over the period.

**Mike Rumbles:** In the debate, we have heard talk about the moral obligation on members. Does Richard Baker not feel that there is a moral obligation on Labour MSPs—as there is on Tory MSPs—to address the issue of our young people having to set out on their start in life with huge levels of debt?

**Richard Baker:** The moral obligation is fulfilled by the examination of that very issue in the commission that we have proposed.

The issues that are involved in student support should be examined more widely, which is why we are pleased to endorse the proposal for an independent commission of inquiry into student

support and funding for further and higher education. The Scottish Conservatives' amendment will ensure that the inquiry will be undertaken in a tight timescale. The proposed commission will have real teeth and will be truly independent, as the Government will need to agree the full remit and membership with the Education, Lifelong Learning and Culture Committee. There is a clear need for such a commission to examine the wider issues, as well as student support. The proposal to abolish the endowment without significantly increasing bursaries is typical of the Government's chaotic and damaging approach to further and higher education funding.

We are already seeing the consequences of the Scottish Government's decision to cut university funding, with the announcement of 100 job cuts at the University of Dundee. That is damaging not only for our universities but for the Scottish economy. The job cuts fly in the face of the Government's economic strategy, particularly when one considers that the University of Dundee has been at the forefront of making Scotland a world leader in biomedical research. The university has helped to attract some £50 million of private investment from Wyeth Pharmaceuticals.

It is disastrous for Scottish universities that English universities will have a funding advantage of 5 per cent when, in the past, we in Scotland had the advantage.

**Alasdair Allan:** Will the member give way?

**Richard Baker:** In a moment.

We face the prospect of losing vital academic expertise to south of the border, particularly given the funding gap for universities next year in meeting previously agreed pay deals.

I will take one final intervention.

**Alasdair Allan:** The member has set out his position on abolition of the graduate endowment. Do his former colleagues in the National Union of Students share his position?

**Richard Baker:** My erstwhile university colleagues will remember that I have been consistent on the issue. I will not preach to my successors about what they have said today.

The additional £10 million from the Scottish Government meets only half the £20 million funding gap for previously agreed pay deals, which is a fundamental difficulty. That is why we are pleased that the University and College Union supports the call for an independent commission.

**Christina McKelvie** *rose—*

**Richard Baker:** I am sorry; I do not have time to give way.

Student presidents support the abolition of the endowment, but some believe that a review is also essential, because students want to be properly supported while they study and they want to study at institutions that receive the right funding, so that they can provide an excellent education.

Universities Scotland might be bound into the future thinking task force, which we believe is totally inadequate, and some principals might be reluctant to speak out for fear that a touchy Scottish Government will jump down their throats, but the sector realises that, for the future of Scottish education, which is important to us all, an independent review is essential. That is why Andrew Cubie supports the proposed review.

I understand why the SNP does not want an independent commission to scrutinise its policies on student and institutional funding.

**Christina McKelvie:** Will the member take an intervention?

**Richard Baker:** I am sorry; I cannot.

However, it is extraordinary that the Liberal Democrats, who have attacked the funding settlement week in, week out, and who have argued that there is a crisis that needs to be addressed, have, when given the opportunity today to vote for an independent review to scrutinise and provide solutions to the issues, stood by culpable and supine. Any future criticisms from them on the issues will ring hollow. They stand in the way of consensus today.

**Jeremy Purvis:** I thank Mr Baker for pointing to the fact that Liberal Democrats have asked why Labour did not accept Universities Scotland's funding bid in full, did not campaign for it and now seeks an independent review that would be a Trojan horse for what Labour wishes to do—use funds raised by the graduate endowment and ring fenced for student support to contribute to revenue funding for universities. That is a graduate poll tax from the Labour Party.

**Richard Baker:** That is a ludicrous misrepresentation of our position. Like Liberal Democrats, we have campaigned for the funding settlement. However, although the Liberal Democrats say that they have campaigned for that settlement, they have not lodged amendments to that effect. In fact, they have objected to other amendments and moves to increase university funding, so I accept none of the points that Jeremy Purvis made.

We must ask why the SNP is rounding up troops against an independent commission when, as David Whitton said, the SNP's 2003 manifesto said—

**Christina McKelvie** *rose—*

**Richard Baker:** I will give way if I have time.

**The Deputy Presiding Officer:** You should be finishing now.

**Richard Baker:** I understood that I had eight minutes, Presiding Officer.

**The Deputy Presiding Officer:** I am sorry; you are absolutely right.

**Richard Baker:** The manifesto said:

"We will reconvene the Cubie Committee ... The committee will not be restricted in its remit."

What has changed between then and now to make such a review unnecessary? Then, universities had the funding edge and we had increases in bursaries, for which more students were becoming eligible. Now, universities face a funding crisis and we have barely any increase in the bursary. Students from poorer backgrounds in Scotland now have some £2,000 a year less to live on than do their English counterparts.

The arguments for a review are far more compelling now than they were in 2003. Is the SNP's reluctance born of a fear that putting its plans to abolish all student loans before a commission would reveal that, despite its protestations, the SNP always knew that its sums did not add up and had no intention of proceeding with the policy?

There is no doubt that debate in the chamber on the issues is heated, because they are crucial, so there is all the more reason for them to be taken into a context where they can be considered in detail by people with specific expertise—by a body that involves not just the Government and principals, but students and campus unions. That would provide a blueprint for ambition for how we fund our universities and our students.

Along with the Conservatives, we have lodged a reasoned amendment that presents the opportunity to build a consensus and move forward on these vital questions for Scotland's future. Not supporting such a review would not only deny the potential for that consensus but let down our education system, our students and our country.

16:49

**Fiona Hyslop:** In opening the debate, I tried to dispel some of the myths that surround the graduate endowment fee and to set out our intentions in abolishing it.

