

MEETING OF THE PARLIAMENT

Wednesday 3 June 2009

Session 3

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Scottish Parliament

Wednesday 3 June 2009

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

Time for Reflection

The Presiding Officer (Alex Fergusson): Good afternoon. As always on a Wednesday, our first item of business is time for reflection. Our time for reflection leader today is the Venerable K Sri Rewatha Thero, Scotland's Buddhist Vihara.

Venerable K Sri Rewatha Thero (Scotland's Buddhist Vihara): Thank you very much for inviting me to lead time for reflection. It is an honour for all Buddhists living in Scotland.

Today, I reflect on some teachings of Buddha on non-violence and peace. Once, he mentioned 10 qualities that rajas—rulers or Governments—should develop.

The first one is generosity. Rulers should not have cravings for government wealth and property. They should give away wealth for the benefit of the people. The other qualities are: a high moral character; being prepared to give up personal comfort in the interest of their people; honesty and integrity; kindness and gentleness; the ability to lead a simple life with self control; freedom from hatred and ill-will; non-violence and the ability to promote peace and unity among people; patience and tolerance; the ability to bear hardship, difficulties and insults without losing their temper; and not opposing the will of the people. Those are aspirations that we can all share.

Once, Buddha said:

"One should defeat anger through kindness, wickedness through goodness, selfishness through charity, and falsehood through truthfulness".

The Buddha not only taught non-violence and peace but went into the field of battle himself, intervened personally and prevented war.

The philosophy that I profess is one of non-violence, and it is regrettable that the war in my country, Sri Lanka, had to end in the way that it has. We are now faced with another battle: to bring peace to all the citizens of our country. It will take many, many years to erase the scars, both physical and mental.

I remind you of the strong links that we have built between Sri Lanka and Scotland. The Scots introduced tea to Sri Lanka during the colonial period. As you are aware, we had to cope with the devastation of the 2004 tsunami. The world helped, especially the big-hearted Scots. With the

support of the Scottish Government, we built an orphanage for tsunami orphans. The honourable minister, Stewart Maxwell, officially opened it, making another strong link with Sri Lanka. The good karma created by that worked within a day. The next day, in Colombo, it was announced that Glasgow had been chosen as the host city for the Commonwealth games in 2014.

Now, the south of the country has been rebuilt after the tsunami, but the north and east of our country have been ravaged by terrorism. Money and expertise are now needed to rebuild the infrastructure in the areas that have been devastated by the war. Thanks to the continuing compassion and generosity of the Scottish people, we feel optimistic about achieving that target.

May you be well and happy. May all beings be well and happy.

Question Time

SCOTTISH EXECUTIVE

General Questions

14:05

Community Health Nurses

1. Malcolm Chisholm (Edinburgh North and Leith) (Lab): To ask the Scottish Executive whether it is satisfied that the generic community health nurse role being piloted by the review of nursing in the community will be appropriate for delivering its health priorities. (S3O-7233)

The Minister for Public Health and Sport (Shona Robison): The community health nurse role is a pilot in three national health service boards in Scotland. It will be fully and independently evaluated during 2010, and an interim evaluation of early implementers will be undertaken by the end of 2009. The results of the evaluation will inform decisions on the future of the generic community health nurse role.

Malcolm Chisholm: Does the minister agree with the majority of nurses that the generic community health nurse model would result in a loss of nursing experience in relation to children, young people and families, and that it would be better to have multidisciplinary community health teams that concentrate on either early years or adults? Will she therefore abandon the evaluation of the review of nursing in the community, given that it will cost £200,000 and will extend problems of recruitment and training until its completion in October 2010? Will she instead spend that money on filling vacancies in community nursing?

Shona Robison: I remind Malcolm Chisholm that the review of nursing in the community was started under the previous Administration. When we came to power, we decided that the model should be tested. I make it clear that I recognise that some staff have concerns about the model, and we felt that it was important that we test it to answer some of those questions. We have said clearly that we are keeping an open mind on the future of community nursing in Scotland; perhaps Malcolm Chisholm should do likewise.

Submarines (Emergency Planning)

2. Bill Kidd (Glasgow) (SNP): To ask the Scottish Government whether it was informed of the Ministry of Defence's decision to move the remaining three nuclear-powered Trafalgar class submarines from Devonport in Plymouth to Faslane as of 2017 and what impact that will have on emergency planning in Scotland. (S3O-7206)

The Cabinet Secretary for Justice (Kenny MacAskill): The Ministry of Defence wrote to the First Minister on 6 May to inform him of its plans to base all classes of United Kingdom submarine at Her Majesty's naval base Clyde.

Emergency planning in Scotland already includes the potential for incidents at Faslane. There will be no direct changes associated with the increased number of submarines based at Faslane.

Bill Kidd: In the light of known events involving nuclear submarines, such as radioactive leaks, fires and collisions, will the Scottish Government seek additional finances to fund necessary extra emergency safety contingencies that may arise from the stationing of those three further nuclear-powered vessels at Faslane?

Kenny MacAskill: Such matters are of concern, but local contingency planning is a matter for local authorities. It will be for the relevant local authorities, with their local partners, to consider the implications and to make representations to the Scottish Government if they feel that there are new burdens as a result of the stationing of the three vessels at Faslane. The Scottish Government remains concerned that their base should be located there.

National Health Service (Distinction Awards)

3. Ian McKee (Lothians) (SNP): To ask the Scottish Executive what it considers to be the purpose of the system of distinction awards for NHS consultants. (S3O-7211)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The basic purpose of the distinction award scheme for NHS consultants in Scotland is to recognise and reward special contributions to the NHS that are over and above that which is normally expected, and which represent outstanding professional work.

Ian McKee: Fifty per cent of all consultants who retire are in receipt of such an award and, in the rare circumstances that an award is withdrawn on the ground that the recipient is no longer worthy of it, the monetary element remains in place. Does the cabinet secretary agree that such a system fails to meet the purpose that she has outlined?

Nicola Sturgeon: I know that Ian McKee has a particular interest in the subject and I understand the reasons for that. In the interests of accuracy, I point out that 13.5 per cent of consultants hold an award and that 1.3 per cent of consultants hold the highest award available.

Nevertheless, Ian McKee raises a number of legitimate issues, and it is for those reasons that a review of the distinction award scheme has been

conducted. The review group was chaired by the chief medical officer, Harry Burns. The review has concluded and I expect to receive the group's recommendations shortly.

I hope that we can move to a system that continues to reward consultants and ensures that Scotland is competitive in recruitment, but is also fair and transparent.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Is it correct that the budget for distinction awards is £28 million for the current financial year and £30 million for next year, and that the total for the three-year period of the spending review is £84 million? As part of the budget review, can that money be freed up and spent in a different way?

Nicola Sturgeon: I gently and politely point out to Jeremy Purvis that the current Administration did not create the distinction awards scheme. The system has been in place in Scotland for many years, and a similar system is in operation in England. The scheme was supported by the previous Administration, of which Mr Purvis's party was a part.

In 2008-09, the scheme cost about £26 million. I do not suggest for a moment that that is not a large sum of money, but it is 0.245 per cent of the total health budget. As I said to Ian McKee, it is important that we ensure that we have a system that makes Scotland competitive in the recruitment and retention of consultants because it is vital that we attract the best people to those posts. However, we must also have a system that is fair and transparent and represents value for money. That is why I await the review group's recommendations with much interest.

Edinburgh's Festivals (Support)

4. Shirley-Anne Somerville (Lothians) (SNP): To ask the Scottish Executive what action is being taken to support Edinburgh's festivals. (S3O-7216)

The Minister for Culture, External Affairs and the Constitution (Michael Russell): Edinburgh is the pre-eminent festival capital of the world and its festivals make a significant contribution to our economy because they attract visitors to Scotland from around the world. Our £6 million expo fund will ensure that the festivals continue to flourish by supporting ambitious projects, increasing funding to Scotland-based artists and practitioners, and promoting the best of Scottish talent at home and abroad.

Shirley-Anne Somerville: The minister will be aware that one of the festivals, the Edinburgh festival fringe, generates £75 million a year for the Scottish economy. However, it had a particularly difficult year in 2008. For example, it had problems with ticketing. This year, it faces the additional

challenges of the economic recession, not to mention the continuing road works due to the tram project.

The minister mentioned the expo fund, but what impact does he envisage that the homecoming campaign will have on promoting all Edinburgh's festivals and ensuring that the fringe maintains its position as the largest arts festival in the world?

Michael Russell: I am sure that the homecoming celebrations will have a major impact on all the festivals because they will have a major impact on those who come here. Particularly at the end of July, when the gathering takes place, many people may choose to stay on in Edinburgh or return to Edinburgh for festival events. I know that all the organisers are planning for that factor.

I am pleased that the fringe has attracted £1.2 million over three years from the expo fund for the made in Scotland curated showcase, which will also give guidance to companies on how they can enter the fringe and be a part of it. I was lucky to be able to launch the showcase a fortnight ago in the Scottish Parliament building and I know that it will have a substantial effect. The fringe is an important part of our festival infrastructure. We should not forget that there are 12 festivals in Edinburgh, but the fringe is one of the jewels in the crown.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Can a modest amount of the expo fund be used to support the Leith festival, given that it has lost some of its commercial sponsorship? Can I encourage members to attend some of the wonderful events that will be on during June in the greatest community arts festival in Scotland?

The Presiding Officer (Alex Fergusson): I am not sure that this is meant to be questions to all members, but I will allow the minister to respond.

Michael Russell: I am glad that Malcolm Chisholm is standing up for the Leith festival, which is an excellent event. So many festivals around Edinburgh are excellent, in Portobello and elsewhere.

It is important that we make a distinction with the 12 festivals that are supported from the expo fund, because they lie at the centre of things. However, Festivals Edinburgh, whose director, Faith Liddell, I met last week, is keen to ensure that, although there is a league table of festivals, so to speak, the effect of the central 12 festivals is felt throughout the city at all the other events, including those that are generated in each community in the city. Therefore, the existence of the expo fund and the 12 festivals already contributes to the success of festivals such as the Leith festival.

Agenda for Change

5. Dr Richard Simpson (Mid Scotland and Fife) (Lab): To ask the Scottish Executive what steps it has taken to complete both the initial agenda for change process and subsequent appeals. (S3O-7264)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): A delivery plan that sets firm targets for the completion of agenda for change implementation is in place. Good progress towards achieving all the targets in the plan has been made and is being closely monitored by the Scottish Government.

As staff can request a review up to six months following assimilation, it is not, at this stage, felt appropriate to set a target date for completion of reviews. However, the Scottish Government continues to monitor closely the progress that all health boards are making with reviews and to offer support when appropriate.

Dr Simpson: In light of the important role that pharmacists play in antibiotic prescribing in hospital as part of the control of health care associated infections and in general patient safety, will the cabinet secretary examine closely the staffing of, and recruitment to, hospital pharmacy posts, which are currently uncompetitive with community pharmacy as a result of agenda for change?

Nicola Sturgeon: As far as I am aware, no health board has made an application under the local recruitment and retention premia of agenda for change in connection with hospital pharmacy posts. However, boards and the Government keep such matters under close review.

More generally, it is important that we continue the good progress that we have made in recent months towards completing the move to agenda for change. The process has taken far too long and I am glad that we are now close to the end of it.

John Scott (Ayr) (Con): The minister will recall the problems in NHS Ayrshire and Arran regarding agenda for change. In particular, F-grade staff who were not at the top of the grade were leapfrogging F-grade staff who were at the top of the grade. Has that been resolved, particularly for senior midwives, who were losing out?

Nicola Sturgeon: As John Scott knows, there is a process of reviews as part of the agenda for change system. Any staff member—or group of staff members—who feels that the band on to which they have been assimilated is not appropriate can seek a review. A number of reviews for individual members of staff and groups

of staff are currently under way throughout the country.

John Scott will also be aware that the details of agenda for change implementation have been agreed between employers and trade unions at every step. A number of issues have proved thorny and difficult—the one that he raises is among them—but we are continuing to try to resolve them all as we move closer to completing the process. I am glad to say that we are within touching distance of completing assimilation and the payment of arrears to staff throughout the country. Indeed, many boards are already there.

Glasgow (Training and Skills Development)

6. Margaret Curran (Glasgow Baillieston) (Lab): To ask the Scottish Executive how many of the 75,000 additional training and skills development places announced on 18 April 2009 will be delivered to people in Glasgow. (S3O-7235)

The Minister for Schools and Skills (Keith Brown): The 78 European social fund projects that the First Minister announced in April are expected to help 75,000 people to gain or sustain employment opportunities through training and skills development. Of those people, 4,596 will benefit from projects that are aimed specifically at those who live in Glasgow. In addition, 65,535 people will be supported by projects that will operate across more than one local authority area, including Glasgow. The remaining 4,869 will be supported by projects that will be delivered entirely outside the Glasgow area.

Margaret Curran: Who will be specifically targeted to benefit from those places? Will the minister outline a timetable for me and other Glasgow MSPs? Can we have an indication of that as quickly as possible?

Keith Brown: I am happy to do what Margaret Curran asks. The European social fund projects are aimed at people who are trying to gain employment for the first time or to sustain employment opportunities that they already have through further training and skills development. The delivery timescales will depend on other partners, and I am happy to get back to Margaret Curran with that information.

Sandra White (Glasgow) (SNP): One of the projects that has been identified is the John Logie Baird project in the merchant city in Glasgow. Will that project support training for jobs that relate to the 2014 Commonwealth games in Glasgow? Will the people of the east end of Glasgow in particular be part of the project?

Keith Brown: I can confirm that that is my understanding, but I am happy to get more information on that specific project. I repeat that

some of the projects are led by other partners and that we do not hold all the information centrally, but I am happy to get back to Sandra White with that information.

Kessock Bridge (Congestion)

7. Peter Peacock (Highlands and Islands) (Lab): To ask the Scottish Executive what considerations it has given to traffic congestion on the Kessock bridge. (S3O-7262)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): A traffic model assessment is being carried out to investigate options for improving peak period traffic flows at the junction at the south end of the Kessock bridge. Preliminary designs are now being prepared, although any improvements at the location will be subject to available funding and competing priorities across the trunk road network.

Peter Peacock: I am grateful for the information that the minister was able to give. As he knows, in such matters, the procedures before anything is actually built can be very long. What plans does he have to advance any statutory procedures that are required as a result of the outcomes of the studies that he mentioned?

Stewart Stevenson: The member will be aware that I was in Inverness on Monday. While there, I drove through the junction, albeit at an off-peak time when the problems were not particularly manifest. However, I am well aware of the issues for people in Inverness and the Black Isle. We must complete the designs before establishing what planning process may be appropriate if we have to provide an engineering remedy. The member will be aware of the Administration's reforms of the planning system and its eagerness to ensure that decisions are made quickly and appropriately. The measures that we are discussing will be no exception.

Dave Thompson (Highlands and Islands) (SNP): Much of the congestion in Inverness is caused by the lack of a bypass. The minister said earlier this week that a working group on an Inverness bypass might meet fairly soon. Does he have a date for that meeting yet?

Stewart Stevenson: The next meeting of officials will be later this month. That is a preparatory step before we involve the political decision makers. The relationship between the leader of Highland Council and the Scottish Government ministers is good—we share a sense of common purpose. We will make progress on the joint interests of local and central Government in a spirit of partnership. I expect a meeting to take place in the not-too-distant future, once we have completed the work at official level.

Southern General Hospital (Parking Charge Exemptions)

8. Hugh Henry (Paisley South) (Lab): To ask the Scottish Executive which health workers will be exempt from car parking charges at the Southern general hospital. (S3O-7243)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Car parking charges at all NHS Scotland-operated car parks, including the car park at the Southern general hospital, were abolished with effect from 31 December.

Hugh Henry: The cabinet secretary, to her credit, took action that resulted in the abolition of car parking charges in Greater Glasgow and Clyde NHS Board, as she said. Will she investigate complaints about the lack of consultation on and notice of new car parking arrangements at the Southern general, which have resulted in nurses being hit with car parking charges or fines? Will she take action to ensure that nurses, particularly those who are on shifts, are not penalised for having to bring their cars to work?

Nicola Sturgeon: Hugh Henry's original question implied that car parking charges are in place at the Southern general, and his supplementary seemed to avoid conceding the fact that that is not true, as a result of the Scottish National Party Government abolishing hospital car parking charges.

All health boards and hospitals have an obligation to manage their car parks in a way that provides fairness for patients, visitors and staff. As Hugh Henry should be aware, Greater Glasgow and Clyde NHS Board and the partnership forum in the area are working to consider what changes can be made to the arrangements to ensure that fairness. We must ensure access to car parks for patients and visitors and for staff, which means that management arrangements are essential.