I shall address a number of points from the debate. First, I ask Rhona Brankin why the Labour Party is now so desperate to use graduate endowment fees for bursaries, when for years on end previous Labour Administrations did not use the graduate endowment fee for student support—

they used it for in-year pressures and loan charges. I do not expect Ms Brankin to answer that, because her contribution showed a clear misunderstanding of the subject.

Karen Whitefield said that she fully supports the intention of the bill. Is that the self-same Karen Whitefield who used her casting vote to try to stop the bill at stage 1? I welcome her conversion. However, David Whitton said that Labour will vote for abolition only if its amendment is passed, and asked whether nothing was gained from the budget process. Labour members are all over the place. Members either support the abolition or they do not.

**Rhona Brankin:** Will the member take an intervention?

**Fiona Hyslop:** No.

Elizabeth Smith said that university funding is an issue of moral conscience. Does she not recognise that, for many members, the principle of free education can be described as such? Some members seem to choose not to recognise the impact that abolishing the fee will have on widening access. To remove any doubt, I shall repeat the basic premise.

**Richard Baker:** Will the member give way?

**Fiona Hyslop:** If Labour members had been more receptive to interventions in their speeches, I might have allowed them the opportunity to intervene now.

Debt and the fear of debt are barriers to university access. That has been clearly shown in numerous pieces of research. In fact, two weeks ago, a new study from the Sutton Trust—referred to by Keith Brown—showed the impact that increasing debt in England has had on attempts to widen access.

**Rhona Brankin:** Will the member take an intervention?

**Fiona Hyslop:** Let me develop my point.

While university applications in England have increased since the introduction of top-up fees, when we look underneath those figures, as the Sutton Trust has done, we see that opportunities have been reduced for those from the lowest-income families. They are forced to stay at home in an attempt to minimise their debts—that is, if they actually go to university in the first place. The study also shows no increase in applications from the lowest-income groups and that almost two thirds of students who choose not to go to university cite financial concerns. It is clear that the expensive and complicated system across the border is doing nothing to help those most in need.

**Rhona Brankin:** The member replied to my parliamentary question, when I asked how many

students from areas of multiple deprivation had entered higher education each year since 1999—

**The Deputy Presiding Officer:** Microphone, please.

**Rhona Brankin:** She pointed out to me—

**The Deputy Presiding Officer:** Ms Brankin, will you use your microphone? Speak into your microphone.

**Rhona Brankin:** Sorry.

The member claims that we have not increased access for poorer students and students from areas of deprivation. However, when she replied to my question—

**Fiona Hyslop:** I am stuck for time. Can I say to the member, it is absolutely clear—

**Rhona Brankin:** Excuse me. I have not finished my question.

**Fiona Hyslop:** It is absolutely clear—

**The Deputy Presiding Officer:** Minister, will you sit down for one moment? Ms Brankin, I ask you quickly to finish your question.

**Rhona Brankin:** I am interested that the minister has a response when she has not heard the question.

In a reply to a question that I asked about access to higher education, we discovered that more students entered higher education in 2006 than in 2002-03. The minister should be consistent.

**Fiona Hyslop:** It is clear that there has been a reduction in participation in higher education—51 per cent in 2001-02 down to 47 per cent in 2005-06. The graduate endowment fee has failed in its attempt to widen access. It was a stated objective—[*Interruption*.]

**The Deputy Presiding Officer:** Order.

**Fiona Hyslop:** It was introduced by Labour and the Liberal Democrats and has done nothing to help young people, as funds to provide bursary support have been made available without that income.

As I stated at stages 1 and 2, abolishing the endowment fee will not on its own widen access; it is one part of our commitment. In the budget, we have earmarked an additional £119 million for student support over three years, including £30 million for support in 2010-11. Above that, we have introduced a simpler and fairer income assessment in further and higher education. The Government has not been idle on student support.

It is interesting that the Labour amendment raises the issue of debt. I find it strange that while Labour members are concerned about student

debt today, at stage 1 they voted against the principles of the bill—a bill that will reduce the debt burden on the individuals who pay the graduate endowment by more than 20 per cent. If they voted against abolishing 20 per cent of student debt, why should anyone believe that they would support removing the rest of student debt?

The universities do not think that a review of student funding is necessary, and neither does this Government. *[Interruption.]*

**The Deputy Presiding Officer:** Order. Far too many conversations are taking place that could take place outside the chamber.

**Fiona Hyslop:** We need the opportunity to challenge each other on the key issues affecting the sector. As David Caldwell of Universities Scotland remarked:

"We appreciate that those calling for an independent review are doing so with the best of intentions. However the universities think that the most promising way forward at the present time is through the Joint Future Thinking Taskforce on Universities which has enabled constructive and positive engagement with the Scottish Government."

**Christina McKelvie:** Will the minister give way?

**Fiona Hyslop:** No, thank you.

David Caldwell's view is consistent with that of the president of the NUS, James Alexander, who, as I stated earlier, believes that such a review would create the lethal cocktail of a review of both student support and university funding, which resulted in top-up fees in England.

The task force will report to the HE/FE round table, where colleges, staff unions and student representatives meet as equals.

I agree with Margo MacDonald that we need to have greater alignment, collaboration and articulation between the college and university sectors. However, we also need to involve the school sector. As the first minister to have responsibility for schools, colleges and universities, I am determined to take that forward.

I suspect that the Labour and Tory amendments are more about scrambling to find an excuse to perform a volte-face and support the bill—or, perhaps, abstain on it. They are a face-saving exercise for those parties that voted against the principle of the abolition at stage 1. The Liberal Democrat amendment is worthy of more consideration, however. The consultation that we are planning later this year needs to provide a forum where we can have an open and frank dialogue about some of the key principles. I have no problem with widening the scope of that consultation to include the issue of a minimum income guarantee. I am aware that the NUS proposed that before the election, therefore we are

content to support the amendment and consider it further during our consultation.

Today, we have the opportunity to support our students by getting rid of this unfair education tax on graduation. I say to Mary Mulligan that abolishing the graduate endowment fee for 50,000 students and graduates is not a sop or a fraud; it is extremely popular. I appeal to all members to do the right thing today and vote in favour of the bill. In voting for it, members will be doing the right thing for our students and their families and providing increased opportunities for future generations of Scottish students. Scotland will, once again, be a country where access to learning is based on the ability to learn, not the ability to pay. The principle of free education has served Scotland well in the past, and it will provide new opportunities for young Scots in the future.

I urge all members to support the abolition of the graduate endowment fee.

**The Presiding Officer (Alex Fergusson):** I have no option other than to suspend this meeting until 5 o'clock.

16:58

*Meeting suspended.*

16:59

*On resuming—*

## Business Motion

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-1448, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised business programme.

*Motion moved,*

That the Parliament agrees the following revision to the programme of business for Thursday 6 March 2008—

after

Thursday 6 March 2008

9.15 am                      Parliamentary Bureau Motions

insert

*followed by*                      Ministerial                      Statement:  
    Redevelopment of the State  
    Hospital—[Bruce Crawford.]

*Motion agreed to.*

## Decision Time

17:00

**The Presiding Officer (Alex Fergusson):** There are 11 questions to be put as a result of today's business. The first question is, that amendment S3M-1434.2, in the name of Murdo Fraser, which seeks to amend motion S3M-1434, in the name of Jackie Baillie, on improving accountability, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** 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)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (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)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 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)

#### 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, Marlyn (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)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 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)  
 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)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### ABSTENTIONS

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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (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)  
 Scott, Tavish (Shetland) (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 64, Against 48, Abstentions 16.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-1434.1, in the name of Mike Rumbles, which seeks to amend motion S3M-1434, in the name of Jackie Baillie, on improving accountability, 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)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 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)  
 MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (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)



Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 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)  
 Constance, Angela (Livingston) (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)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 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)  
 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 65, Against 63, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S3M-1434, in the name of Jackie Baillie, on improving accountability, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Aitken, Bill (Glasgow) (Con)  
 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)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Hume, Jim (South of Scotland) (LD)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)

MacDonald, Margo (Lothians) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 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)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 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)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (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)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Kidd, Bill (Glasgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West of Scotland) (SNP)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 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)  
 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 81, Against 47, Abstentions 0.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament believes that government should be open and accountable; affirms its support for the Seven Principles of Public Life established in the first report of the Nolan Committee and for the further principles governing ministerial conduct as set out in the Scottish Ministerial Code; notes that the First Minister is reviewing the code, in line with practice after each Scottish parliamentary election; acknowledges the increasing calls for independent oversight of the code; considers that a modern and progressive government has nothing to fear from ensuring transparency and accountability in all that it does, and therefore calls on the First Minister to include independent authority to direct ministers in the appropriate arrangements for ensuring that their conduct as ministers is in accordance with the Scottish Ministerial Code to avoid conflict or potential conflict of interest, and to oversee its administration, and to bring forward a statement to the Parliament on this when the review is concluded and further believes that the best way of ensuring independent oversight is for the Parliament to appoint a person independent of government to investigate alleged breaches of the Scottish Ministerial Code.

**The Presiding Officer:** The next question is, that amendment S3M-1432.1.2, in the name of Bill Aitken, which seeks to amend amendment S3M-1432.1, in the name of Kenny MacAskill, on protecting Scotland's children, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)

McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 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)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (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)  
 Finnie, Ross (West of Scotland) (LD)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Foulkes, George (Lothians) (Lab)  
 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)  
 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)  
 Hume, Jim (South of Scotland) (LD)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 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)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 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)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 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)  
 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)  
 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)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 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)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 16, Against 111, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-1432.1.1, in the name of Margaret Smith, which seeks to amend amendment S3M-1432.1, in the name of Kenny MacAskill, on protecting Scotland's children, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** 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)  
 Constance, Angela (Livingston) (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)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 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, Marlyn (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)  
 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)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 81, Against 46, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-1432.1, in the name of Kenny MacAskill, as amended, which seeks to amend motion S3M-1432, in the name of Paul Martin, on protecting Scotland's children, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** 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)  
 Constance, Angela (Livingston) (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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 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, Marlyn (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)  
 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)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 82, Against 46, Abstentions 0.

*Amendment, as amended, agreed to.*

**The Presiding Officer:** The next question is, that motion S3M-1432, in the name of Paul Martin, on protecting Scotland's children, as amended, be agreed to. Are we agreed?

**Members: No.****The Presiding Officer:** 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)  
 Constance, Angela (Livingston) (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)  
 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)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 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, Marlyn (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)  
 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)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whittton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 81, Against 46, Abstentions 0.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament recognises the importance of making further progress on the 33 recommendations published by the Justice 2 Sub-committee on 15 December 2006 in connection with the management of registered sex offenders; believes that ensuring public safety is paramount in the management of registered sex offenders; further recognises that appropriate utilisation of DNA samples and fingerprints can play an important role in identifying offenders but that it is vital to strike the right balance between prosecuting criminals and protecting the innocent and notes the review that the Scottish Government has commissioned from Professor James Fraser; rejects the blanket retention of DNA samples and fingerprints; recognises the extensive powers already available to the police in monitoring sex offenders and ensuring public safety, and notes the Scottish Government's liaison with the Home Office as disclosure pilots progress in four English police areas and the Scottish Government's proposal to monitor the outcomes of these pilots to determine what lessons there might be for Scotland, and welcomes the Scottish Government's proposal to write to the Convener of the Scottish Parliament's Justice Committee to report progress on each of the 33 recommendations made by the Justice 2 Sub-committee report J2SC/S2/06/R1.