Project Scotland

9. Sarah Boyack (Edinburgh Central) (Lab): To ask the Scottish Executive whether it will take steps to restore project Scotland's funding. (S3O-7230)

The Minister for Enterprise, Energy and Tourism (Jim Mather): Project Scotland is actively working on a more financially sustainable business model that is focused on the provision of skills and learning services for young people who are furthest from employment. Discussions with the key agencies in those areas are under way but are not yet complete. We have no plans for any direct funding from the Scottish Government.

Sarah Boyack: Is the minister aware that, in cutting funding for project Scotland, he has

effectively axed 263 placements in Edinburgh, leaving just 49 places available for volunteers who are willing to contribute to vital work in their communities? The feedback from groups in my constituency, such as the Canongate Youth Project and the Collective Gallery, is that volunteers have made a fantastic difference to their work. Will the Scottish Government please listen to those groups about the case for supporting project Scotland as the best way to boost volunteering?

Jim Mather: I met the chair of project Scotland recently and I have been in regular contact with her since. There are regular meetings with project Scotland and I have offered to call a meeting to bring together other stakeholders to facilitate further the project becoming a mainstream service provider for young people in the 16-plus age group. Work is under way, and Skills Development Scotland is heavily involved. I look forward to positive outcomes.

First Minister's Question Time

14:25

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-1745)

The First Minister (Alex Salmond): Today I was pleased to be in the Borders to open the new Ahlstrom facility at Chirnside. The development has involved investment of around £23 million and takes the total number of jobs at the facility to over 200. It is exactly the sort of investment in modern facilities that we welcome in these tough economic times for the Scottish Borders.

Later today I will have meetings to take forward the Government's programme for Scotland, then it will be on to campaigning in the European elections, to which I am sure all of us in the chamber are looking forward enormously.

Iain Gray: Last week at First Minister's questions, the First Minister was asked seven times about absconds from the Scottish open prison estate. In seven long-winded and repetitive replies, not only did he fail to answer any of the questions, but he did not see fit to mention what he already knew—that yet another prisoner had gone on the run. Does the First Minister believe that he was being open and transparent with Parliament?

The First Minister: It is obvious that my answers were not repetitive enough, otherwise the difference between 16 absconds in 2008-09 and 79 absconds in 2006-07 would have got through to Iain Gray. I have heard Opposition leaders struggling to ask questions, but not to even realise that we are now in 2009-10 tends to undermine any substance in Iain Gray's complaints.

The matter has been referred to the panel of former Presiding Officers. I received a letter this morning from Iain Gray welcoming that, and I welcome his welcome. Unfortunately, nowhere in the letter does he say that he will abide by the adjudication of the Presiding Officers. Would he like to make that clear now?

The Presiding Officer (Alex Fergusson): Questions are to the First Minister.

Iain Gray: I am glad that the First Minister has seen fit to refer himself on the matter to that independent panel of advisers, although I thought that he did so rather gracelessly. His accusation that my complaint was

"publicity-driven rather than procedural"

was not just wrong, but—as is so often the case with the First Minister—it missed the point. My complaint was one of principle: that the First Minister should treat this Parliament with respect.

I am not the only one who is concerned. At least one commentator concluded last week that the First Minister's Government

"bore the hallmarks of an administration that is not up to the job or cares not a jot for its responsibility to protect and inform the public. Or both."

Presiding Officer—[*Interruption.*] I hear Mr Crawford asking, "Only one?" No, I fear that there is not only one such commentator, but time does not permit me to read them all. Many commentators expressed concern about how straight the First Minister was being with Parliament last week. Will the First Minister give a commitment today to treat this Parliament and the public with respect in the future?

The First Minister: If I were Iain Gray, I would not rely too much on commentators. There are plenty of comments in the papers today, including in *The Guardian*. An Opposition leader who relies on commentators is in a very weak position indeed.

We have seen the statements last week—which should be taken very seriously indeed—from Scottish prison officers warning the Opposition party about undermining the confidence of our staff on the front line of the Scottish Prison Service. We have seen the comments from Tayside Police explaining exactly the procedures that they follow, although Iain Gray still seems to be oblivious to them.

Iain Gray might not know about the comments of Patrick J Shearer, who is the chief constable of Dumfries and Galloway Police and—of course—the president of the Association of Chief Police Officers in Scotland. He said:

"It would be entirely inappropriate for the First Minister or the Cabinet Secretary for Justice to make any public announcement regarding an abscondee when that operational decision had not yet been made by the Police to release information which was the case this week."

Now that Iain Gray knows and understands that information, will he cease undermining our prison officers and operational police forces and accept the word of the chief constable?

Iain Gray: It is not the word of the chief constable that I have difficulty accepting sometimes.

Tayside Police released the news of last week's absconded prisoner a few hours after my exchanges with the First Minister—a day after Tayside Police and ministers knew that the prisoner had failed to return. The ministerial code states plainly that

"Ministers should be as open as possible with the Parliament and the public."

The First Minister must surely have known that he would be asked about open prisons last week. Did he ask Tayside Police whether it had any objections to his informing Parliament, at First Minister's question time at 12 noon, of the abscondment?

The First Minister: I am not certain that Iain Gray understands the concept of operational independence, which is to leave the police service to decide when to release information. I would be able to understand that he does not if trusting our police with operational independence were a new concept that had been introduced by Kenny MacAskill or Alex Salmond. If it is not a new concept that was introduced or dreamt up by the SNP, and if, in the term of office of the Labour Party, it was normal to release such information to the Parliament, why is it that although there were 79 absconds in the last year of the Labour Administration, not once did Cathy Jamieson make an announcement to Parliament on an abscondee? Operational independence means that we trust our police force to look after public safety. I do that. When will Iain Gray do it?

Iain Gray: Is operational independence the reason why it took Mr MacAskill from the Monday, when Brian Martin absconded, until the Thursday to try to find out what had gone wrong? That is yet another question to which the First Minister has failed for two weeks now to give an answer.

Let us return to the real issue, which is trust. Last week, representing us at the General Assembly of the Church of Scotland, the First Minister said:

"Trust is an essential quality and once lost it is not easy to rebuild. ... trust is the lifeblood of a decent society and a true currency in a democracy."

However, trust is not just a matter of claims for food, home cinemas, moats or duck islands. Does not the First Minister understand that every time he is less than straight with Parliament, he demeans his office, and that every time he defies the will of the chamber, he undermines Parliament? Above all, does he not understand that every time he breaks another promise in the chamber he shows that he just cannot be trusted?

The First Minister: Usually when people give us reprises or repeat performances, it is of their best performance, but this Opposition leader repeats his worst performances. I note that during this question time there is no call for the resignation of any United Kingdom Government minister. I wonder why. I say to Iain Gray that in order for there to be total disclosure to Parliament, I have made arrangements to be informed if there are any more resignations from Westminster over

the next few minutes. The reality is this: the Cabinet Secretary for Justice is staying in office, but the Home Secretary has gone; the Cabinet Secretary for Education and Lifelong Learning is staying in office, but the Secretary of State for Communities and Local Government has gone; the Cabinet Secretary for Finance and Sustainable Growth is staying in office, but I would put no bets on the fate of the Chancellor of the Exchequer. This First Minister is staying in office. I do not know the fate of the Prime Minister.

Secretary of State for Scotland (Meetings)

2. Annabel Goldie (West of Scotland) (Con):

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-1746)

The First Minister (Alex Salmond): I have no exact plans to meet the Secretary of State for Scotland—indeed, it may be foolish to decide who that may or may not be. I may well see him next Wednesday when the House of Commons gets the opportunity to vote for dissolution of that Parliament and a general election for the people. *[Interruption.]*

The Presiding Officer: Order.

Annabel Goldie: Trust in politics and politicians has never been lower. It is essential that the person who holds the office of First Minister is, like Caesar's wife, above suspicion. In the First Minister's foreword to the Scottish ministerial code, he confirms his strong commitment to

"serving the people of Scotland in an open, honest and transparent way."

Last week, I, too, specifically asked the First Minister about absconding prisoners from the open prison estate. In his reply, although he knew that a convicted murderer was on the run, he chose to conceal that fact from Parliament. Had he no sense of discomfiture about that? Had he no sense of personal unease? Did he really feel that he was discharging his role in a non-contentious, responsible and candid fashion? Will he confirm to Parliament whether he experienced any of those unpleasant or disquieting emotions?

The First Minister: I follow the precept of the operational independence of our police service.

The letter that I received from Annabel Goldie was a lot more reasonable than the letter that I received from Iain Gray—

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Really?

The First Minister: It was—and a lot more literate, too.

Perhaps I can clear up one aspect of Annabel Goldie's letter for her. She said that I should, given the abscondee of last week, have given a higher

figure for the number of abscondee than the figure of 16 that I cited. I think she accepts that, when one looks at the *Official Reports* of First Minister's question time last week and the statement of the week before, one can see that the figure of 16 refers clearly to the year 2008-09. The comparison was made with the 79 absconds in Labour's last year of office—and, indeed, with the 98 absconds in the last year of Conservative office.

I referred the matter to the past Presiding Officers because I believe that the operational independence of our police forces is sacrosanct. No minister—no justice minister or First Minister—should interfere with that. Annabel Goldie has now heard, probably for the first time, the quotation from the chief constable and president of the Association of Chief Police Officers in Scotland that I read to Iain Gray. Will she at least accept the strong argument for saying that politicians should not release information that has always—always—been left to the discretion of our police service?

The Presiding Officer: Final question from Annabel Goldie.

Annabel Goldie: Let me remind the First Minister of what he said last week, in reference to the previous escapee Martin. He said:

"The prisoner concerned has been recaptured, as other prisoners from the open estate have been recaptured."—*[Official Report, 28 May 2009; c 17970.]*

That was a patent misrepresentation. As the First Minister spoke, he knew that a convicted murderer was on the run. The First Minister has chosen to fall back on the defence of police operational sensitivity—

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Oh! Is that all it is?

The Presiding Officer: Order, Mr Swinney.

Annabel Goldie: Will the First Minister confirm that that sensitivity, which resulted in a delay in publishing the details of the second absconding prisoner Brown, was nothing more than a delay in sourcing a photograph of the prisoner for the press release?

The First Minister: Tayside Police made a comprehensive statement on the careful procedures that it follows. That is a question not of sensitivity, but of the operational independence of our police service.

If I were Annabel Goldie, I would be extremely concerned that a Conservative leader in Scotland had got herself into the position of being directly criticised by the Prison Officers Association Scotland for joining in an attack by the Labour Party that looks as though it is designed to

undermine the status of the open prison estate, which is totally remarkable, because the open prison estate was introduced by a Conservative Government in the 1950s.

Last year—2008-09—the number of abscondee was one eighth what it was in the last year of the Conservative Government. Indeed, in the last year of that Conservative Government, there were 25 abscondee not from the open estate, but from the closed estate—in other words, more people got out of prison from the closed estate than got out last year, under this Government, from the open estate. Given all those circumstances, and given that the matter has been referred to the former Presiding Officers, is Annabel Goldie prepared to acknowledge that we should accept their judgment on the points of concern that she raises and that there is no gainsaying the fact that the record of this Government and the Cabinet Secretary for Justice is incomparably better than that of any other political parties when they were in government?

Annabel Goldie: My obligation as an elected politician is not to the Prison Officers Association or to chief constables. It is to ensure that the standards of honesty, transparency and integrity are upheld in Parliament by Parliament and the First Minister.

The First Minister: Every single member of the Scottish Parliament should have obligations to our prison officers and police service. Having obligations to and backing our security and police services is not just a question of numbers, although the numbers are very pleasing at present: rather, it is about respecting their operational independence, as has always been done, backing our prison officers in the incredibly difficult job that they do, and understanding that, even in the heat of an election campaign, going for a quick hit in the chamber is irrelevant, compared with the important job of backing the people who keep us safe from harm.

Cabinet (Meetings)

3. Tavish Scott (Shetland) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-1747)

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

Tavish Scott: Next Wednesday, the Parliament will vote on the Scottish Government's Sexual (Scotland) Offences Bill, which has been described by ministers as

"a once in a generation opportunity"

and "an historic opportunity", and by Rape Crisis Scotland as "a crucial opportunity". Will the First

Minister be here to vote for the bill, or will he go down to Westminster to vote for an immediate general election?

The First Minister: My judgment, having been encouraged by the resounding and solid support of the Liberal Democrats at Westminster for our motion, is that my duty and obligation to the people is to vote for a general election, so that they can clear out Westminster.

Tavish Scott: The First Minister has been caught out by his own decision. His constituents in Banff and Buchan may expect him to be in the House of Commons at 4 o'clock next Wednesday to vote for an immediate general election, but his constituents in Gordon expect him to be here at the same time to vote on important legislation that will protect people from crime. That is two jobs, in two cities, two Parliaments and two constituencies, and too many people being let down. If there is not to be a general election after next Wednesday, will the First Minister ensure that there is a local one in Banff and Buchan, so that people there can have a full-time member of the UK Parliament and this Parliament can have a full-time First Minister?

The First Minister: I understood that not only were we getting backing at Westminster for our motion to dissolve Parliament but that we were getting backing for the Sexual Offences (Scotland) Bill from the Liberal Democrats in this Parliament. I would be interested to know from Tavish Scott how he has decided that there is a difference between my current situation and the situation of his former colleague, the former Deputy First Minister. *[Interruption.]* It is a transferable situation for the Liberal Democrats. I know that there is one difference—all my MSP salary goes to charitable causes in the north-east of Scotland. I do not know what Jim Wallace did with his.

Hugh Henry (Paisley South) (Lab): The First Minister will be aware that two people are in intensive care at the Royal Alexandra hospital in Paisley, suffering from swine flu. Reports suggest that there is a significant difference from previous cases, in that the patients are critically ill, despite having no underlying health problems. The First Minister will be aware of concern in the Paisley area. Will he comment on the implications of the development? Will he review existing procedures to reflect the change? Will he ensure that the local press and public are kept fully informed, so that those who might have been in close contact with people who are connected to the patients can take appropriate action to prevent further spread in the Paisley area?

The First Minister: Yes—I can give those assurances. I know that the Cabinet Secretary for Health and Wellbeing has personally briefed Hugh Henry on the matter.

The situation is serious, and it is changing rapidly. There are now 88 confirmed cases of swine flu in Scotland. There are two reasons for the substantial increase. One is the emergence of a large cluster of cases in and around Dunoon, which now comprise more than half the confirmed cases. There is also faster testing in Scotland now, through the laboratory in Glasgow, which means that there is no delay in reporting confirmed cases.

The precautions that Hugh Henry described are being taken. All the appropriate information will be given—not just to constituency MSPs, but to the general public. The co-operation of the general public is absolutely vital in continuing to limit and interrupt the spread of the virus. As Hugh Henry and other members know, it is hoped that the summer months will start to bring some interruption to the transmission of what is a highly infectious virus, which will allow us time before the comprehensive vaccination programme in the autumn.

Although, in most cases, the symptoms of the virus have been mild for flu—flu is a serious illness—there are now four patients in intensive care in Scotland, as Hugh Henry said. That indicates that there can be no complacency on anyone's part. Although, in the vast majority of cases, the flu is having a relatively mild effect, there are always people who, for a variety of reasons, are more susceptible to the virus.

Everyone in the health service and in NHS 24—everyone working throughout the services that we rely on—is co-operating fully. I know that Parliament is, and I know that we all appeal together for co-operation from the Scottish public so that we can do our absolute best to keep the country safe from harm.

Teenagers (Alcohol Addiction)

4. Christine Grahame (South of Scotland) (SNP): To ask the First Minister what measures have been taken to reduce the number of teenagers with alcohol addiction. (S3F-1754)

The First Minister (Alex Salmond): Action is being taken on a number of fronts. We are introducing legislation to restrict access to alcohol by cracking down on retailers who sell alcohol to underage drinkers. We are making it easier for local licensing boards to apply a minimum age of 21 to off-sales where they believe that to be appropriate. We are also working to introduce a minimum price for alcohol and to bring an end to irresponsible promotions.

Education is vital. With social partners, we are improving substance misuse education in schools and we are reviewing advice on alcohol to parents and carers. We have established a youth

commission in recognition of the important role that young people have in finding effective responses to alcohol misuse.

Christine Grahame: I thank the First Minister for his response, particularly regarding education. Is the First Minister aware of an ITV programme that was screened last night entitled “The Truth About Binge Drinking”, in which pop singer Michelle Heaton was asked to binge drink for a period of four weeks? She had to abandon the experiment after three weeks, when the alcohol intake to which she was exposed brought her body to the brink of collapse. It was a shocking exposé of the dangers of binge drinking. Will the First Minister consider approaching the programme makers with a view to having the programme screened in schools, given the powerful message that it sends?