**The Presiding Officer:** The next question is, that amendment S3M-1367.1.1, in the name of Murdo Fraser, which seeks to amend amendment S3M-1367.1, in the name of Rhona Brankin, on the Graduate Endowment Abolition (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Aitken, Bill (Glasgow) (Con)  
 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)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Annabel (West of Scotland) (Con)  
 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)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)

Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 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)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 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)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 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)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (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)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 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)  
 Kidd, Bill (Glasgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 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)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West)

(LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 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)  
 Scott, Tavish (Shetland) (LD)  
 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)

**The Presiding Officer:** The result of the division is: For 63, Against 65, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-1367.1, in the name of Rhona Brankin, which seeks to amend motion S3M-1367, in the name of Fiona Hyslop, on the Graduate Endowment Abolition (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Aitken, Bill (Glasgow) (Con)  
 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)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)

Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 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)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 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)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 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)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (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)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 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)  
 Kidd, Bill (Glasgow) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 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)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 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)  
 Scott, Tavish (Shetland) (LD)  
 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)

**The Presiding Officer:** The result of the division is: For 63, Against 65, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S3M-1367.2, in the name of Jeremy Purvis, which seeks to amend motion S3M-1367, in the name of Fiona Hyslop, on the Graduate Endowment Abolition (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (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)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 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)  
 Kidd, Bill (Glasgow) (SNP)  
 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)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 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)  
 Scott, Tavish (Shetland) (LD)  
 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**

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West of Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

**ABSTENTIONS**

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)  
 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)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 66, Against 16, Abstentions 46.

*Amendment agreed to.*

**The Presiding Officer:** The final question is, that motion S3M-1367, in the name of Fiona Hyslop, as amended, on the Graduate Endowment Abolition (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brown, Keith (Ochil) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Constance, Angela (Livingston) (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)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 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)  
 Kidd, Bill (Glasgow) (SNP)  
 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)  
 McInnes, Alison (North East Scotland) (LD)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 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)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 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

Aitken, Bill (Glasgow) (Con)  
 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)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Carlaw, Jackson (West of Scotland) (Con)  
 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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 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)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 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)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 67, Against 61, Abstentions 0.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament agrees that the Graduate Endowment Abolition (Scotland) Bill be passed and, in so doing, calls on the Scottish Ministers, when taking forward their consultation on student support later this year, to consider a number of wider options to improve financial support for students, including specific reference to the development of a new minimum income guarantee.

## Rural Schools (Closure)

**The Deputy Presiding Officer (Alasdair Morgan):** The final item is a members' business debate on motion S3M-1065, in the name of Cathy Jamieson, on the proposed closure of rural schools. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament believes that small rural schools can provide a learning environment that promotes confidence, responsible citizenship and the opportunity to contribute effectively, as well as a positive educational and social experience for children; believes that small rural schools can effectively deliver the Curriculum for Excellence; recognises the wider role that local primary schools play within rural communities; notes that the Cabinet Secretary for Education and Lifelong Learning intends to legislate to introduce a presumption against the closure of rural schools, and commends the local parents, pupils, teachers and members of the community who are making a positive case to keep open Sorn, Littlemill, St Xavier's and Crossroads primary schools following the publication of SNP-led East Ayrshire Council's closure proposals.

17:14

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I am pleased to have secured the debate, which gives us the chance to highlight an issue that is relevant not only to my local area but more widely—perhaps that is particularly the case after a recent ministerial intervention to save a two-pupil school.

I thank the parents, the pupils and the local communities who have campaigned to keep open Littlemill, Crossroads, Sorn and St Xavier's primary schools. A large number of campaigners are in the public gallery to hear the debate.

In the seven minutes that are available to me, I do not have enough time to go into all the details of why the proposals that have been made do not stack up. However, I will give a simple summary of the situation.

East Ayrshire Council has earmarked four small rural schools for closure. The education of 191 pupils hangs in the balance. Sorn primary school and Littlemill primary school are at the heart of their villages—I have heard that phrase repeated many times in meetings and have seen it many times in letters to me. Crossroads primary school and St Xavier's primary school, which serve wider rural communities, are focal points for many rural families. All the schools that are threatened with closure have received strong support from their local communities. There were many more than 2,000 individual responses to the consultation. Halls have been packed for public meetings, there have been demonstrations and there are thousands of signatures on petitions. All the four schools are seen by their local communities as

being essential in ensuring that families can continue to live in the local villages and the surrounding rural areas.

Why have closure plans been made? East Ayrshire Council has argued that cost is not the issue; it says that the plans were produced for educational reasons. In the consultation document, the council says that small schools cannot deliver the curriculum for excellence; that pupils from small schools have more difficulties transferring to secondary schools; that composite classes are a problem; and that it is more difficult to recruit and retain staff for rural schools. However, those arguments do not stand up to scrutiny.

Let us start with the curriculum for excellence. In answer to questions that I have asked in the Parliament, the Minister for Schools and Skills has made it clear that the size of a school is not relevant to delivering the curriculum for excellence. Attainment levels in the four schools in East Ayrshire back that up.

On composite classes, East Ayrshire Council's own guidance to parents makes it clear that pupils in composite classes are not disadvantaged.

On the claim that rural pupils do not transfer successfully to secondary schools, we simply have to consider the results that pupils from the threatened schools have achieved. In addition, robust research evidence that completely rebuts the council's claim is available.

On the problems with recruiting staff to small rural schools, neither the council nor ministers have been able to provide me with any evidence that makes the claims that have been made stack up.

Parents are not convinced that education is the issue, and they are angry at the implication that they are putting their children's social skills at risk by having them educated in small schools. Time after time, pupils from such schools have told me about their sporting, music and artistic after-school activities. Parents are actively involved in fundraising and supporting extracurricular activities, and many pupils and parents have pointed out how important that is for rural children, who simply do not have the opportunity to cross the road to play with a friend. Far from missing out on opportunities to play for the school, which the council's consultation document suggests happens, every child in a small school is given the chance to be a valued member of the school community. Indeed, I have heard of numerous examples of pupils with special needs being transferred to smaller schools because of the opportunities that such environments can offer.