The First Minister: The results of the Scottish schools adolescent lifestyle and substance use survey will be published later this year. We will evaluate the success of the alcohol framework through data from various sources, including those on alcohol-related hospital admissions.

Education in schools is the first line of prevention against substance misuse. Our alcohol framework outlines a number of ways in which we intend to work to support young people in making more informed choices about alcohol. Key aspects of the implementation of the curriculum for excellence will also make a significant contribution to improving education on substance misuse in our schools.

I will write to Christine Grahame about whether it is appropriate that we wend the suggestion into the variety of measures that are being taken.

Local Government Concordat (Education)

5. Rhona Brankin (Midlothian) (Lab): To ask the First Minister whether the Scottish Government is confident that its concordat with local government is benefiting school pupils. (S3F-1757)

The First Minister (Alex Salmond): The Scottish Government's ambition is to deliver the key elements of the curriculum for excellence nationally. We are now working as equal partners with local government to ensure that the curriculum for excellence is implemented in practice and benefits all in our school system. That approach provides a contrast with the top-down, centralist approach to which some members want us to return.

We should not forget that the concordat is underpinned by the record funding that we have provided to local government, and—in contrast with the previous Administration—by an increasing

share of the budget that is available to the Scottish Government.

Rhona Brankin: The First Minister's rosy view of the situation in Scotland's schools is not borne out by the people at the chalkface. Today, a survey by the General Teaching Council for Scotland showed that the percentage of newly qualified teachers who find employment is down year on year. Given that teacher numbers have already been cut by 1,000 under the Scottish National Party, who does the First Minister think will be to blame if the numbers fall further this year? Will it be Scotland's councils or his hapless Cabinet Secretary for Education and Lifelong Learning?

The First Minister: There has been a substantial increase in probationers finding employment since the most recent survey, which I had thought Rhona Brankin would welcome.

Opposition parties in Parliament sometimes find it difficult to acknowledge the Government's progress and successes, but people outside Parliament have no such inhibitions. I was interested to read a quotation from Councillor Steven Purcell in *The Observer* last Sunday. Rhona Brankin should reflect on it. Councillor Purcell said:

"New Labour as a brand is dead and the period of opposition we're having in Holyrood is giving us a chance to reflect on how we administer devolution. Look, there's no point in pretending that the SNP government has not done very well".

If the next leader of the Labour Party in Scotland can say that, cannot Rhona Brankin find it in her heart to acknowledge our successes?

Angela Constance (Livingston) (SNP): Will the First Minister congratulate the SNP-led West Lothian Council—[*Interruption.*]

The Presiding Officer: Order.

Angela Constance: In West Lothian, teacher numbers are going up and class sizes are going down faster than almost anywhere else in Scotland. Will the First Minister therefore encourage other councils to follow West Lothian's good example, which demonstrates that under the concordat councils can bring real improvement to schools and the pupils for whom they are responsible, if they have the political will to do so? [*Interruption.*]

The Presiding Officer: Order. First Minister, the answer "yes" will do.

The First Minister: Angela Constance had me fair flummoxed; there is so much on which we can congratulate West Lothian Council that I was not sure which areas she would pick. She picked on strong performances by the council. If, by any chance, there was to be a by-election in that neck

of the woods, I think that the SNP would be well served.

Drug Addiction (Targets)

6. Mary Scanlon (Highlands and Islands) (Con): To ask the First Minister when tackling drug addiction will become a health efficiency access and treatment target. (S3F-1752)

The First Minister (Alex Salmond): The Government has been working with the national health service since October 2008 to define a health efficiency access and treatment target for reducing waiting times for drug treatment services. When the target has been agreed, it will take effect from April 2010. That will be the first time that such a target has been set.

The Presiding Officer: First Minister. Mary Scanlon. [*Laughter.*]

Mary Scanlon: Thank you, Presiding Officer.

According to recent newspaper reports, a 21-day referral-to-treatment target is to be introduced. Will the First Minister confirm that that is the timescale? Given the revolving-door experiences of people who are treated for addiction, will he also give an assurance that equal emphasis will be given to people's underlying mental health conditions and need for long-term recovery support, as is given to treatment for addiction?

The First Minister: Yes. Can I write to Mary Scanlon about the second part of that question? As I heard it, I think that I can give that assurance, but I will write to her specifically about the point that she made.

I understand that the Presiding Officer said "First Minister Mary Scanlon". I am sure that it is only a matter of time, but if she gives us a reasonable time in office before she makes a move, it would be much appreciated.

George Foulkes (Lothians) (Lab): On a point of order, Presiding Officer.

Members: Oh!

The Presiding Officer: Order. The member has a right to make a point of order.

George Foulkes: Further to the point that Tavish Scott raised, I wonder whether the Presiding Officer can advise Parliament what the position would be if there was a major incident or other matter next Wednesday about which the Parliament required the First Minister to make a statement to Parliament.

The Presiding Officer: That is entirely a matter for the First Minister and is not a point of order for me.

Question Time

SCOTTISH EXECUTIVE

Rural Affairs and the Environment

14:56

Animal Welfare

1. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive to list the initiatives that it has or plans to put in place to improve the welfare of animals. (S3O-7260)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Regulations were made on 31 March requiring those who deal in puppies and kittens to be licensed and imposing a number of conditions to secure those animals' welfare.

Secondary legislation will be introduced under the Wildlife and Countryside Act 1981 to regulate further the use of snares. Primary legislation will be introduced that will make it an offence to tamper with a lawfully set snare and give legal status to a new land management industry accreditation scheme. Guidance on snaring will be issued to ensure that all operators are aware of the legislative changes.

A code of practice on the welfare of horses has been issued and similar codes for cats and dogs are being prepared.

A consultation on a requirement for animal sanctuaries to be licensed will be issued later in the year.

Irene Oldfather: I thank the minister for his announcement that regulations on snaring are finally coming forward. He will be aware that, in the face of overwhelming public support for a ban, the Government has gone down the road of introducing secondary legislation and, in the interim, there have been at least 20 incidents in the past 15 months involving badgers, which the minister is aware are a protected species.

On the primary legislation—

The Deputy Presiding Officer (Alasdair Morgan): Can we come to a question, please?

Irene Oldfather: The Government gave a commitment to land management. Will the minister say what discussions have taken place with animal welfare organisations in order to promote the land management accreditation scheme? Does he agree that it is vital to move from lists to action in this area?

Richard Lochhead: The member did not actually mention which piece of legislation she was referring to. However, from her other comments, I take it that it was that on snaring. As the member will be aware, a sub-group is in place that has members from various organisations, including many of those to which the member alluded and others such as Grampian Police. The sub-group is considering a specification for the design of snares, where snares may be set, how snares will be identifiable and how we can ensure that other practices are prohibited in relation to snaring. Action is therefore being taken, but the issues are complex. The Government took its decision and laid out the reasons for the decision. We had to strike a balance between land management and animal welfare. We firmly believe that we have struck that balance.

Sheep and Cattle (South of Scotland)

2. Jim Hume (South of Scotland) (LD): To ask the Scottish Executive what immediate and long-term measures it will take to address the decline in sheep and cattle numbers in the south of Scotland. (S3O-7271)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Scottish Government is aware of the concerns of the livestock sector over the loss of cattle and sheep numbers from the hills. As the member will be aware, we are considering the scope to refine the support made available to the livestock sector through the Scotland rural development programme, including the less favoured area support scheme. In addition, we are considering the use of the new options provided by article 68 of the common agricultural policy health check. I intend to make an announcement to Parliament on 10 June on future support arrangements.

The Deputy Presiding Officer: I remind members that this question is about the south of Scotland. I call John Scott.

Jim Hume: I have a supplementary question, Presiding Officer.

The Deputy Presiding Officer: My apologies, Mr Hume.

Jim Hume: Apologies accepted, Presiding Officer.

As the cabinet secretary mentioned, the Government has recently consulted on using article 68 powers to take 10 per cent of the single farm payment from all farmers. Will he confirm how farms will be targeted if the proposals go ahead? Will he assure us that economic activity, such as keeping sheep and cattle, will need to occur to a meaningful level in any areas that are targeted?

Richard Lochhead: I will not pre-empt next Wednesday's ministerial statement, despite the temptation following that question.

Clearly, a number of complex factors need to be taken into account. One such factor is the decline of livestock in many areas of Scotland, particularly in the hills and more remote areas. As the member will be aware, part of that complexity is that any decision affecting one sector can have knock-on impacts on other sectors, so a fine balance needs to be struck. Given the variety of views that have been expressed to the Scottish Government from different parts of Scotland, I am convinced that we will not be able to keep everyone happy. I can also be certain that Jim Hume will not be happy with whatever we say, no matter what decision we take, but I hope that we take the right decisions for the future of agriculture in Scotland.

John Scott (Ayr) (Con): Does the cabinet secretary share my concern about the decline in numbers not only of sheep and cattle but of people employed in agriculture, which is resulting in a reducing skills base in many areas, particularly in South Ayrshire? Given the decline in critical mass of animals and of people involved in animal husbandry, will he introduce any further proposals to alter the SRDP to address that lack of new entrants and the reducing rural skills base, which is an issue in the south of Scotland in particular and in the whole of Scotland more generally?

Richard Lochhead: John Scott raises some important issues about the future of agriculture in Scotland. Clearly, the existing new entrants scheme within the SRDP is not attracting as many applicants as we would like because interest payments, which are subsidised under the scheme, have fallen so much over the past few months. That issue needs to be reviewed.

Given that new entrants face other wider issues, such as access to tenancies, there is no magic bullet to attract people into the industry. However, to answer the member's question directly, yes, we are considering a number of ways—whether within the SRDP or not—in which we can take action to attract new entrants to secure the future skills base in Scotland.

Plastic Bags (Recycling)

3. Stuart McMillan (West of Scotland) (SNP): To ask the Scottish Government, further to the two-week a bag for life trial at a leading supermarket, what is being done in addition to encourage people to reuse plastic carrier bags. (S3O-7213)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Scottish Government has a voluntary agreement with retailers to reduce the use of carrier bags by

50 per cent. To support that approach, we ran a campaign in partnership with retailers that was designed to encourage people to reuse bags. We continue to work with smaller shops on a commitment that will help them also to reduce unnecessary use of carrier bags.

Stuart McMillan: During the trial, I visited the Asda in Bishopbriggs where I learned more about the excellent a bag for life scheme. As the cabinet secretary will be well aware, in September 2007 Audit Scotland published the report "Sustainable waste management" on reducing, reusing and recycling waste. Does he agree that one way to increase the reuse of carrier bags would be to have a longer, more concerted campaign across all the major retailers in Scotland, in conjunction with more educational resources?

Richard Lochhead: Yes, I generally agree with the member's comments. I think that all members will welcome the action that has been taken—not just by the big retailers but by smaller retailers throughout Scotland—to reduce carrier bag use and to encourage the reuse of bags for life. As we will all have noticed when visiting our local shops and supermarkets in our communities, the public are on board and are changing their behaviour, with more and more taking bags for life with them to the supermarket. Our recent campaign was aimed at ensuring that people remember to bring their bag for life, because many people own such bags but forget to take them with them to the shops. We hope that the statistics on the recent successful campaign will show that further improvement has been made.

The Deputy Presiding Officer: Question 4 has been withdrawn.

Food and Drink Industry (New Markets)

5. James Kelly (Glasgow Rutherglen) (Lab): To ask the Scottish Executive what steps it is taking to promote new markets in the food and drink industry. (S3O-7245)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Through our marketing grant schemes, the establishment of Scotland Food and Drink, and the work of the enterprise agencies and Scottish Development International, the Scottish Government provides active support to businesses in identifying and exploiting market opportunities. I have also been able to lend my personal support through attendance at a number of international trade events.

James Kelly: The minister will be aware of the importance of the Vion plant in Cambuslang in my constituency to the supply chain of the food and drink industry in Scotland. Will he join me in welcoming the tripartite discussions that took

place on Monday among Vion, the trade union Unite and Scottish Government and agency representatives on building a sustainable operation at the plant? Will he give a commitment that the Scottish Government will look favourably at regional selective assistance grants for Vion in Cambuslang, which would contribute to economic growth not just in Cambuslang but throughout the food and drink industry in Scotland?

Richard Lochhead: Yes, I can certainly respond positively to the member's points. I am aware that the meeting that took place was productive. I welcome that and have asked to be kept up to date with the various discussions that are taking place, not just among those who attended the tripartite meeting but between Government officials and Vion. Regular meetings take place between Vion and the Scottish Government and its agencies.

We are committed to working with Vion to develop its facilities in Scotland, which we believe will benefit the wider livestock sector. The current focus is to work with Vion to consider the issues that directly affect the Cambuslang plant and the Hall's facility in Broxburn. We recognise the importance of the Vion plant to the member's constituency and are determined to work with the company to ensure that we have a good relationship in the future.

Aileen Campbell (South of Scotland) (SNP): The minister will be aware that I have been a strong supporter of the Government's action on food and drink and that I have been pursuing some ideas of my own on how to incentivise the purchase of quality local produce. Will he join me in welcoming the launch, in the headquarters of South Lanarkshire Council on 15 June, of a new guide to food and drink in the Clyde valley, which the Scottish Government has supported through the LEADER programme? Does he agree that, in tough economic times, local producers need all the help that they can get?

Richard Lochhead: I welcome the publication to which the member referred. It is great to hear about all the good work that is taking place in various parts of Scotland, including the member's region. There is a growing demand for local food in Scotland, and there is a growing appetite for local businesses and public agencies to work together to ensure that there is joined-up thinking on food and drink in our local communities.

As well as mentioning the initiative in the Clyde valley, which I warmly welcome, the member alluded to the fact that the food and drink sector can help Scotland come out of the economic recession in much better shape. There are some statistics that show that the food and drink industry in Scotland is bucking the trend as far as the current economic backdrop is concerned. We will

launch the next stage of our developing national food and drink policy at the Royal Highland Show, which I am sure will contain many initiatives that the member will welcome.

Recycled Waste (Commercial Exploitation)

6. Willie Coffey (Kilmarnock and Loudoun) (SNP): To ask the Scottish Government what consideration is being given to increasing the commercial exploitation of recycled waste products. (S3O-7195)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Scottish Government recognises that to achieve a zero waste Scotland it is essential that sustainable markets for recycled products be developed and supported, in tandem with the drive for increased collection, reuse and recycling of materials. That is why the Scottish Government funds programmes that are designed to exploit the commercial potential of recycled materials and products in Scotland. A recent example is the £5 million plastics capital grant scheme that I announced earlier this year.

Willie Coffey: I was pleased to join the cabinet secretary on a recent visit to Kilmarnock to open a major new composting unit that can divert 10,000 tonnes of organic waste from landfill each year. However, I have heard concerns that centralised purchasing arrangements can sometimes discriminate against local organic producers. Will the cabinet secretary raise that issue in future discussions with our major retailers?

Richard Lochhead: I welcomed the invitation that I received to visit Billy Bowie Tankers in the member's constituency. It is a first-class company with an outstanding track record that has grown substantially in recent years and which is certainly in the vanguard of waste management in Scotland. I enjoyed my visit to a company that is making a significant contribution to the meeting of our environmental targets.

I would be interested to find out more about the concerns that the member raised—perhaps he could drop me a note or meet me to discuss them. We hold regular discussions with retailers in Scotland, who tell us that they are on board with many of the aims in our national food and drink policy. If any centralisation of contracts is hampering the achievement of some of those objectives, I would like to hear more about that.

Elaine Murray (Dumfries) (Lab): Will the minister and his colleagues consider supporting my amendment to the Climate Change (Scotland) Bill to enable ministers to introduce selective landfill and incineration bans, which would encourage commercial and other recycling and reuse of waste?

Richard Lochhead: I am sure that ministers will respond to the amendment in due course. We will have a debate in Parliament next week on the national waste plan, because we will shortly be going to consultation. It will be a good opportunity to hear Parliament's views before we launch the consultation document so that we can be sure to incorporate some of Parliament's concerns.

The debate that will kick off with the national waste plan consultation will address issues such as the one that the member has raised. That might be a more appropriate time to discuss such measures, although I am sure that ministers are considering the member's amendments.

Waste Management

7. Des McNulty (Clydebank and Milngavie) (Lab): To ask the Scottish Executive what progress it is making in achieving its targets on waste management. (S3O-7257)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I am delighted to announce that the latest figures confirm that we achieved Scotland's share of the United Kingdom 2009-10 landfill directive target 18 months early, at the end of December 2008, and that local authorities recycled and composted a record level of 33.5 per cent of municipal waste. I offer my congratulations to local authorities and the public for that performance, as we continue to work together to deliver the 2013 targets.

Des McNulty: There were indications last week that some local authorities, which have not received substantial amounts of funding under the waste management fund, are falling behind in taking forward the targets that apply to them. That was particularly the case in areas such as West Dunbartonshire and the older urban areas of Glasgow. What support is the minister prepared to give to those authorities to take forward waste management initiatives that will bring them into line with the overall standards for Scotland?

Richard Lochhead: Given the record levels of funding that have been given to local authorities, I am disappointed to hear that some local authorities feel that the reason why they cannot meet the national targets is a lack of funding. I remind the member that eight local authorities have so far broken or achieved the 40 per cent target for recycling in Scotland. I am not sure whether the member is suggesting that they have had greater funding towards that objective than other councils. Each local authority must prioritise what it sees as the most important issues facing its communities. I believe that genuine progress towards the targets is being made throughout Scotland's local authorities. It is really up to each local authority to determine its priorities, but I hope

that all of them make Scotland's environment a priority.

Nanette Milne (North East Scotland) (Con): Despite the success and achievement of many local authorities, the cabinet secretary will be aware of the situation in some authorities, such as Aberdeen City Council, which has recycled 23 per cent of waste compared with the Scottish average of 33 per cent. He will also know that Aberdeen City Council receives the lowest level of funding per head of population from central Government. Is he having discussions with local authorities such as Aberdeen about how they can achieve the targets? What steps does he advise them to take in order to do so?

Richard Lochhead: I am aware that a number of challenges face some of Scotland's cities, including Aberdeen, which is starting from a low level. I am also aware, from our regular discussions with those local authorities, that they are considering new initiatives to improve their recycling rates and meet other environment targets. It is important that we continue to have that close dialogue.

Over and above the strategic waste fund, which was part of the local government settlement, we have allocated a zero waste fund to all local authorities in Scotland. We are in discussions about future allocations of the remaining balance of that fund. The resources have been allocated to local authorities in Scotland to meet the targets, and I urge all local authorities, particularly our cities—which, for understandable reasons in certain cases, are some way behind—to make achieving those targets more of a priority.

Peatland Restoration

8. Christina McKelvie (Central Scotland) (SNP): To ask the Scottish Government how it intends to restore peatlands and what environmental impact this will have. (S3O-7212)

The Minister for Environment (Roseanna Cunningham): The Government recently published the Scottish soil framework, which will co-ordinate the activities of Government and partner organisations in that area. Scottish Natural Heritage funds a number of projects to restore peatlands, and Forestry Commission Scotland has issued guidance on peatland restoration. Peatlands are important for their habitat value and carbon stocks.

Christina McKelvie: Will the minister tell us whether targets are being set for the area covered by the restoration programme and what measures are being put in place to protect our peatlands in future?

Roseanna Cunningham: There are currently no overall targets for peatland restoration. There

are, however, very specific localised targets for the improvement of the condition of peatland within sites that are designated for nature conservation purposes. Funding is available through the Scotland rural development programme, and advice on best practice in the management and restoration of peatlands has been developed for landowners.

The Scottish soil framework shows that there are uncertainties regarding the impacts of restoration, especially on emissions and the uptake of greenhouse gases by peatland, and that further evidence is needed to develop the best approach. To that end, a series of expert workshops will be held over the summer to close those gaps in our knowledge.

Sarah Boyack (Edinburgh Central) (Lab): Will the minister ensure that, when such research is carried out, it focuses on the potential benefits of peatland restoration to our greenhouse gas emission targets? Does she accept that the restoration of peatlands would deliver early and significant results in meeting the Government's climate change targets? She may want to consider the potential extension of environmental liability to sites of special scientific interest, which could play a positive role in that regard.

Roseanna Cunningham: I agree with Sarah Boyack on the importance of peatland in dealing with greenhouse gas emissions. That is what we will try to establish with a greater degree of certainty through the workshops that take place over the summer. The importance of peatland is well recognised.

As the member knows, I will speak to the Rural Affairs and Environment Committee next Wednesday morning about the environmental liability directive. It would be better for me to answer any questions on it at that meeting.

Justice and Law Officers

The Deputy Presiding Officer: Question 1 was not lodged.

Fine Defaulters (Jail Sentences)

2. Bill Wilson (West of Scotland) (SNP): To ask the Scottish Government how many individuals serving sentences of less than six months are doing so for defaulting on fines resulting from offences that would not normally result in jail sentences. (S3O-7221)

The Cabinet Secretary for Justice (Kenny MacAskill): In September 2007, the Government rolled out to all courts the mandatory use of supervised attendance orders when a custodial sentence might otherwise have been imposed for default on fines of £500 or less. That move is

considered to have been largely responsible for a significant drop in the number of fine defaulters who have ended up in custody. In 2007-08, fine defaulters represented 29 of the average daily prison population—a reduction from 46 in the previous year. Similarly, the number of fine defaulter receptions declined from 5,963 in 2006-07 to 3,610 in 2007-08. We expect a further decrease in 2008-09, reflecting full-year operation of the mandatory SAO provisions.

Bill Wilson: Can the cabinet secretary tell me how many individuals who are serving sentences of six months or less have been the victims of physical or sexual abuse?

Kenny MacAskill: I do not have the figures to hand, but many have been. Certainly, many offenders in the women's prison at Cornton Vale have been offended against in the past—sometimes, tragically, with the result that they have acquired psychological and addiction problems that can be traced back to the sexual abuse that they suffered as a child.

Richard Baker (North East Scotland) (Lab): With the latest prison statistics showing that fine defaulters make up less than half a per cent of the prison population, does the cabinet secretary agree that, although there should be effective alternative disposals for fine defaulters, ending custodial sentences for them will not solve the problem of prison overcrowding, and that the proposals for scrapping sentences of less than six months generally involve much more serious crimes?

Kenny MacAskill: The member is mixing up two entirely distinct matters. The pursuing of fines is legitimate and was introduced in legislation that was created by my predecessor from the Labour Party. As with so many things on Mr Baker's watch, it appears that he says one thing in administration and another thing in opposition. We believe that the action that is being taken to roll out fines enforcement officers and the powers that go with that are good things.

Short sentences are a separate matter, and all the evidence is clear. It is not a matter of what is tough and what is soft; it is about what is most effective. It is clear that community sentences break the cycle of offending to make our communities safer.

Bill Aitken (Glasgow) (Con): Does the cabinet secretary agree that it is hardly surprising that the number of people in custody for fine default has fallen, seeing as how the supervised attendance centre system is the biggest get-out-of-jail-free card that has ever been introduced? Would he care to comment on how many of those who have been ordered to attend supervised attendance centres have actually done so satisfactorily and

how many fines are eventually remitted by courts in recognition of the fact that it is an exercise in futility?

Kenny MacAskill: The statistics show that approximately 13 per cent of SAO breach applications result in the revocation of the order and the imposition of a custodial term. That is a good result, as it means that 87 per cent of people do not breach and are therefore back on track.

As I said to Mr Baker, we should not posture and grandstand and indulge in politicking in a way that endangers the open estate or undermines the position of our prison officers, who are doing a difficult, demanding and sometimes dangerous job. Instead, we should deliver what is effective. That is what this Government is doing, which is why we are happy to build on initiatives that we inherited from Cathy Jamieson. The tragedy is that, although Richard Baker supported her actions when his party was in administration, he seeks to undermine this Government when it does exactly what she did. We are stopping the politicking and delivering what works.

The Deputy Presiding Officer: Question 3 has been withdrawn.

Domestic Abuse

4. Tom McCabe (Hamilton South) (Lab): To ask the Scottish Executive how many incidents of domestic abuse were reported in the wake of the old firm match on 9 May 2009. (S3O-7251)

The Cabinet Secretary for Justice (Kenny MacAskill): The Scottish Government does not currently hold information on the number of domestic abuse incidents that were recorded by the police after the old firm match on 9 May 2009. However, Strathclyde Police analysis shows that domestic abuse rises by more than 40 per cent on the day of an old firm match.

There is no excuse for domestic abuse. Strathclyde Police and I take this issue very seriously, which is why I attended a joint press conference two days before the match to explain the actions that the police were taking to address the problem. I was delighted that the force focused additional officers on proactive and preventive measures and on working with partners before, during and after the fixture, to deter and prevent violence and disorder.

Tom McCabe: Of course, it is no great revelation that there is a correlation between those matches and increased levels of domestic violence. What specific and concrete actions are being taken and will be taken to ensure that we reduce those instances of domestic violence and remove from our society a scourge that has existed for far too long?

Kenny MacAskill: The member's point is quite right. The Government is seeking to build on legislation and initiatives that were put in place by Cathy Jamieson, on the watch of the Administration that Mr McCabe was part of, and by the Lord Advocate, under both the previous Labour and Liberal Democrat Administration and the current Scottish National Party Administration. Where there are legislative requirements, they will be delivered.

There is also a requirement to tackle the cultural problems of the abuse of women and domestic violence, which are often fuelled by alcohol—the statistics show that alcohol is almost invariably involved in such violence.

In Coatbridge, close to Mr McCabe's patch, I have seen the innovative measures that are being taken by the police to educate, prevent and deter, and to ensure that, when incidents occur, action is taken.

Sandra White (Glasgow) (SNP): This week, the Scottish Government launched a blueprint to tackle violence against women. What measures are contained in the blueprint not only to tackle domestic violence but to raise awareness of this heinous crime?

Kenny MacAskill: As I said previously, these problems occur across the board. As Mr McCabe said, Scotland faces a particular problem with domestic abuse, which is why I am delighted to do what I can, as part of this Administration, to work with the chief constable of Strathclyde Police, who has recognised that the problem not only involves the denigration of women and the damage that is done to them but contributes to our culture of violence because, if a child grows up in a household in which mum is routinely belted by her boyfriend or husband, the child will deal with problems at school and—tragically—nursery by striking out.

To address the scourge of domestic violence and the problem of violence in Scotland, we need to be firm. The problem exists across the board. The solution involves education, cultural change, addressing attitudes and enforcing laws.

Antisocial Behaviour

5. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Executive how it intends to combat antisocial behaviour in our communities. (S3O-7183)

The Minister for Community Safety (Fergus Ewing): Antisocial behaviour in our communities should not be tolerated. However, to provide long-term solutions, we need to address its causes, such as drink, drugs and deprivation, not just its symptoms. Our new framework, which is set out in "Promoting Positive Outcomes: Working Together

to Prevent Antisocial Behaviour in Scotland", sets out how we will do that by focusing on prevention and early and effective intervention; ensuring that bad behaviour is punished appropriately; and spreading good practice from successful projects, such as street base and operation youth advantage.

Alex Johnstone: I thank the minister for that answer, but I find, like many members in the chamber, that I am receiving an increasing number of contacts about incidents of antisocial behaviour in communities. Most recently, those have come from towns in the north-east such as Stonehaven and Banchory, where one would not expect that type of activity to be going on.

Will the minister undertake to do all that he can to improve the opportunities for the police, the justice system, local authorities and housing agencies to work more closely together, unfettered by bureaucracy, to ensure that the rights of those who suffer from antisocial behaviour are recognised at least as much as the rights of the perpetrators? Will he, by doing so, assist every member in the chamber in achieving the objective of establishing safe, sustainable communities?

Fergus Ewing: Yes. I am happy to agree with the member, and I am grateful for the support that we received from his party in approving the framework for tackling antisocial behaviour. He is right to stress that such behaviour is a blight on many communities and that agencies need to work closely together to target it.

I have seen from my various visits throughout Scotland that great work has been done, not least in Angus, where I met many of the police and others who are involved in tackling antisocial behaviour.

The fact that police numbers are now at record levels has made it easier to tackle antisocial behaviour, and we are well on our way to implementing in full our manifesto pledge of 1,000 extra police officers. We are grateful for the support of Alex Johnstone's party in working towards that aim.

Nigel Don (North East Scotland) (SNP): The minister will be aware that significant sums of money go towards programmes to treat those who suffer as a result of drugs, which will undoubtedly reduce antisocial behaviour. I am conscious that this question crosses portfolios, but can the minister assure me that he will encourage those who are responsible for drugs rehabilitation programmes to ensure that their success or otherwise is assessed mathematically?

Fergus Ewing: I certainly will. Evaluation is important, and excellent projects are being undertaken. Every £1 that is invested in drugs treatment saves the public purse £9.50; the

problem of drug addiction costs our nation more than £2,000 million a year; and each problem drug user costs society more than £50,000. Drug abuse is one of the most serious problems affecting Scotland. Our new drugs strategy, "The Road to Recovery: A New Approach to Tackling Scotland's Drug Problem", has received cross-party support in tackling the scourge of drug addiction, which—as the member rightly highlights—has a direct impact in creating some antisocial behaviour.

Paul Martin (Glasgow Springburn) (Lab): A key element in tackling antisocial behaviour is ensuring that when members of the public contact the police, they receive a good service from the contact centre. I have received a large number of complaints from constituents who are concerned about the very poor service that they receive when they contact Strathclyde Police. Will the minister join me in calling for a top-to-bottom review of the contact centre that is currently in place at Strathclyde Police?

Fergus Ewing: No, I will not join the member in that at all. Plainly, when any MSP receives individual complaints from constituents, the correct approach is to write in with details of those complaints. To come to the chamber to cast a slur on Strathclyde Police is, in my opinion, unworthy of any MSP. I am an unstinting, unswerving supporter of the excellent work that the police do. It is difficult work, unlike our job: we are not under threat and our physical safety is not at risk. I find it quite appalling to hear such an attack on Strathclyde Police by a member from the Strathclyde area.

Criminal Justice (Scotland) Act 2003 (Rehabilitation)

6. Bill Butler (Glasgow Anniesland) (Lab): To ask the Scottish Executive whether there is a nationwide rehabilitation programme available for offenders convicted under section 74 of the Criminal Justice (Scotland) Act 2003. (S3O-7232)

The Minister for Community Safety (Fergus Ewing): No nationwide rehabilitation programme is available for offenders who are convicted under section 74 of the Criminal Justice (Scotland) Act 2003. However, offenders who are convicted of such an offence and are subject to statutory supervision in the community will receive an individualised intervention to target their related risks and needs.

In addition, we continue to tackle sectarianism by funding a range of initiatives. For example, sense over sectarianism is taking forward work to tackle sectarianism in communities; the "sectarianism: don't give it, don't take it" online education resource is available to all schools; YouthLink Scotland's anti-sectarian education resource can be used to work with young adults;

and Nil by Mouth is taking forward work to tackle sectarianism in the workplace.

Bill Butler: The minister will be aware that statistics that I obtained recently from the Scottish Government show that more than 500 people were convicted of religiously aggravated offences under section 74 between April 2006 and March 2008 and that there were convictions in all 11 procurator fiscal areas. How many of those individuals have received rehabilitation programmes to date? Can the minister assure me that the resource pack that was piloted at Polmont will be adapted and rolled out to prisons nationwide? Finally, can he assure me that each and every person in Scotland who is convicted of offences under section 74 will be put through a customised rehabilitation programme?

Fergus Ewing: To answer the first question, the fact that there is such a successful rate of prosecution in the area is perhaps because the Lord Advocate issued guidelines to the police and prosecutors on reporting and prosecuting alleged offences to ensure that any element of religious motivation or hatred is fully recorded in the procurator fiscal's report and dealt with appropriately. The guidelines have been acted upon because of the information to which the member alluded, and the fact that the system is working is a tribute to those who work in the prosecution service throughout Scotland.

Secondly, the member asked what rehabilitation programmes have been or should be provided. The idea of a rehabilitation programme has been around for some time. We looked closely at such an initiative with others such as YouthLink Scotland, sense over sectarianism, the Scottish Prison Service and Victim Support Scotland. Unfortunately, the initiative was overly ambitious and could not be achieved without the provision of a significant amount of new funding to support its development and delivery. In the current financial climate, that is not realistic.

In conclusion, the YouthLink resource, which I launched and have seen for myself, is excellent. I am happy to explore with the member—who takes a keen interest in the topic—whether it could be developed for use with those who are convicted of sectarian offences.

Community Sentences (Lanarkshire)

7. Cathie Craigie (Cumbernauld and Kilsyth) (Lab): To ask the Scottish Executive how many community sentence placements it has made provision for in Lanarkshire. (S3O-7234)

The Cabinet Secretary for Justice (Kenny MacAskill): Community sentence disposals include probation orders, drug testing and treatment orders, restriction of liberty orders and

community service orders. I assume that the question relates to community service orders.

In 2009-10, the Scottish Government gave Lanarkshire community justice authority a criminal justice social work grant allocation of £2,196,942 for community service, which represents an increase of £332,970 on 2008-09. Funding is not provided on a unit cost basis or built up from the assumed cost of a placement, which can and does vary between local authority areas.