What are the council's other arguments? Let us consider the sums. They do not add up either. The

supposed financial savings have been meticulously scrutinised by local campaigners and the Scottish rural schools network, and a range of inaccuracies have been uncovered. Inaccuracies have been uncovered in the costings for maintaining the schools, in the additional transport costs, and in the description of the impact that the closures would have on East Ayrshire Council's grant-aided expenditure funding relief for small schools. However, not everything has been negative. The action groups have suggested positive and workable options that would retain the schools for the future benefit of the pupils and the local communities, and East Ayrshire Council's Labour group has proposed an option that would provide significant capital investment in the coming years to retain all four schools.

I have discussed local issues, but what about the wider context? East Ayrshire Council's plans are diametrically opposite to the Scottish Government's policy on rural schools. I understand that even a legislative presumption against the closure of rural schools would not mean that no rural school would ever close, but it would mean that any council that proposed a closure would have to make a strong case for it. I had to consider such cases when I was the Minister for Education and Young People, and had to take account of whether councils had considered all the educational issues and all possible options. It is clear to me and to the campaigners that East Ayrshire Council has not made any educational case, any wider social case or a robust financial case for the closures.

Thanks to pressure from campaigners, the council has been forced to reverse its previous decision and allow the campaigners to address the council's cabinet. That is a welcome step. However, the council must do more. Parents have pressed the council for this commitment: every councillor who represents an area that includes one of the schools should have the chance to vote in the final decision. It should not just be cabinet members who have that chance.

I would argue that the council should go further. It should immediately shelve the current plans; it should take no decision to close the schools in advance of the Government introducing its legislation based on the presumption against the closure of rural schools; and it should examine the alternative proposals presented by the parents and by the Labour group on the council.

As I said at the outset, this might seem like a local issue, but it has wider significance. The minister has the opportunity this evening to reassure my constituents and rural communities across Scotland of a genuine belief in the value of rural schools; she has the opportunity to tell the chamber when the necessary legislation on the

presumption against closure will be introduced; and she has the opportunity to say to her SNP colleagues in East Ayrshire Council that they should scrap their plans and present a new set of plans that will secure rural education in East Ayrshire for future generations. *[Applause.]*

**The Deputy Presiding Officer:** I know that it can be tempting to applaud, but during our proceedings we do not allow interventions or applause from the public gallery. I would be glad if people in the public gallery could note that.

17:21

**Willie Coffey (Kilmarnock and Loudoun) (SNP):** It is important to understand the background against which the East Ayrshire consultation arose. Like many other local authorities in Scotland, East Ayrshire Council has faced falling school rolls for many years. The frightening reality is that East Ayrshire has 15,000 desks but just over 9,000 pupils. Despite that, the Labour administration under Councillor Tommy Farrell ordered a new school, much larger than necessary, to be built at Galston. Clearly, Labour's intention was to close nearby Crossroads primary school in order to fill up the new Galston primary. On top of all that, the condition of our schools in East Ayrshire was allowed to deteriorate over many years. We now understand that the estimated cost of bringing the schools up to an acceptable standard is £100 million.

When we consider the hopes for and expectations of the curriculum for excellence, and the challenge of delivering a modern learning and teaching environment for our children, it is incumbent on any new council administration to examine the hand that it has been dealt and to consult parents and communities on the best way forward. That does not warrant an attack on the council or personal attacks on officers who are charged with the duty of trying to present and explain all the options to the public. The new council and the officers should be commended for facing up to the difficult challenges left behind by the previous administration.

What is remarkably different about this consultation is the decision by the SNP to include the status quo as an outcome and to allow reasoned argument in favour of that option to be developed and presented. That is not something that parents got from Labour in the past. Only last week in this chamber, we were reminded by a former Labour education minister that people felt that previous school consultations were fixed, that decisions had already been made and that the consultation process was a sham. That was the reality under Labour, and its track record of allowing 32 schools to close the length and breadth of Scotland from 2001 to 2003 is

testament to that. Where was Labour's commitment to rural schools then?

**Cathy Jamieson:** Will the member take an intervention?

**Willie Coffey:** No. Cathy Jamieson has had seven minutes, and I have only four.

Is it not amazing what an election defeat can do—especially when it presents an opening for blatant political opportunism?

I understand that more than 2,000 submissions have been made during the consultation process. The council has agreed to extend the timescale to 19 March, which will allow more time for detailed examination of the various cases being made. Again, that is an indication that East Ayrshire Council takes seriously the material being presented and that this consultation is no sham exercise.

**Rhona Brankin (Midlothian) (Lab):** Will the member take an intervention?

**Willie Coffey:** No. Rhona Brankin's party has had seven minutes. I have only four. Sorry.

**Rhona Brankin:** Oh, so you can have—

**The Deputy Presiding Officer:** Order.

**Willie Coffey:** For the first time ever, parents will be able to state their case in front of the decision makers. Many members of the parents groups are in the public gallery, and I welcome them to the Scottish Parliament. I have been impressed with the cases that have been presented to me, which contained detailed analysis that addressed all the issues and was thorough and considered.

The ultimate question that elected members face is whether new schools, with their modern learning and teaching environments, offer better opportunities for young children to develop into the confident and successful learners that we all hope they will become. Perhaps, as the parents strongly argue, the current schools still have the edge over anything else on offer. The new administration in East Ayrshire has a difficult task on its hands, but members can rest assured that it has the best interests of the kids in mind. I am confident that, taking into account all of the pressures that it faces, it will make the right decisions when the time comes.

17:25

**Murdo Fraser (Mid Scotland and Fife) (Con):** I congratulate Cathy Jamieson on securing the debate, which is on an important subject for her constituents in Carrick, Cumnock and Doon Valley, and I commend her opening remarks. My colleague John Scott, who asked me to pass on

his apologies tonight, has constituents who have children at Crossroads primary school, and other members' constituents are, I believe, affected by the issue. I do not represent East Ayrshire, so I do not want to address—nor do I have a detailed knowledge of—the circumstances there. However, I will talk about the issue in a slightly wider context, because this is a problem not just in East Ayrshire, but throughout Scotland.

In recent weeks and months, I have been contacted by parents from all different parts of Scotland who face similar pressures to the ones that are faced in Cathy Jamieson's constituency. For example, I have been contacted by parents of children at Corrie primary school on Arran in North Ayrshire and at Roy Bridge primary school in the Highlands; and, indeed, in the Angus Council area, I have, over the years, spoken to and helped parents of children at Kilry school, Eassie school and Stracathro school. Arbirlot school, which is an excellent local primary in Angus, was famously saved after parents fought a vigorous campaign. That led directly to the formation of the Scottish rural schools network, which is a body that campaigns nationally to protect rural schools. It is only appropriate to pay tribute to the work that is done by Sandy Longmuir and Anne Marie Sim, who head that organisation very effectively.

Notwithstanding some of what we have just heard, I do not believe that this is a party-political issue, because councils throughout Scotland of all different political complexions face many of the same challenges. All parties in council administrations have, at one time or another, faced the same problem. I agree with a lot of what Cathy Jamieson said about the importance of rural schools. They are important educationally, because—as we know—youngsters who attend a small rural school often get better results, whether at secondary school or when they go on to university, than do those who attend a larger school.

All too often, when a case is made for closure, the impressive educational arguments that can be made for small schools are forgotten about. That is not the only reason why rural schools are important; they are also a vital part of rural communities. Over the years, many rural areas have lost local services—whether it be the filling station or the local shop; or perhaps the post office has gone or is under threat—but the rural school remains as a focus of local community life. When a school closes, often it takes the heart out of the community. The school building is not just there to educate youngsters; it is used outwith school hours as a focus for community life. When the school closes, young families are no longer prepared to go and live in the area, and young families who are already there move away to be closer to where the schools are.

The future of rural schools raises wider issues than simply the educational ones. Members might be aware that I have a proposal for a member's bill to fulfil a manifesto commitment of the Scottish Conservatives to bring in a presumption against the closure of rural schools. It will deal with improving the consultation that councils have to go through. I was very interested to hear what Cathy Jamieson said about the East Ayrshire situation, in which there are problems with the quality of the consultation that has been issued—that is reflected throughout Scotland.

We need to consider the circumstances in which the Cabinet Secretary for Education and Lifelong Learning can step in and effectively overturn the decisions taken by local councils, and we need to examine how we tie the issues in with additional funding for rural schools through local government.

I am happy to work with Fiona Hyslop and the SNP Government on the matter. I met the cabinet secretary to discuss a way forward and I hope that we will make the necessary changes in the law so that the situation that Cathy Jamieson outlined is not repeated.

17:30

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** I welcome the debate and I am delighted to take part in it. I thank Cathy Jamieson for bringing it to Parliament.

Some years ago, in another world, when I was on the Highland Council with my colleague Jamie Stone, we often had to consider the possible closure of some of our small rural schools. Heated debates on the subject are nothing new. At that time, the debates were heated and sometimes emotional. Arguments were made by those who wished to retain their local schools, and everybody wanted to do that. Nobody wants rural schools to close. Consultation of parents and the community usually met with a hostile reception.

Everyone knows that school closures are never popular. It is felt that the local school is at the heart of the rural community and it means so much in the area. Its closure and the loss of its staff will always appear to be detrimental to the vibrancy and wellbeing of fragile rural areas. Members will appreciate that the school is not there just to provide education to the children of the community: nursery classes use schools; youth groups and clubs meet there, as do many other local groups, such as the Scottish Women's Rural Institutes and local drama groups. Church services are held in what people take to be just school buildings. They have many uses.

I tend to agree that there should be a presumption against school closures until a full

and thorough consultation has taken place, but I have found that when a reasonable and justifiable case is made to the affected community and all the facts are explained in clear detail, there is more likely to be general acceptance of the concept of closure. It is important that all those who are consulted on closure proposals feel that they have been listened to and that there has been a response to their judgments.

The local authorities do an excellent job with the resources that are available to them, particularly given the ever-increasing demand for an extended and expanded curriculum—every year, the curriculum seems to expand and demand more resources. However, difficult decisions have to be taken and, on occasion, they can prove to be extremely unpopular.

We should consider allowing local authorities and their elected members to manage their respective school estates. After all, they are best placed to make the appropriate decisions in their locality because they are at the coalface, as it were. We should let them get on with the business of managing their local school estate and matters that contribute to the education of our young children.

17:33

**Robin Harper (Lothians) (Green):** I congratulate Cathy Jamieson on bringing the matter to the chamber for debate. As we have heard from others, the issue goes far further than Ayrshire. I have had the privilege of being invited to and visiting small rural schools the length and breadth of Scotland. One thing that they all share is the high quality of the education that the children in them receive. I should also mention the extraordinary dedication of the staff and the involvement of parents in those schools.

I recall research that was done on Orkney about 30 or 40 years ago. I visited a school there that had a composite class for a couple of years. The research showed that Orkney, which has a record number of small schools—or it did at that time—produced more professors than any other area of Scotland. That is testament to the small-school provision in Orkney.

I echo Murdo Fraser's sentiments. Almost everything he said could have been in my speech. If we are to have a rural policy in this country, that policy should include a presumption against the closure of rural schools. The shop goes, the post office goes, the school goes and all that is left is a satellite village where people do nothing but live and commute to the nearest town or city. We must stop that degradation of rural Scotland. Closure of rural schools is one of the many things that affects the quality of life in rural areas.

Murdo Fraser will be delighted to know that I am an enthusiastic supporter of his proposed bill on the introduction of a presumption against closure of rural schools. It would not mean that no rural schools would ever be closed, but the threats to rural Scotland are such that I very much hope that his bill makes it to Parliament and is passed. It is long past the time when such a bill should have progressed to that point.