Cathie Craigie: I am sure that the cabinet secretary is aware of the work that the Justice Committee is doing in scrutinising the Criminal Justice and Licensing (Scotland) Bill. It is clear from the evidence that the committee has heard on community sentencing and the proposed payback orders that the Government will need to commit substantial resources if the proposals in the bill are to work. How much funding does the cabinet secretary anticipate will be required to deliver swift and effective community payback orders?

Kenny MacAskill: The member is right to say that additional resources will be required. That is why the Government has put in an additional £2 million. The matter has been raised by Robert Brown, and we will address it, so Cathie Craigie should watch this space.

However, the issue is not simply the money. It is about working both harder and smarter and ensuring that we improve the systems. That will be tackled and addressed, because, as Cathie Craigie knows, we are intent on ensuring that we have community payback, so that those who commit less serious offences in our communities do not end up with free bed and board that is paid for by the taxpayer, because that simply compounds the agony of communities. Instead, offenders should get out and do some hard work to make their communities better places.

Cabinet Secretary for Justice (Meetings)

8. Tricia Marwick (Central Fife) (SNP): To ask the Scottish Government when the Cabinet Secretary for Justice next intends to meet the chief constable of Fife Constabulary. (S3O-7207)

The Cabinet Secretary for Justice (Kenny MacAskill): I have regular meetings with all eight chief constables. My next planned meeting with Chief Constable Norma Graham will take place in the autumn, although I met her last Thursday at the Association of Chief Police Officers in Scotland dinner. It was a great pleasure to approve her appointment as Scotland's first ever female chief constable.

Tricia Marwick: When the cabinet secretary next meets Norma Graham, will he pass on the congratulations of Fife's communities to her, her

predecessor Peter Wilson and all her officers on achieving a 16 per cent drop in recorded crime—the largest drop in Scotland—together with a 30 per cent increase in conviction rates? Will he join me in deploring Claire Baker MSP's false claims to local press that crime in Fife has risen when the official figures tell us that it is at a 25-year low, police numbers are rising and the police in Fife are doing a magnificent job in protecting our communities?

Kenny MacAskill: I am more than happy to congratulate the chief constable and, indeed, every individual serving officer of whatever rank in Fife and elsewhere, including Strathclyde. Unlike the Labour Party, the Government believes that our police officers and prison officers do a difficult, dangerous and demanding job. We will not tarnish or impugn them, and we most certainly will not undermine them. We are grateful for the service that they give and that many have given.

Claire Baker (Mid Scotland and Fife) (Lab): Tricia Marwick seems to be much more vexed about me than about the day-to-day crime and antisocial behaviour that is faced by the communities that she is meant to represent. Does the cabinet secretary recognise that there are areas in Fife where violent crime is increasing, including the Levenmouth area, where it increased by 24 per cent last year according to Fife Constabulary's own figures? Is it not complacent to use the relatively low crime rates in parts of Fife to hide the reality of living with violent crime in other areas?

Kenny MacAskill: I hope that Ms Baker read the papers today, as she should have read the information and statistics. Violent crime is the reason why I established the first ever serious organised crime task force and why this Government—together with the Lord Advocate, the Scottish Prison Service, HM Revenue and Customs, the Serious Organised Crime Agency and the Scottish Crime and Drug Enforcement Agency—will take on and take down serious organised crime. That was not dealt with before, but Claire Baker can have an absolute assurance that we recognise the problems of serious organised crime. We have faith in our police and we will properly resource and provide for them to ensure that serious organised crime is tackled.

Bill Butler (Glasgow Anniesland) (Lab): On a point of order, Presiding Officer. I seek your guidance on whether it is in order for a member to use the epithet "false" of an accusation. Members can, of course, be mistaken, but should a member use the epithet "false"?

The Deputy Presiding Officer: It is the duty of all members to be respectful to one another, and I will certainly rule if I judge them not to have been so.

Offences (Aggravation by Prejudice) (Scotland) Bill

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-4286, in the name of Patrick Harvie, on the Offences (Aggravation by Prejudice) (Scotland) Bill.

15:38

Patrick Harvie (Glasgow) (Green): In the stage 1 debate, I remarked that the bill was small but perfectly formed, and so was its proposer. Now that we come to stage 3, we see that it is so perfectly formed that no member saw fit to find any way at all of improving it during its parliamentary process, and therefore we have a stage 3 debate without amendments. I am glad and grateful that we have got to this stage with cross-party consensus. The bill is a small but nonetheless necessary step.

I am also extraordinarily grateful that we have got to stage 3 on such a quiet news day in politics to maximise the coverage of the bill, which addresses an important issue. Unlike the shenanigans in politics that captivate and engage most of us who are involved in the political bubble, hate crimes reach down into every community and affect real lives daily in a deeply harmful way. Although the bill is one small step in the right direction, we should be glad that we can take it.

I thank the many people who have enabled us to reach this stage. Obviously, I thank the Government for helping me to produce the bill and for supporting it all the way along. The Cabinet Secretary for Justice and his colleagues in the Government helped to put the work together and bring us to where we are. Members in other political parties supported the bill at the proposal stage and at stage 1, and I hope that they will do so again at stage 3. Many other people have been involved, including the Justice Committee and its clerks and those who gave evidence to the committee.

Also, many organisations took part in the expert working group on hate crime, which the previous Administration initiated and which will reach its conclusion in legislation that will enact the group's key recommendations. Those organisations, and many individuals who have experienced various forms of hate crime over the years, have been willing to speak out in the Parliament and the media. People do not always feel safe or supported when they do that, but their doing so has enhanced the scrutiny and understanding of the issue in Parliament. I thank everyone who has helped the bill to reach this stage.

When I was growing up in Dumbarton, it was pretty much accepted that homophobic language was just playground banter and par for the course. It was unexpected even to challenge it, and to do so was to take a risk with personal safety. That was in what was supposed to be the protective and safe environment of a school. The situation has changed to an extent, but the issue has not gone away in schools or in the rest of society. The kind of behaviour that might wrongly be dismissed as mere playground banter can, in fact, involve deeply harmful criminal offences and bullying. Many people experience such behaviour and the harm that comes with it throughout their lives.

Later in my life, as a youth worker with a lesbian, gay, bisexual and transgender youth group, I became aware of the wide range of experiences of the young people with whom I worked. Some of them had a safe, supported and inclusive experience, not just in their education but in their wider life as they went into the workplace and in their communities. Others could not have had a more difficult and distressing experience. Some young people still have such experiences.

As well as prejudice in relation to the LGBT community, the bill covers prejudice in relation to disability. I have less personal experience of such prejudice, although I have been a worker for an HIV agency. HIV status is covered by the Disability Discrimination Act 1995 and therefore is also covered by the bill. Many people who experience crimes that are motivated by prejudice or hatred with regard to HIV status are marked for life.

The bill will not wave the problem away, resolve it overnight or solve every aspect of it. However, it is a necessary part of the overall picture and it is consistent with other Government action to address hate crime. The benefit from the bill will not simply be that we pass the appropriate sentences. I repeat that they will be appropriate sentences. The bill is not, as some would have it, only about tougher sentences; it is about getting the right sentence. For many lower-level offences, we are talking about non-custodial sentences, which we want to be carried out in the right setting and in a way that challenges the motivation that caused the crime in the first place and the prejudice that underlies the offence. For higher-tariff offences, the additional threat that is posed to society might warrant a longer custodial sentence, but being tough is not the objective—the objective is to be appropriate. We want to challenge behaviour and prevent the crimes from reoccurring.

As well as introducing more appropriate sentences, the bill will develop the data. At present, members can ask parliamentary questions of ministers about the number of offences that are aggravated by prejudice on the

grounds of race or religion, but we cannot consider a robust and reliable data set about the additional kinds of hate crime. We will be able to do that in future with the enactment of the bill and as courts put it into practice. We will have that information, which will help to inform efforts to prevent hate crimes from happening in the first place.

The bill will send a clear signal. I am never one for saying that sending a signal should be the primary motivation of legislation, but in this case that can be done as well as achieving the primary objectives of the legislation. We will be saying clearly that hate crime on the ground of prejudice in relation to sexual orientation, transgender identity or disability is as unacceptable in society as racist crime or crime motivated by prejudice on religious grounds. This Parliament should be proud that it is going to unite—I hope—in sending that clear message this evening.

I recognise that the bill is not a silver bullet; it is one part of a programme of action, many aspects of which are being developed by Government in relation to the forms of equality in the bill.

I have great pleasure in ensuring that this small but necessary step is taken by moving,

That the Parliament agrees that the Offences (Aggravation by Prejudice) (Scotland) Bill be passed.

15:46

The Cabinet Secretary for Justice (Kenny MacAskill): I am pleased to welcome the final parliamentary stage of Patrick Harvie's Offences (Aggravation by Prejudice) (Scotland) Bill. I pay personal tribute to him; members' bills are few in this Parliament, they do not come easy and it must have been difficult for him and those who have supported him. The Government is delighted to have been able to give its support, but I pay tribute to his and his colleagues' perseverance. Although it might be a small step, it is a significant one that we should welcome.

The bill will create statutory aggravations for crimes motivated by hostility and ill-will towards victims based on their sexual orientation, transgender identity or disability. We promised in our manifesto to carry out the recommendation of the working group on hate crime and introduce such aggravations. We were therefore happy to have the opportunity to support Patrick Harvie's bill and to co-operate with him to take the work forward.

Throughout the process I have been especially encouraged by the level of support for the introduction of the aggravations contained in the bill, both in the Parliament and externally. I have been grateful for the support provided to us from organisations with a shared interest in the legislation. I am also grateful to the Equal

Opportunities Committee and the Justice Committee for their careful and thorough scrutiny of the bill.

Hate crime, put simply, is an offence motivated by an offender's hatred of a core element of someone's identity. There is no place for that in a modern Scotland; it is as entirely unacceptable as it is entirely unreasonable. The provisions in the bill will improve the way in which we deal with hate crime. If a crime has been committed and it can be shown that the motivation was hostility and ill-will based on the victim's sexual orientation, transgender identity or disability, the sentence should reflect that.

The bill requires the courts to consider the aggravation at the point of sentence, as indeed is the case for other statutory aggravations that the Parliament has put in place. One such example came up in relation to questions raised by Bill Butler at question time. The bill provides an opportunity for the sentence to reflect both the serious nature of the offence and its motivation.

The bill does not create any new offences. Hate crime can range from harassment to property damage to violence and, in some tragic and extreme cases, even to murder. The aggravations can therefore apply to any crime or offence no matter how serious or trivial. The provisions in the bill will help to ensure that there are appropriate and consistent reporting and prosecution policies from the various agencies in the criminal justice system in Scotland. They will send a clear message that prejudice towards and hatred of social groups as a motive for committing a crime is unacceptable and will not be tolerated. They will allow us to monitor the extent of those types of crimes in Scotland and tailor our approaches to tackling them.

The bill will ensure that an aggravation must be acknowledged and taken into account at the point of sentence. It will be clear to the offender and the broader public, at the point of sentence, just how seriously the aggravated nature of an offence is viewed by both the sentencer and wider society. The impact of that on the sentence will obviously remain a matter for the discretion of the judge or sheriff who is presiding, because they are dealing with the particular individual and instance, but the existence of the aggravation will require to be recorded at all stages in the criminal justice system.

It is the role of Government and Parliament to put law on these aggravations in place. It will, of course, be for the police, the Crown Office and Procurator Fiscal Service and other criminal justice services to ensure that the law is made full use of.

We believe that this type of crime is substantially underreported in Scotland, which is rather tragic. The bill will not simply ensure that the law recognises how we wish such crime to be seen, but transmit a message to all those who might be victims that we are taking it seriously.

We hope that the existence of the aggravations in statute will encourage more victims of hate crime to come forward. We want people to be secure in the knowledge that what has happened to them will be taken seriously and will be dealt with effectively. Equally, we want offenders to realise that their actions are entirely unacceptable and that they will face stern consequences for them. We believe that the bill will help to make that possible.

The bill is not focused on the identity or situation of the victim of a hate crime or the perceived or actual vulnerability of any victim; its sole focus is the prejudiced motivation of an offender.

The policy intention behind the bill is to provide criminal justice agencies with an additional means of tackling crime motivated by prejudice. That is why I am pleased to confirm that the Government supports Patrick Harvie's bill. I urge members to do likewise in order to help create a Scotland in which diversity is respected and can be celebrated and tolerated by all.

15:52

Richard Baker (North East Scotland) (Lab):

We are taking an important step today towards ensuring that homophobia and other forms of discrimination have no place in Scotland. Legislating for these aggravations will send out a clear message that we will not tolerate the victimisation of groups who should be valued in our society. The bill will also be an asset to our courts in dealing effectively with the perpetrators of these crimes.

I pay particular tribute to all those who have worked so hard to ensure that the bill is passed today: the Justice Committee and its clerks, who have worked with ministers and civil servants; all the external groups who have presented such thoughtful and well-researched evidence; and, of course, Patrick Harvie, who has done so well in forging a strong evidence base for proceeding with the bill and, just as important, a broad coalition of support for it, if not complete unanimity. I know that that has taken perseverance and tenacity on his part and that the bill has followed the work of the sentencing commission and the deliberations of the working group on hate crime. I believe that the process of the bill has better enabled consensus. We have had the kind of cross-party dialogue and engagement that is too often missing

around legislative proposals, for which Patrick Harvie deserves great credit.

In Scotland and throughout the United Kingdom the need to redouble our efforts to tackle crimes of discrimination is clear. In Westminster, the response has been to make new provisions in law to deal with such offences.

The Scottish Government's criminal justice statistics show that in 2006-07, eight homicides in Scotland were recorded as having a homophobic motivation. The British gay crime survey of 2008 showed that one in five lesbian and gay people had experienced a homophobic hate crime or incident in the past three years. Those are truly shocking statistics.

Of course, the bill is not just about LGBT people, important though that aspect of it is. It is also absolutely right that it addresses the problem that people with disabilities are more likely to be victims of hate crimes. The briefing that we have had from the Royal National Institute for Deaf People referred to a survey of its members, which found that 14 per cent of respondents in Scotland said that they had been a victim of physical or verbal assault because of their deafness.

The bill is also about encouraging more people to report these kinds of crimes, which, as Patrick Harvie said, too often go unreported. Tim Hopkins of the Equality Network gave persuasive evidence to the Justice Committee on how the introduction of the legislation will encourage greater reporting of these crimes. That has been the experience following the introduction of other aggravated offences legislation.

Good proposals were made in the Justice Committee's stage 1 report, as was the case in evidence, to ensure that we get the most from the bill. The committee urged the Scottish Government to work with criminal justice partners to ensure that disposals can—across the country, where practicable—include elements that aim to address attitudes that lead to hate crime.

I welcome the suggestion in the committee's report, echoed by the Law Society of Scotland, that in order to ensure that we monitor effectively the use of the legislation, crime codes should be assigned to aggravations. If a code were assigned not only to the offence, but the aggravation, it would be easier to monitor use and establish the rate of successful prosecutions. It is right to highlight the need for appropriate training. Such training will ensure that police and prosecutors influence the legislative provisions.

We want the legislation to be as effective as it can be. We all want to live in a society that does all that it can to tackle hate crimes, to ensure that they are reported and that our justice system deals properly with offenders. Doing that protects people

in our society who are among the most vulnerable or who are perceived to be so.

Labour welcomes the bill. We will support it at decision time.

15:56

Bill Aitken (Glasgow) (Con): I, too, begin by congratulating the sponsor of the bill, Patrick Harvie, for bringing things to a successful conclusion in the chamber today. He lobbied unmercifully—indeed, he was becoming a nuisance—but, at the end of the day, he has got the bill through. I congratulate him on achieving that. I understand and possibly share his frustration that activities elsewhere are detracting from the publicity that he deserves to receive today.

The bill is an exemplar of how legislation should and can be dealt with. From the outset, the unanimity of view on the Justice Committee was that the bill had a degree of merit in it. We sought to examine it and kick it about a little bit. In the circumstances, we have ended up with appropriate legislation.

Throughout the passage of the bill, I was extremely impressed by the quality of evidence that the Justice Committee heard and which individual members received. The witnesses who appeared before the committee represented their case in a measured, reasoned and reasonable manner. That enabled the committee—and then the Parliament—to consider the matter in a way that meant that the bill deserved to succeed. Those who gave evidence did so not in a vengeful or irate manner but in a measured and reasonable way. They did not seek vengeance; they simply wanted to right a wrong. I hope that the passage of the bill later this afternoon will do that to an extent.

The issue of reporting was, of course, raised. The evidence throughout was clear on the matter: many victims of this sort of crime—particularly where threats of violence are made or actual violence occurs—are reluctant to report it. An important spin-off of the legislation will be that that inhibition is lost. That will be no bad thing.