I close by reflecting on the fact that the Barnett formula—much as people hate it and denigrate it—was originally predicated on the extra support that Scotland needs to provide services of all kinds, including education, in rural areas. If we allow too many rural schools to be closed, a re-evaluation of the Barnett formula could—in fact, should—result in our getting less money. I am sure that we do not want that. That is a small warning.

17:37

**Mary Mulligan (Linlithgow) (Lab):** Like others, I congratulate Cathy Jamieson on securing the debate. I also welcome the parents, pupils and teachers from Ayrshire who have come to hear it.

I do not believe that schools should never be closed—that they should just go on for ever—and I do not think that any other member who has contributed to the debate does either. However, I recognise the pain that can be caused by school closures; therefore, they should take place only when there really is no other choice and when the detrimental effect on our children and local communities can be reduced to its least impact.

That does not seem to be the situation in the Ayrshire schools that Cathy Jamieson has brought to our attention, which clearly have a great deal to offer their pupils. In fact, as we have seen from the example in Moray, which was referred to earlier, it may be possible to offer school-based education where there are only two pupils. I say “may” because, to be honest, I have some reservations about that situation in terms of the wider educational benefits for such a small number of pupils. However, the pupils in Ayrshire seem to have widespread support from their parents, teachers and local communities. Furthermore, we have heard from Cathy Jamieson that their education is of a high standard and that their schools contribute to their local communities. So why are they threatened with closure? Are the reasons really just financial?

Sandy Longmuir of the Scottish Rural Schools Network, who has already been mentioned, suggests that the previous funding system for local government, grant-aided expenditure, provided a financial disincentive for most authorities to close rural schools with fewer than 70 pupils. With the

removal of GAE and the introduction of a new local government financial settlement, has the Scottish Government perhaps inadvertently removed that disincentive? I hope that the minister will respond to that point in her reply.

I offer my full support to the families who are here this evening. I hear from Cathy Jamieson and others about the advantages that local schools can provide in rural communities—they are often the centre of those communities. John Farquhar Munro also referred to the many ways in which the schools are used. However, around the country a number of families face the possible closure of their schools. I understand the uncertainties that are caused by this year's so-called historic agreement with local authorities, which might be the catalyst for many of the proposed closures, and I am sure that the minister understands the heartache that such proposals cause to all those who are involved. I hope that, this evening, she will tell us how her Government intends to respond to the demands for local schools to stay open, how it will ensure that the communities' voices are heard and that there is a presumption against closure. That will resolve the damaging situations hanging over those communities.

17:41

**Kenneth Gibson (Cunninghame North) (SNP):** I congratulate Cathy Jamieson on securing this important debate. I am sure that she will forgive me for focusing most of my contribution on North Ayrshire and Corrie primary school.

**Cathy Jamieson:** Mr Gibson might be coming to this, but I hope that he will acknowledge that I have signed his motion and have taken the issue up with some of my Labour colleagues on North Ayrshire Council; I have not supported the council's decision to propose the closure.

**Kenneth Gibson:** I am happy to acknowledge that. I would have got to it in a moment; Cathy Jamieson has jumped a wee bit ahead of me.

I have long had an interest in the rural schools issue. In March 1998, when I was a Glasgow councillor, I moved a resolution at the SNP's Stirling national council meeting that no rural schools should be closed unless for strictly educational reasons. So I am pleased that the Cabinet Secretary for Education and Lifelong Learning, Fiona Hyslop, on 11 October last year, wrote a detailed letter to all local authority education conveners, directors of education and the Convention of Scottish Local Authorities education convener, stating:

"This letter sets out the Scottish Government's position on the handling meantime of school closure proposals—whether or not they require Ministerial consent—in advance of our consulting on proposals for a legislative presumption against the closure of rural schools."

The letter continues:

"You will be aware of our manifesto commitment to introduce a legislative presumption against the closure of rural schools."

I come to Corrie primary school. A formal consultation began in January with a view to closing Corrie primary school, as well as its adjacent nursery, in the summer. The nursery is the only purpose-built nursery on Arran. Corrie primary school is a high-performing school, with 100 per cent attendance levels and placing requests from outwith its catchment. In the past few months, it has had an excellent Her Majesty's Inspectorate of Education report. The school is 120 years old and central to the heart of the local community, and I acknowledge what John Farquhar Munro said on that issue. The commitment of the parents, staff and pupils is such that together they raised £11,000 to build and install an adventure playground that opened on 20 August 2007.

I and members of all parties believe that the decision to open a consultation was based on erroneous information that grossly overstated the capacity of Corrie primary school while underestimating pupil numbers. The closure of the school would have a devastating impact on the pupils, the parents and staff, and on the viability of the village of Corrie and its ability to attract young families with children. That is despite the fact that Arran Homes and the Housing Initiative for Arran Residents plan to build between 24 and 27 homes in Corrie and Glen Sannox during the next couple of years, including homes that will attract families and boost the local primary school's roll.

Of course, it should be noted that, across Scotland, 431 primary schools have rolls of 50 pupils or fewer, so there is great concern about what will happen in Corrie, in East Ayrshire, and elsewhere. It is important that we consider the issue throughout Scotland.

Should the outcome of the consultation process be that North Ayrshire Council agrees to close Corrie primary school, the consultation document will require, under the terms of the Education (Publication and Consultation etc) (Scotland) Regulations 1981, to be submitted to the Scottish Government for the consent of the Scottish ministers. I hope that in those circumstances ministers will ensure that Corrie primary does not close this summer or in the near future.

17:45

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** I, too, thank Cathy Jamieson for bringing this issue to the chamber for debate. I recognise the sincerity with which she states her case. Like John Farquhar Munro and other



members, I will stravaig beyond Ayrshire, with Cathy Jamieson's forbearance.

Since the Parliament was established in 1999, we in the Highlands have been very fortunate, as there has been not one school closure in the area. However, John Farquhar Munro was right to recall the arguments that we used to have in the old days, when we were both councillors. I will summarise the situation thus: the former councillors who are now members of the Parliament were not always in agreement on the issue and, on occasion, nearly came to blows.

More recently, within the lifetime of the previous Highland Council, prior to last May's election, there were proposals to close not primary schools but nursery units in the Highland Council area. I will highlight the cases of two schools in my constituency, at Thrumster, south of Wick, and Keiss, north of Wick. In those communities and others in Caithness, Sutherland and the Highlands as a whole there was a well-run campaign to see off the proposals. In fairness to the councillors, they changed their minds and the proposals were taken off the agenda.

However, circumstances have now changed somewhat. Highland Council finds itself in a fairly tight financial straitjacket and is having to implement a series of cuts and efficiency savings. Parents at Thrumster primary school are alarmed by the proposal to delete around £350,000 from the pre-school budget—the budget that impinges on nursery provision. Thrumster mums and dads are concerned that the proposal to close the nursery unit at the school may be revived. They may be jumping at shadows, but I am duty bound to express their fears. They say that they are worried that the closure of the unit may be back on the agenda. If the nursery unit is closed, will the primary school not also be undermined? The shutting of nursery units is undesirable generally, but in the case of Thrumster it makes no sense, as it would mean children having to get their nursery education in Wick and being separated from their siblings in primaries 1, 2 or 3.

There may not be a problem, but there may be. I am not trying to cry wolf, but I want to put the issue on ministers' radar. If the situation is bad this year, what will it be like next year? I have every sympathy for the councillors who have been placed in this predicament but, like every other constituency member, I must try to protect nursery provision in rural parts of Scotland. Other members have described eloquently how such provision underpins the fabric of our communities. The issue that I have highlighted is a real worry to parents. I ask the minister to take the time to consider it and to look at what is happening. I will work with ministers on the issue as much as I can.

17:48

**The Minister for Schools and Skills (Maureen Watt):** I thank Cathy Jamieson for initiating this important debate and thank all members who have spoken this evening. I, too, welcome those in the public gallery who have come to hear me emphasise the Government's support for rural schools and our commitment to safeguard them and the communities that they serve.

I should declare an interest. At one time, I was a school board chair. The neighbouring school was due to close, with the support of parents, who wanted their children to come to the school whose board I chaired. Although the other school was closed as a primary school, it was retained as a nursery school. Both schools are now outstanding successes. The case demonstrates that, when the local authority consults and engages with the community, as Jamie Stone described, lateral thinking can produce good solutions.

We whole-heartedly agree with the assertion in the motion that rural schools can provide educational and social benefits to pupils. We also believe that there is no reason why small schools cannot deliver the curriculum for excellence, which will help children and young people to develop as successful learners, confident individuals, responsible citizens and effective contributors. We want to provide a rich and full curriculum that draws on best practice from across the country and, indeed, across the world. The issue is not the size or location of a school or how it is organised.

We also recognise how important a rural school can be as a hub for community activities. There is no doubt that rural schools can play a key role in ensuring that small communities remain viable. Access to local services is vital for all, but for many small, fragile, rural communities the school may be the key to their thriving and being sustainable. I agree with John Farquhar Munro that the closure of schools is an emotional issue.

On the motion's reference to East Ayrshire Council's proposals, Ms Jamieson knows that it would be inappropriate for me to comment, given the potential for cases to be referred to ministers. The same applies to the case that Mr Gibson mentioned. However, I am aware that East Ayrshire Council's consultation is now closed and that the council will consider its decision on the future of the schools very soon. I understand that the council will make its decision on 9 March rather than on the earlier date that was proposed. The council has lengthened the time so that it can consider carefully the volume of responses that it has received.

As Willie Coffey reminded us, the closure proposals were initiated under the previous Labour council. In addition, the council is acting under

guidance that was introduced by the then Minister for Education and Young People, Peter Peacock. As Mr Gibson said, that guidance has been reinforced by the Cabinet Secretary for Education and Lifelong Learning.

On the general point, I welcome the support for rural schools that members have expressed but I find it surprising to hear such support coming from some quarters, given the previous Government's record. For example, in the course of the previous two parliamentary sessions, the number of primary schools in Scotland dropped by 125. More than 50 primary schools were closed in rural areas, and of the 19 cases that were referred to ministers, consent was granted in every case.

By contrast, in the short life of this Government, we have taken action to protect rural schools and to improve the process for all closures. As I said, when the cabinet secretary wrote to all authorities in October, she reminded them of good practice and stressed the importance of genuine consultation and of explaining the reasons for proposing a school's closure.

**Cathy Jamieson:** Does the minister agree that, when the cabinet secretary wrote to education authorities in October, she reissued the guidance that Peter Peacock had previously issued?

**Maureen Watt:** That is precisely what I said.

As ministers, we have dealt with three cases that have been referred to us since we took office. In each case, after close examination, we concluded that consent should be refused. For two of the proposals, that was because we considered that the processes were flawed. In the other case, it was primarily because HMIE did not support the council's educational case for closure. It is worth pausing to note that those were the first-ever cases in which ministers had refused consent. That is not to say that there will not be cases in future in which closure is the correct decision.

In all the recent cases, a consideration that shaped our thinking was how to meet our commitment to introduce a presumption against the closure of rural schools and to tighten the regulations on all school closures. We intend to publish proposals for consultation at the end of March. Although I cannot comment on the specifics of the proposals, I can say that they will be detailed, comprehensive and the result of much deliberation and consideration.

I welcome the support that Cathy Jamieson is now expressing for safeguarding rural schools. In October, she observed in the *Carrick Gazette*:

"Rural primary schools are a vital part of any thriving community and we must be imaginative about the way we work in order to secure their future."

I agree with that and hope that when the time comes, she will support our proposals.

I also welcome Murdo Fraser's support for rural schools following the launch of his consultation. As he said, he has met the cabinet secretary, and I hope that we can work with him and his party to deliver for our rural schools and communities.

I welcome the support for rural schools and encourage everyone to examine and respond to our proposals, which will be published next month.

*Meeting closed at 17:55.*

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