The Justice Committee recognised that the issue is not about sentencing. That said, I make it clear that acts of violence against a person because of their sexual orientation—or, in particular, their disability, where someone is not in a position to defend themselves—must be viewed seriously indeed. Where such assaults are serious, custody is clearly the only option that is available to the courts in many instances. It is important that the various social work and community justice authorities make available the

appropriate disposals that allow the justice system to deal with issues at the lesser end of the scale.

One thing that we fail to do under so many legislative headings is to review the effect of legislation once it has been in operation for a time. We have to get a much tighter handle on the way in which we view the impact of legislation four or five years down the road. I certainly hope that that will happen in this case.

There is no need for me to detain the chamber for long. We have all reached measured agreement on measured legislation. Conservative members are content that it should proceed.

16:00

Robert Brown (Glasgow) (LD): As the cabinet secretary indicated, relatively few members' bills survive all hurdles to pass into law. Like other members who have spoken, I begin by congratulating Patrick Harvie on his success on this occasion. I am sure that he will not mind if I say that it is based partly on the previous work of Jim Wallace, who, as Minister for Justice, established the working group on hate crime, which was responsible for a body of related work, and on the work of the present Government, which supported the bill. I agree with Bill Aitken's comments on the quality of the witnesses from whom the Justice Committee heard.

Against that background, I am glad to offer the Liberal Democrats' support for the bill, which was a commitment in our 2007 manifesto. We must take the bill in context—as Patrick Harvie said, it is a small step towards supporting and developing a more tolerant and inclusive society. However, he was right to say that the bill will affect real lives on a daily basis—that is the context that must always be remembered.

In recent years, there has been much progress, both legislatively and in cultural terms, in tackling and reducing discrimination and making hate crimes unacceptable. As might be expected, attitudes change more readily among young people, who tend to be significantly more outward looking than previous generations. However, whatever one's age or background, in 21st century Scotland it should be unacceptable for people to face discrimination, abuse or outright violence because of who they are—their actual or perceived sexual orientation, disability, race or religion.

Members of the Justice Committee, which examined the bill at stage 1, had to be convinced that the aggravation that already exists in common law needed to be supplemented by a formal statutory aggravation. Our conclusion was that that would be useful, because it would direct more effective recording of the extent of the problem,

allow the situation to be monitored and, perhaps, allow sentencing disposals that involve an increased tariff for serious crimes and begin to tackle at its heart the cause of the offending, which is based—as such things often are—on ignorance, ingrained attitudes and social alienation. The bill's sponsors made it clear that they were open to that approach; Patrick Harvie has done so again today, with his reference to appropriate sentences.

I return to the nature of the challenges. There have been various studies of the extent of the abuse that is suffered by various groups, not least disabled people. In some ways, there is an additional conceptual problem in the case of disabled people, as many people find it difficult to accept that anyone would deliberately target a disabled person. However, it is clear that fear of violence, abuse or nastiness is a severe inhibition for many disabled people, as well as for many LGBT people. In effect, it is an extra, unnecessary disablement.

The RNID has pointed out that 60 per cent of crimes go unreported. The percentage is probably higher among deaf people and disabled people who face additional hassles, such as the need for an interpreter to report and obtain action on their complaint. One of the virtues of the bill is that it will contribute, along with other measures, to a situation in which LGBT and disabled people will feel more confident about reporting crime and that their complaints will be taken seriously. The RNID's suggestion that a code of practice be introduced to support implementation of the bill may have value. Inclusion Scotland highlighted the need for suitable, rigorous training for the police and prosecution authorities.

In short, there are three core reasons for the bill. First, it serves as a marker of society's view that hate crimes are unacceptable and illegal. Secondly, it is an important stimulus for better recording of the extent of the problem, as part of recorded crime. Thirdly, it is one of a number of measures to encourage victims to report crimes.

On the day before the European elections, it is worth saying that the existence and work of the European institutions and the example of other European countries have been important drivers of liberal reform in areas such as this and of the entrenchment of individual rights at the heart of the European project. I ask the chamber to support the passage of the bill, which will mark a small but significant step in favour of the civil liberties of a number of people in our society.

The Deputy Presiding Officer (Trish Godman): We move to the open debate, in which time is very tight. Members will have four minutes.

16:04

Bill Kidd (Glasgow) (SNP): I am very pleased that we have reached this stage of the bill, at which, as Patrick Harvie said, there is unanimity across the chamber. He deserves real credit for introducing the bill, the purpose of which is to enable the consideration of crimes aggravated by prejudice against sexual orientation, transgender status or disability in the same way as racially motivated attacks are now considered.

As the disability reporter to the Equal Opportunities Committee, I am particularly pleased that disablism has been included. Disablism is not a word in common parlance, but it means the abuse of, or discrimination against, disabled people arising from a belief that they are inferior to others, less than human in some cases, or of no value to society. Sadly, we must recognise that there are people in our society who will abuse anyone who they deem to be different or who they view as an easy target.

With an estimated 800,000 disabled people in Scotland, and approximately 500,000 LGBT citizens, it is our duty to provide in law safe and strong communities where no one faces the fear of crime or intolerance born from the cowardice or ignorance of others. Discrimination on the ground of disability was legislated against only with the passing of the Disability Discrimination Act 1995, 20 years after the outlawing of racial and gender discrimination. That gap was a serious lapse in equalities legislation, which we should have learned from. It is time for us to bring aggravations by prejudice against disability or sexual orientation or status fully into line.

The 2004 research by the Disability Rights Commission and Capability Scotland found that 47 per cent of disabled people in Scotland reported experiencing hate crime. A third had to avoid certain places, and a quarter had moved home as a result of an attack. Disabled people are four times more likely to be violently assaulted than non-disabled people. Visually impaired people are four times more likely to be assaulted or attacked than their sighted neighbours. People with mental health issues are 11 times more likely to be victimised, and 90 per cent of adults with a learning disability report being bullied.

All of that says more about the perpetrator than about the abused. Let us put the abuser and the bully in full sight of the public gaze, name their crime and have it taken into account when sentencing is carried out so that, as Patrick Harvie said, the sentence will be appropriate.

Most, if not all of us will have had constituents come to us with cases of discrimination due to disability. In the worst cases, that will include fears for their physical safety.

After today's vote, I will be proud to say that we in the Scottish Parliament, the Parliament for all the people of Scotland, are specifically targeting those people who carry out disgusting antisocial behaviour towards people simply because of their disability or sexual orientation. Let us vote to pass the bill and, in doing so, let us oppose discrimination in Scottish society and help to improve the lives of so many of our fellow citizens.

16:08

Bill Butler (Glasgow Anniesland) (Lab): I support the motion in the name of our colleague, Patrick Harvie, and I congratulate Mr Harvie on introducing this progressive legislation. As colleagues will be aware, the aim of the bill is

"to create new statutory aggravations to protect victims of crime who are targeted as a result of hatred of their actual or presumed sexual orientation, transgender identity or disability."

As members will also be aware,

"Similar statutory aggravations already exist to protect individuals and groups targeted on racial or religious grounds."

Those of us who served during previous sessions of the Parliament will recall—as Mr Robert Brown did—that a former colleague, Donald Gorrie, moved an amendment to the Criminal Justice (Scotland) Bill in 2002 to make provision for the statutory aggravation of an offence as a result of religious prejudice. Mr Gorrie's amendment was agreed to, and it became section 74 of the Criminal Justice (Scotland) Act 2003, as was referred to at question time by the cabinet secretary. That was a good reform.

Although Robin Harper's amendment to that bill was not accepted by the then Minister for Justice, Jim Wallace, an amendment whose objective was similar to that of the bill that is under discussion today led to the setting up of the working group on hate crime in June 2003, the first recommendation of which forms the general thrust of Mr Harvie's bill. I am genuinely pleased that we have arrived at a point where Parliament will unanimously agree to the bill at 5 o'clock.

The Cabinet Secretary for Justice was correct when he said in a reply to a parliamentary question from Mr Harvie:

"No one in Scotland should be targeted or victimised because of their sexual orientation, transgender identity or disability. Our clear aim is to prevent and deter crime but where crime does happen ... it will not be tolerated."—[*Official Report, Written Answers*, 15 January 2008; S3W-8323.]

Scottish Labour whole-heartedly supports that vision of a tolerant, inclusive, equal Scotland.

In the short time that I have, I will talk about issues that arise in the context of the bill. First, I

will talk about the benefits of the bill—if it is enacted, as I am sure that it will be—to all the groups that it will cover. It will mean that the hate crime laws that offer protection to ethnic minorities and religious groups are extended to the LGBT community and to people who are disabled. It will mean that an approach that has proved successful in tackling racist and sectarian hate crime will be naturally extended. The approach to dealing with such offences has not only proved useful in individual cases but focused police attention on the problem. There is no reason to think that the approach will be any less successful in supporting and protecting the LGBT community and people who are disabled. The increased focus will mean that there will be appropriate recording of offences, which we all hope will lead to greater confidence in the criminal justice system among those sections of society.

As the Justice Committee said in its stage 1 report, at paragraph 93:

“The Committee recognises that under the common law the recording of offences committed against victims who are targeted as a result of hatred of their actual or presumed sexual orientation, transgender identity or disability is not sufficiently robust.”

That is why the committee was correct when it went on to welcome

“the provisions in the Bill that will ensure the accurate recording of aggravated offences from the initial reporting of an offence through to prosecution, conviction and eventual sentence.”

The problem is significant. The Scottish Association for Mental Health said in its submission to the committee at stage 1:

“A survey in 2004 found that 47% of disabled people had experienced hate crime because of their disability, with 31% of those reporting that they suffered verbal abuse, intimidation or physical attacks at least once a month.”

If an effect of the bill is to focus police attention on the problem, that will be a welcome advance.

Scottish Labour agrees with the committee that the bill is good. We will support it at decision time. It provides for focused reform, which will help the Parliament in its drive to create a modern, inclusive and tolerant Scotland—a Scotland of equals.

16:12

Nigel Don (North East Scotland) (SNP): I echo members' comments and I applaud Patrick Harvie's determination. I would not go so far as to say that he made a nuisance of himself—he did not.

Patrick Harvie: I tried.

Nigel Don: Mr Harvie pushed the bill through, which is a significant achievement and should be applauded.

I do not want to repeat what members have said, but I will talk about the consequences of the legislation that we are about to produce. Police forces in general will have to consider the processes for reporting crimes. They will have to pick up on matters that they were not required to consider in the past. The evidence that the Justice Committee received contained the message that the police need to be a little more open to the difficulties that people—particularly if they are disabled—face in reporting crime. The police need to ensure that they take the matter seriously and find the right processes.

I was concerned to read in the briefing from the RNID that there is evidence that disabled people are not regarded as reliable witnesses. That might or might not be true, but the Crown Office and Procurator Fiscal Service should at least consider the issue.

Members of the Justice Committee realised early in the process that nothing in the bill should be necessary, because at common law such aggravations can be and no doubt sometimes are taken into account. However, the problem is that the aggravations might not be taken into account and are not necessarily reported. The huge benefit of the bill, apart from its ability to send a message, is that it will provide boxes to be ticked. We do not normally regard ticking boxes as a good thing, but in this context it will be a good thing, because it will force the police and the prosecution service to consider prejudice.

However, it seems to me that there is unfinished business, because, in the process of interrogating the issue, we had to consider, as did the Equal Opportunities Committee, prejudice regarding gender and age. The Justice Committee decided that it would not progress with those areas. I do not wish to reopen that issue at this point, but given that women are far and away the most likely victims of domestic abuse and that men are, by and large, the victims of homicide, we must reflect that there is unfinished business on the agenda.

Our legal system will not be right or complete until the possibility of prejudice against someone because of their gender or because they are above a certain age—I do not even know what that age might be—is covered in the same way as the issues in the bill are covered, as far as reporting and possible prosecution are concerned. I accept that prejudices regarding gender and age are on a different level, but it seems to me that the bill is incomplete. At some stage, we ought to come back to it and try to complete it.

16:15

Michael McMahon (Hamilton North and Bellshill) (Lab): I congratulate Patrick Harvie on securing the safe passage of his bill. As the convener of the cross-party group in the Scottish Parliament on disability, I have been made very aware of the view of organisations that take forward issues on behalf of disabled people—like those who take forward issues for the LGBT community—that the bill is of huge significance to them.

With the passing of the bill, we will send a clear message to Scotland that hate crime, no matter what form it takes, is unacceptable. However, let us not forget that, although they have always existed, hate crimes of any sort have never really been acceptable in Scotland, either to the majority in society or in Scots law. The bill will introduce no new offence or sentencing measures, but it will bring greater and welcome consistency to the handling, recording and sentencing of hate crime. That is why I support it.

Unfortunately, as with our attempts to legislate away race hate and sectarianism, nothing in the bill says to me that our society will be freer from hate crime just because we pass the bill. Perhaps I see the situation as a glass that is half empty rather than a glass that is half full, as my colleague Bill Butler sees it. That is because, although our police have had numerous additional powers given to them by the Parliament on a range of issues, such as sectarianism and antisocial behaviour, there is little evidence that the police and our courts are using those powers in proportion to the occurrence of the crimes that they exist to tackle.

For example, a few months ago, I witnessed two inebriated men outside Central station in Glasgow singing “The Famine Song” at the top of their voices. Two police officers were asked by a few people to do something about the racist chanting that they were being subjected to, only to find that the officers were not really interested in tackling the incident. I can therefore only hope that the police will reflect on that, given the decision that is likely to be taken today to pass the bill. There is no point in having the law if our law officers do not act on it.

As I said, all disability organisations welcome the bill, with Inclusion Scotland calling on us to ensure in particular that the Crown Office and Procurator Fiscal Service and the police are equipped to recognise hate crime against disabled people for what it is. I hope that we can achieve that, but if the police’s recognition of anti-Irish racism is anything to go by, I have my doubts.

The bill was introduced as a recommendation of the “Working Group on Hate Crime Report”, which also recommended doing 13 different things in

addition to the bill. I therefore hope that all the other recommendations can be acted on as quickly as the call to have legislation enacted was. Again, though, I have my doubts about that.

In 2004, Capability Scotland conducted a survey that showed that nearly 50 per cent of disabled people had experienced some sort of hate crime in their lives. I was horrified to learn that some disabled people indicated that they accepted hate crime as part of their daily life because of their impairment. That situation is utterly unacceptable and I am pleased that the Parliament has sought to address it, but we should not let people believe that the bill will be an end to the matter. We must continue to address this serious problem in the future, because, as important as the bill is, it is not a panacea. I do not believe that Patrick Harvie believes it to be that; he said that the bill was not a silver bullet.

The bill should be the starting point of the Parliament driving forward an agenda to address the concerns of the LGBT community and disabled people, and all those minorities who are affected by hate crime, which has not been acceptable and will not be acceptable. We must all encourage the agencies involved to drive forward an agenda that will ensure that hate crime, where it exists, will not be acceptable and will be dealt with, and that Scotland will become a better society because it is the will of the Parliament that it should be so. For that reason, I support the bill.

16:19

Bill Wilson (West of Scotland) (SNP): In some ways, it is difficult to imagine why we are here and why any of this is necessary. For a normal, sane, balanced human being—I see members looking round wondering who that might be—or for anyone resembling such a being, it is truly difficult to comprehend why someone might threaten or attack others merely because they are, or are imagined to be, a little different.

Nonetheless, as we all know, such attacks occur. In 2000, a Mencap survey found that nearly nine out of 10 respondents had been bullied in the past year. In 2007, the mental health charity Mind reported that individuals with mental health issues were 11 times more likely to be victimised. Who here has not read reports of attacks or abuse directed against individuals who are, or were thought to be, members of the LGBT community?

Some social groups are proportionately more frequently victims of harassment and crime. Surely such groups need extra protection. Would we not discriminate against such groups if we failed to give them the protection that they so desperately need? Let us also not forget that hate crimes can

be particularly psychologically damaging, because they attack the victim's core identity.

Hate crimes are highly divisive. Failure vigorously to condemn such crimes can leave the affected groups feeling isolated from society. Such isolation harms not just the victimised group, but all of society. How true ring John Donne's words:

"No man is an Island, entire of it self; every man is a piece of the Continent, a part of the main".

Why do we need the bill? Some social groups are proportionately more often victims of harassment and crime, but evidence suggests that victims in those groups are also less likely to report the crime that has been committed against them. Hate crimes can be—indeed, are—intentionally distressing for their victims and past experience or fear can lead many victims to believe that there is no point in reporting them. Adding a specific offence of aggravation will make it clear to victims that such crimes are viewed seriously, that their suffering is taken seriously and that they will be listened to.

Yes, it is possible under common law for motivation to be an aggravating factor, but such aggravations under common law are not recorded. Statistically, we do not know how often such offences occur. An important point is that, because such offences are not recorded in criminal records, repeat offenders cannot be identified. Adding an aggravated offence will not stop common-law aggravations being used in other cases and will not reduce the protection that is offered to any other social group, but it will ensure that two groups obtain the extra protection that they need.

The importance of good statistical records should not be underestimated. Are certain social groups more likely to commit hate crimes? Are hate crimes concentrated geographically? Are campaigns against hate crime having any effect? Statistical data are vital. Without such data, any effort to reduce this most pernicious of crimes will be, at best, haphazard.

Hate crime is debilitating. One cannot run or hide from hate crime—people are who they are—so, in an intolerant society, people have no escape from bigotry and the permanent feeling of being threatened. People do not choose to be disabled. They do not choose to be gay or transgender. That is what they are. They cannot change that. If they are to be true to themselves, they cannot hide that and nor should they have to. In a civilised society, individuals should be accepted as they are. In a society cursed with intolerance, anyone who is a member of a group that is held in disdain has no escape but must live in fear or hide.

We need the bill. We need the bill to make it clear that, in our Scotland, the "our" means all, regardless of physical or mental ability and

regardless of sexual orientation. We need to make it clear that all who live in our country are part of the family of Scots and that, in Scotland, we accept your right to be yourself.

16:23

David Whitton (Strathkelvin and Bearsden) (Lab): On this rare occasion, it is a pleasure to follow Mr Bill Wilson in the debate. Like others, I congratulate Patrick Harvie on getting the bill to this stage.

Others are obviously more knowledgeable on the topic than I am, because they have been more closely involved with the proposals during both the current and previous parliamentary sessions. Therefore, I will concentrate my remarks on the measures in the bill that will require the courts to recognise hate crime that is carried out against people simply because they are disabled. I am grateful to Mr Kidd for his definition of "disabilism", which was a new word for me as well.

I confess that I had not intended to speak in today's debate, but, while listening to the preview of the debate in this morning's edition of "Good Morning Scotland", I heard one blind lady describe how she was accosted in the street and how frightening that had been for her. She was attacked simply because she is blind and, therefore, vulnerable. I am sure that all members would deplore attacks of that kind. I am positive that they would similarly deplore crimes that are carried out against people because of their sexual orientation or transgender identity. As others have said, the bill is not about special treatment for people in those categories; it is about addressing the motivation behind the crime. The introduction of a statutory aggravation will make it possible for a specific crime, such as a crime against a disabled person, to be identified as a hate crime and to be recorded properly.

I believe that Labour has a strong track record of combating discrimination on the grounds of disability and sexual orientation. Although I was not an MSP at the time, I was special adviser to Donald Dewar when Scotland repealed section 28 and section 2A. Indeed, I still carry the scars from handling a lot of the press coverage at the time, much of which amounted to red-top tabloid frenzy. It is to the credit of the first Scottish Government that it did not allow itself to be swayed by a despicable campaign, with the result that Scotland led the way in repealing those sections.

More recently, the Parliament united behind my colleague Jackie Baillie's Disabled Persons' Parking Places (Scotland) Bill, which will ensure that disabled people have better access to the parking spaces that can make such a difference to their mobility by assisting them to do the day-to-

day activities that able-bodied people take for granted.

It is always useful to look back through consultation when one is preparing a speech, and I would like to quote what Capability Scotland said about the prevalence of attacks against people with disabilities. It commented:

"We have long been involved in the call for measures to tackle hate crime against disabled people".

Both Bill Kidd and my colleague Bill Butler spoke about the survey on the experience of disabled people who had been the victims of crime. I see no need to repeat what they said, but I cannot agree more with their view that such crime is unacceptable in 21st century Scottish society. What concerned me more was that the research showed that most disabled people were not confident that they could get help to stop the attacks. The cabinet secretary said that he hopes that more victims of assault will come forward as a result of the passing of the bill—so do I. The bill has resulted in another of those rare occasions on which I agree with Kenny MacAskill on something.

Margaret Smith (Edinburgh West) (LD): The member mentioned the repeal of section 2A. Does he accept that it is extremely important that we develop better education from a very early age so that people know that such behaviour against LGBT people and disabled people is quite unacceptable?

David Whitton: That is exactly what the repeal of section 2A sought to do, and I whole-heartedly agree with that view.

Norman Dunning, the chief executive of Enable, made the point that although the common law might be adequate, the contents of the bill are necessary to ensure that the issue of aggravated crime is brought to the fore. He believes that the bill represents a step forward in common law and I agree with him. Indeed, I venture to suggest that the whole Parliament agrees with him.

As I said, Labour has a strong record on tackling discrimination, but so does this Parliament—it is a dividend of devolution. As the cabinet secretary pointed out, the bill will establish no new offences or sentencing measures, but it will bring consistency to the handling and recording of hate crimes and the sentencing of those who commit them, and will send a clear message that, in Scotland, our courts will recognise hate crime against people on the grounds of disability, sexual orientation or transgender identity and will deal with offenders accordingly.

16:28

Stewart Maxwell (West of Scotland) (SNP): Like other members, I congratulate all those who

have been involved in getting us to this stage, especially Patrick Harvie. As someone who has experience of trying to get a member's bill through Parliament, I understand how difficult that can be. The bill has been a long time coming, given that it is many years since Patrick Harvie's colleague Robin Harper tried to amend the Criminal Justice (Scotland) Bill. Like other members, I am certainly glad that we are finally here.

Other members have mentioned the problem of the lack of statistical data. When I did my research for the debate, I found it almost impossible to find solid information. Surveys and reports have been carried out, which I will refer to, but there is no solid statistical data. One of the benefits of the bill will be that we will get better statistical data.

I hope that another achievement of the bill will be that we will see an increase in confidence when it comes to the reporting of crime towards LGBT people and disabled people. One of the most important issues is that people in that position lack the confidence to report such incidents to the police, and I hope that the bill will help to change that situation. I also hope that it will help to bring about cultural change and a change in the general public's attitudes to such crimes, even if, as has been said, it is not a silver bullet.

Other members have mentioned various statistics, but the figures are worth repeating. Disabled people are more likely to be the victims of hate crime. In the 2004 survey by the Disability Rights Commission and Capability Scotland, 47 per cent of respondents had been attacked or frightened by someone because of their impairment; one in five had suffered an attack at least once a week; and of those who had been attacked, 35 per cent were physically assaulted, 15 per cent were spat at and 18 per cent had something stolen. There must be a problem in our society if people feel that such behaviour is acceptable.

However, a more recent report by the charity Scope in collaboration with the magazine "Disability Now" and the United Kingdom's Disabled People's Council found that disabled people are four times more likely to be violently assaulted than non-disabled people and almost twice as likely to be burgled, and visually impaired people are four times more likely to be verbally and physically abused than sighted people.

As Minister for Communities and Sport, I was responsible for equalities. In various discussions that I had, I found a clear and urgent demand for this legislation and widespread support for it from a range of groups. Something that sticks in my mind was a visit to the Dumfries LGBT youth group, who explained in very strong terms the problems that they faced, particularly in living in a rural community, and the differences between their

position and the position of those in more urban communities. One problem was isolation; those in the group felt that living in such communities created added pressures and difficulties for young lesbian, gay, bisexual or transgender people. Of course the sole purpose of legislation should not be to send out a message, but I hope that an important part of this legislation will be the message that it sends to all communities in Scotland that it is unacceptable to hold certain attitudes and behave violently or aggressively towards LGBT people.

I will now do something unforgivable, for which I must apologise: I will quote myself. My plea in mitigation is that the document that I want to quote from is the Scottish Government's response to recommendations of the LGBT hearts and minds agenda group. It says:

"Changing attitudes will be good not only for LGBT people but for all the people of Scotland. ... We recognise the prejudice and discrimination that LGBT people have faced historically. And while there have been significant strides in law and policy over the last 30 years, we know discrimination still exists".

That sums up the attitude of the Government and my attitude when I was minister. I whole-heartedly and 100 per cent support the bill.

16:32

Angela Constance (Livingston) (SNP): Because of the short time available and given my previous life as a mental health officer, I want, like some other members, to focus on disability hate crime. However, I make clear my support for the eradication of all forms of hate crime.

As others have said, the bill is not an end in itself but another crucial step on a journey and—unusually for me—I echo Bill Aitken's call for a review of the impact of the legislation.

Any crime that is committed because the victim is a member of a minority group deserves to be treated as an aggravated crime, because it is an assault not only on the person but on their identity. Like Bill Kidd and Bill Butler, I realise that in many ways the bill is playing catch-up and creating a level playing field for disabled and LGBT people. As statutory aggravations already exist for other forms of hate crime, it is incumbent on us to level the playing field for other excluded groups.

At this point, I thank Leonard Cheshire Disability for its particularly illuminating briefing. There are 800,000 disabled people in Scotland, 59 per cent of whom are women—I am advised that that is because we live longer than our male counterparts. However, as every study makes clear, a disabled person is five to 10 times more likely to experience hate crime than a non-disabled person is. We have already heard the

statistics that show that those with mental health issues are 11 times more likely to be victimised and that 90 per cent of people with a learning disability report experiences of being bullied. What is absolutely clear is the persistent and repetitive nature of the offences against and harassment of disabled people.

In the past, there has been some confusion about what has been considered, treated and responded to as antisocial behaviour when offences should have been prosecuted as hate crimes. It is interesting to note that the perpetrators of hate crimes against disabled people are often strangers. They often participate in groups and the crimes are often committed in public places, although there is some differentiation between rural and urban areas. In rural areas, the crime against the disabled person is more likely to occur in a domestic setting. Like Michael McMahon, I think that we need to be alarmed and concerned at the number of disabled people who accept harassment as part and parcel of their impairment. Leonard Cheshire Disability eloquently talks about the need to prevent attacks on disabled people by shining a light into a dark corner of our society. By passing the bill, we will ensure that hate crime will not be shielded from the public view.

There is some information on the prevalence of the attacks on and the offences that are committed against disabled people, but I believe that it only scratches the surface. The bill is vital in uncovering the hidden world of hate crime that, unfortunately, exists in our society.

16:36

Margaret Smith (Edinburgh West) (LD): I am delighted to speak in this afternoon's debate. I pay tribute to the tenacious and determined way in which Patrick Harvie has brought the bill to Parliament. Robert Brown was right to acknowledge the work that was done by the previous Administration. It is also right that we acknowledge the work that has been done and the support that has been given to the bill by the current Government. It is heartening to members of the LGBT and disabled communities in Scotland to hear of the degree of support that the bill will receive in our Parliament this afternoon.

Bill Wilson was right to say that it is unbelievable and shocking that we need to have this type of legislation. Yes, we have the common law—the issue was considered carefully by the Justice Committee and the Equal Opportunities Committee, and I pay tribute to them for the thorough work that they did, as always, on the bill—but there are reasons why we need the bill. We have heard about the need to ensure that there is proper monitoring and recording of these

types of crime. It is not about a hierarchy of rights; it is about acknowledging that the groups of individuals who are covered by the bill—LGBT people and disabled people with physical or mental health issues—are more likely to be the victims of crime and, crucially, are less likely to come forward and report it. If the bill does nothing else, if it encourages people in those communities who are victims of crime to come forward, it will have been worth while.

In passing, I pay tribute to the work that has been done by police forces throughout Scotland. I am aware of the work that has been done over the years by Lothian and Borders Police with the LGBT community to increase the recording of hate crimes. Police forces throughout Scotland are taking forward that work, and I believe that the bill will assist them in doing that.

The bill focuses on the motivation of somebody who thinks that it is okay to give somebody a doing or to assault somebody because they happen to be disabled or gay, or because they perceive them to be gay. As I said to Mr Whitton, the attitude starts very early in somebody's life that it is okay to assault or verbally assault somebody because they are perceived to be different, whether because of their race, their religion, their colour, their sexual orientation or their disability. That is why education is important. Over the years, I have been extremely concerned by some of the reports that Stonewall and others have produced about, for example, the amount of homophobic bullying that goes on in schools and the fact that some teachers, even now, do not feel able to challenge that or comfortable doing so. However, those sorts of things have to be challenged early on.

Today, we are sending a strong message that the Scottish Parliament believes in and will do everything in its power to deliver a society that tackles discrimination in all its forms, whether it is based on sexual orientation, disability, race or religion. I am pleased to support the bill.

16:40

John Lamont (Roxburgh and Berwickshire) (Con): Like other members, I congratulate Patrick Harvie on bringing this bill to stage 3. Mr Harvie, along with others, has long campaigned for the creation of new statutory aggravations to protect those who are the victims of a crime because of their actual or presumed sexual orientation, transgender identity or disability.

Patrick Harvie lodged the final proposal for the bill in November 2007, which means that he has had to show a great deal of patience and dedication in getting the bill to this stage.

Hopefully, he will feel some satisfaction when the bill is passed this afternoon.

Our passing of the bill will send a clear message to those who carry out criminal action that is rooted in the hatred of another human because of who they are perceived to be that we will not tolerate such behaviour. One of the most striking features of hate crime is its ability to affect not only an individual but an entire community of people who find themselves turned into victims because of another's intolerance. A culture of fear is created in a community—a fear because a part of someone's identity that is beyond their control is hated by another. Behaviour of that sort is unacceptable.

We already have statutory aggravations for offences that are motivated out of prejudice of some kind. The offence of racial hatred was created in the Crime and Disorder Act 1998 at Westminster, and the offence of religious prejudice was created in the Criminal Justice (Scotland) Act 2003, which my colleague David McLetchie talked about eloquently during the stage 1 debate on this bill.

As Robert Brown and others have said, the flexibility of the common law allows aggravating factors to be taken into account. Why, then, do we need to create statutory aggravations for sexual orientation, transgender identity and disability?

The first reason is that, although the common law exists, it is not being enforced. Evidence that was presented to the Justice Committee demonstrated that, although the law was available to deal with aggravations, it was very rarely used, and few people who were subjected to hate crimes had experienced its use. The creation of aggravated offences sends out a clear message that society will not tolerate such an expression of hatred. Hatred itself is not criminal. We cannot police people's thoughts, and we should not limit freedom of expression, but we can target and highlight criminal conduct that is motivated by such hatred. The legislation will give specific recognition to victims who are targeted as a result of hatred of their actual or presumed disability, transgender identity or sexual orientation. It will also bring our law into line with that of the rest of the United Kingdom.

As Patrick Harvie stated, the bill will also ensure the accurate recording of aggravated offences of the types that are mentioned in the bill. Until now, that has not been particularly robust, as those offences have been recorded as breaches of the peace or assaults. We cannot deal with a problem effectively until we know its full extent. The recording of this kind of information will give those who deal with crime far more insight into the motivation behind the crimes and will place them in a more powerful position to tackle them.

Attitudes may be constrained by laws and sometimes led by them but, ultimately, it is only by fostering a shared feeling of responsibility that we can promote a tolerant society where people are considerate towards others and their feelings, and where they exercise judgment in what they say and do. However, as Michael McMahon pointed out, we should not believe that laws are a panacea. We will never outlaw hate, any more than we can outlaw anger, but we can set a careful framework to outlaw hatred that does harm, while protecting fundamental liberties.

We are happy to confirm that we will be supporting the bill tonight.

16:44

Paul Martin (Glasgow Springburn) (Lab): Patrick Harvie and I have disagreed with each other on many issues in the chamber, from identity cards and DNA retention to ways of tackling antisocial behaviour. However, I am delighted to say that, on this occasion, we whole-heartedly agree with each other. I commend Patrick Harvie and the organisations that have ably supported him during the passage of the bill and have provided us with useful information, such as the Equality Network and Stonewall, for the work that they have done.

There have been a number of thoughtful and powerful speeches in the debate, and it is clear that there is cross-party support for the bill at stage 3. I will touch on a number of the themes that have been raised today and at stages 1 and 2.

As John Lamont mentioned, the common-law system allows courts to take account of aggravating factors in determining sentences. It is important that we recognise and respect that but, as I said during the stage 1 debate, it is also important that we represent the views of those who contributed to the evidence sessions. Witnesses told us that the common law cannot send out a clear message that such hate crimes are unacceptable in Scotland, and it was generally felt that establishing an offence of statutory aggravation would address many of the motivations behind such crimes.

I am disappointed that the bill does not contain any provisions for mandatory sentences. As Patrick Harvie will be aware, I have raised that point on a number of occasions in a constructive manner. I made the point, which Margaret Smith and Bill Kidd also touched on, that there are some individuals who, as a result of their social profile—as I would refer to it—will not respond to anything other than a robust mandatory sentence. It is important that the bill offers an opportunity to send out messages.

Like others, I welcome the fact that we are clearly moving in the right direction. It is important that training is put in place in the various organisations that will play a key role in implementing the legislation. That point has been made on many occasions in the chamber.

Michael McMahon gave an example that highlighted clearly the importance of reporting such incidents, which Nigel Don also touched on. Sometimes our authorities do not get it right in dealing with members of the public, and particularly with disabled groups, as the RNID points out. That is not a poor reflection on our police officers, and I do not wish to suggest that it is, but, as members of the Scottish Parliament, we should ensure that, as well as recognising when an authorities gets it right, when an authority does not get it right we take action on behalf of our constituents and communities to ensure that the law is robustly enforced.

I have mentioned a number of examples that members have given during this short debate, and I believe—to pick up on Michael McMahon's point—that it is important that we ensure that the law is robustly enforced. The bill will have no effect unless we do that, but it is clearly a step in the right direction and I congratulate Patrick Harvie on bringing the bill to stage 3.

16:48

Kenny MacAskill: Members have been remarkably united today—and rightly so, because the bill is about doing what is right. There have been excellent speeches by members on all sides of the chamber, and it is recognised that it is appropriate that we pass the bill. Equally, it is clear that the bill alone will not be the solution, because we have to change attitudes, and ensure that the law is implemented.

The bill is about doing what is right for our people, irrespective of whether they have disabilities, and whatever sexual orientation they may choose. They have been victims of low-level antisocial behaviour on some occasions, and serious assaults that have resulted in tragic murders on other occasions. Each individual has a personal tale.

There are areas not far from the Parliament where what was euphemistically known as queer bashing used to take place, and I remember such instances from my 20 years as a defence agent in these cities. It involved premeditated attempts by individuals to perpetrate serious assaults on people simply because they did not like the sexual orientation of those people, and that is unacceptable. The people responsible for those assaults were punished, but it is appropriate that we not only recognise the gravity of such crimes

but record them so that people do not feel that they have to shy away and make changes. We must encourage people to report such crimes. Margaret Smith is correct to say that the police have come a long way, but it is clear that all of us, including police officers and our broader society, still have a distance to travel.

Many people were perhaps sceptical about how disabled people have been affected, but I was at an event in Kilmarnock this week at which an old lady aged 79 complained about instances of antisocial behaviour including the throwing of stones, which is clearly an assault, at her middle-aged daughter, who suffers from learning disabilities. That was clearly distressing not just for the daughter, as the recipient of that bile and anger, but for her elderly mother, who has looked after her throughout her life and is clearly worried about what will happen to her daughter when she passes away. It is important that we make it clear that such behaviour is unacceptable in 21st century Scotland.

I say to Richard Baker that the Government recognises the need to assign codes to aggravations in order to track them. The Crown Office, which is responsible for the matter, has assured us that it assigns codes to aggravations and that it will therefore be possible to record and track crimes. That will help us to determine the extent of the problem that we face and to continue the good work, whether in law enforcement or in education, to change the culture in Scotland.

Bill Aitken asked whether the bill will be reviewed in four or five years' time. Irrespective of who the Cabinet Secretary for Justice is at the time or the nature of the Administration, the Crown Office tracking means that we will be able to track the impact of the bill year by year and begin to gather evidence on the extent of the types of hate crime that it covers. Whether that is done by the Justice Committee, the Parliament or the Government, we will be able to consider, to review and to act accordingly.

As Patrick Harvie said at the beginning, the bill is not simply about recording how opposed we are to hate crimes and ensuring that society recognises their gravity. It is also about tracking and recognising the extent of the problem, and that might mean that further changes are required. To some extent, the bill simply builds on a journey that we are making as a society, and one that was initiated by previous Executives—Robert Brown and others mentioned the establishment of the working group on hate crime. The bill represents a further small, but significant, step.

In the year of homecoming, when we seek to celebrate Scottish identity, both for those who have stayed here in Scotland and for those who have travelled far and wide, it is appropriate to

remember that we are all Jock Tamson's bairns and state that, as a Government, a Parliament and a country, we will not tolerate hatred or the perpetration of low-level or serious assaults against any individual, and certainly not on racial or religious grounds. Equally, in 21st century Scotland, we will not tolerate, condone or allow to go unchallenged assaults that occur because of someone's sexual orientation or disability.

The bill might represent a small step, but it is a great credit to Patrick Harvie and those who assist him. It is an appropriate step towards making Scotland all that it can be and making the law fit for purpose by reflecting all our communities in the 21st century.

16:53

Patrick Harvie: I thank all members who contributed to the debate at stage 3 of the bill. The debate was shortish but, of all members in the chamber, perhaps Robin Harper would most agree with me that, as the bill has been seven years in the making since his first proposal, it is not a problem for the final stage to be concluded as rapidly as possible.

Bill Butler and Robert Brown mentioned some of the historical steps that have been taken, including the proposals from Donald Gorrie and those from my colleague Robin Harper. Robert Brown argued that we are building on previous work, and I am happy to endorse his comments. Indeed, the measure was the key recommendation of the working group that was established as a result of the early proposals, which reported five years ago.

Robert Brown also mentioned the changing attitudes to equality and the progress that has been made in society. I agree with what he said about that as well, but I point out that it did not happen by magic or because people wished for it. It happened because many people way outside the political bubble worked hard and took risks for it, and also experienced risks in their lives. That is what makes progress happen—people working for it, not wishing for it.

David Whitton also gave a bit of an historical perspective from his point of view. He says that he bears the scars of the section 28 debate. I might once have felt that I bore one or two of those as well myself, but I felt that we won that argument in the end not only in the Parliament but outside it because the repeal was the right thing. Sometimes—at least for my community—what does not kill you makes you stronger. Here we stand.

Some technical issues have been raised on the bill. Paul Martin talked about mandatory sentences. I had hoped that he would—and still hope that he will—accept that they are not the

right mechanism for the bill, which will cover offences ranging from low-level vandalism or threatening behaviour right up to extremely serious assaults and murder. It may be wrong to attach mandatory sentences to such a broad range of offences.

Several members mentioned the flexibility of the common law. We are clear that the common law has flexibility but that that flexibility is not currently exercised sufficiently to address the problem.

Nigel Don mentioned the scope of the bill. I accept that we are not proposing a new mechanism. The mechanism already exists, but its present scope is narrow, as it covers only race and religion. There has been an argument about whether the bill should extend to prejudice on age and gender, but both committees recognised that the people who work in the fields of age and gender and who support those who experience, as well as other offences, the domestic violence that Nigel Don outlined do not feel that an aggravation is the right mechanism for those offences. That is not to say that the issue should not be addressed. Many actions are required from government at all levels to do that, but introducing an aggravation is perhaps not the right one.

I will draw out an issue that was raised by a number of members who focused on disability in their speeches. I do not have time to mention everybody, but Bill Kidd, Kenny MacAskill, Richard Baker, Angela Constance and others mentioned it. We need to recognise the reality of disablism as Bill Kidd defined it, but it is also important not to confuse hate crime on grounds of prejudice against disabled people with vulnerability. They are separate issues. Many disabled people are additionally vulnerable to particular offences, but that is a different phenomenon from hate crime, which specifically concerns the motivation of a crime by prejudice. Vulnerability is a different issue; the bill is intended to address hate crime. When we make arguments on vulnerability, we must be careful not to imply that disabled people should accept being, or expect to be, vulnerable to such offences.

Michael McMahon expressed concern that existing powers are not being sufficiently used. I agree with much of what he said, but how much clearer does that make it that we cannot rely on the common law and that the aggravation is right? However, he is correct that a much wider range of measures is needed to overcome prejudice, including challenging the perception of some of moral disorder in relation to sexual orientation. What an angry response there would be if disabled people were accused of being in some way morally inferior in the way that people are in relation to their sexual orientation in some situations. I endorse Bill Wilson's vision of our

society accepting all of us on our own terms. All members, I think, want to work towards that.

Before I sit down, it would be wrong of me not to mention Bill Aitken's suggestion that, during the process, I made something of a nuisance of myself. I have mulled over a few possible responses to that comment. All I will say is that the celebration of the passage of the bill will be happening shortly in the Regent Bar. Members are welcome to come and hear my many responses to Bill Aitken's suggestion, some of which I will rehearse repeatedly during the evening.

Business Motions

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of business motion S3M-4297, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which seeks to suspend standing orders to allow two members' business debates to take place on Thursday 11 June.

Motion moved,

That the Parliament agrees that, for the purposes of Members' Business on Thursday 11 June 2009, "at the end of First Minister's Question Time and at the end of the meeting following Decision Time" be substituted for "at the end of the meeting following Decision Time" in Rule 5.6.1(c) of Standing Orders.—[*Bruce Crawford.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S3M-4298, also in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 10 June 2009

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Ministerial Statement: A Thriving Rural Scotland: The Future Role of Government Support to Agriculture and Food

followed by Stage 3 Proceedings: Sexual Offences (Scotland) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 11 June 2009

9.15 am Parliamentary Bureau Motions

followed by Scottish Conservative and Unionist Party Business

11.40 am General Question Time

12 noon First Minister's Question Time

followed by Members' Business

2.15 pm Themed Question Time
Finance and Sustainable Growth

2.55 pm Ministerial Statement: National Qualifications

followed by Scottish Government Debate: National Waste Strategy

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 17 June 2009

2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Parliamentary Corporate Body Debate: Nomination of Pension Trustees for the Scottish Parliamentary Pension Scheme

followed by Stage 3 Proceedings: Scottish Local Government (Elections) Bill

followed by Business Motion

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 18 June 2009

9.15 am Parliamentary Bureau Motions

followed by Scottish Government Business

11.40 am General Question Time

12 noon First Minister's Question Time

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

2.55 pm Scottish Government Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business—[*Bruce Crawford.*]

Motion agreed to.

Parliamentary Bureau Motions

17:01

The Presiding Officer (Alex Fergusson): The next item of business is consideration of Parliamentary Bureau motions. I ask Bruce Crawford to move motion S3M-4300, on approval of a Scottish statutory instrument, and motion S3M-4301, on designation of a lead committee.

Motions moved,

That the Parliament agrees that the draft Waste Batteries (Scotland) Regulations 2009 be approved.

That the Parliament agrees that the Finance Committee be designated as lead committee and that the Education, Lifelong Learning and Culture Committee, the Health and Sport Committee and the Rural Affairs and Environment Committee be designated as secondary committees in consideration of the Public Services Reform (Scotland) Bill at Stage 1.—[*Bruce Crawford.*]

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

Decision Time

17:01

The Presiding Officer (Alex Fergusson): There are three questions to be put as a result of today's business.

The first question is, that motion S3M-4286, in the name of Patrick Harvie, on the Offences (Aggravation by Prejudice) (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Offences (Aggravation by Prejudice) (Scotland) Bill be passed.

The Presiding Officer: I am delighted to say that the bill is agreed. [*Applause.*]

The second question is, that motion S3M-4300, in the name of Bruce Crawford, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the draft Waste Batteries (Scotland) Regulations 2009 be approved.

The Presiding Officer: The third question is, that motion S3M-4301, in the name of Bruce Crawford, on the designation of a lead committee, be agreed to.

Motion agreed to,

That the Parliament agrees that the Finance Committee be designated as lead committee and that the Education, Lifelong Learning and Culture Committee, the Health and Sport Committee and the Rural Affairs and Environment Committee be designated as secondary committees in consideration of the Public Services Reform (Scotland) Bill at Stage 1.

Unpaid Carers

The Deputy Presiding Officer (Alasdair Morgan): The final item of business is a members' business debate on motion S3M-3357, in the name of Sarah Boyack, on support for unpaid carers.

Motion debated,

That the Parliament recognises the vital role played by unpaid carers across Scotland in providing essential care and support to people whose lives are seriously affected by illness or disability and the work done to support carers by the Voice of Carers Across Lothian (VOCAL) in Edinburgh and the Coalition of Carers in Scotland; notes that the estimated replacement cost for unpaid carers in Edinburgh has increased by £98.3 million to £554.5 million; is concerned that one in five carers has given up work to provide care, the same proportion suffer poor health, only 40% have had a break from their responsibilities of more than two days and 73% live in fuel poverty, and therefore considers that the contribution made by unpaid carers to the Scottish economy should be recognised by improving the sharing of best practice in the provision of support with other European countries and local authorities across the United Kingdom and by improving the quality of support available for respite care, training, support services and young carers in Scotland.

17:03

Sarah Boyack (Edinburgh Central) (Lab): I was keen to have a debate in Parliament on carers because, over the years, I have met many carers through community groups, campaigns and, crucially, my casework. Our carers are our unsung heroes. There are about 660,000 unpaid carers in Scotland, which is nearly one in eight people, and the work that they do for us saves the taxpayer about £7.6 billion a year. Locally, in the Lothians, there are 71,000 carers and, in Edinburgh, more than 8,000 people care for 50 hours or more a week. It is estimated that, in Edinburgh alone, without the work that carers do, the cost to the public purse would be £554 million.

As I am sure all members agree, carers are important not only because of the money. Carers UK put it superbly when it stated:

"The true value of the care and support provided by carers cannot be quantified, as caring is also an expression of love, respect, duty and affection for another person. However, it is important to recognise the true scale of carers' support provided to frail, disabled and ill people."

One thing that keeps the carers I know going is the knowledge that there simply are no better alternatives for the people they care for. However, we need to acknowledge that many carers pay a price: their health can be affected; they can be isolated; and the physical hard work can take its toll. At my surgeries, I have met carers whose decision to look after somebody for a long period has affected them personally. A key worry for many of them is that they do not know who will

look after the person they support if they themselves become ill. That worry can be deeply stressful.

I am told that those providing in excess of 50 hours a week of care are twice as likely to be permanently sick or disabled as non-carers. We need to think about that. Shockingly, around 40 per cent of carers have not had a break of more than two days from their caring responsibilities. I know from speaking to constituents how hard it is to get respite of any sort.

Another major pressure on carers is financial. More than 50 per cent of unpaid carers are in debt; half of them cut back on food to make ends meet; and 79 per cent struggle to pay utility bills—up from 32 per cent in 2007. That probably does not tell us anything that we did not already know about fuel poverty, but the issue is crucial.

People who are cared for often have extra costs that need to be met, and caring for someone is rarely a short-term commitment. Two thirds of carers have cared for somebody for more than 15 years. Women in particular are likely to give up their work to look after somebody. I will bet that every member in the chamber will have a friend or a family member who has had to take that tough decision. Many people put their job on hold in the hope that they can come back to it, but without reliable or flexible care services that is a difficult thing to do.

When somebody is unable to work, the issue is not just about the money; it is also about the loss of social networks and the support that people can get when they are in work.

Without proper support, many people who are carers actually become vulnerable and need support themselves. Parliament needs to debate that issue. More and more people will be living longer—people who care for people, and people who need care. There is a long-term challenge for us. We need to do what we can to make people's lives easier.

On 27 May, we had a fantastic piece of lobbying from carers across Scotland—people who wanted to lobby us for change. We know from recent work by the Social Work Inspection Agency that carers have reported a number of key issues that would make their lives easier and more bearable.

The right to respite care is of key importance. I know that, in its manifesto, the SNP supported an annual right to respite care. I would therefore be keen to hear from the minister what progress she is making on that commitment. The right to training and education on issues relating to the caring role is important, and I believe that that can be delivered on the back of progress that is already being made. There should also be a right to emotional and therapeutic counselling and to

social support. Those rights will be crucial in giving people the confidence to keep going when they know that their commitment will be for a long time.

In my casework, another issue that comes up is the right to advocacy. If someone is a carer, they need support. It is one of the hardest jobs there is; it is a constant struggle. Getting their rights met, and the rights of the person they are caring for, is crucial. There is bureaucracy to deal with, including paperwork for appeals and negotiations with social workers, health services and council housing departments. Support is needed for all of that.

Far too many carers do not get the support they need because the hassle of lobbying everybody they need to lobby is simply too much. Caring for somebody is a job in itself. From my mailbag, I know that that job is not getting any easier—the situation is getting worse. In Edinburgh, many people are struggling. The hours for support for carers are being cut, and that directly affects people's quality of life. Even getting assessed can take far too long.

Margo MacDonald (Lothians) (Ind): Does the member agree that what she has been saying gives an indication of why many carers are in the position they are in? People who have not been carers do not really realise when they start to slip into that category. They do not describe themselves as carers, and they do not recognise it when others become carers. A Government information campaign is needed.

Sarah Boyack: Margo MacDonald has made a very telling point, and I hope that the minister will pick it up in her winding-up speech.

Earlier, I said that two thirds of carers had cared for somebody for 15 years or more. That is not necessarily the plan when people start out, but once they have made that commitment very few of them would want to step back from it. People do not think of themselves as unpaid carers; they just think that they are supporting a member of the family. More support and more information could be helpful.

Direct payments are a key issue. I understand that in England and Wales carers can use direct support to ensure flexibility in the support that is given to the person whom they look after. However, in Scotland many care packages put together by local authorities operate only within business hours, which prevents people from having any chance of working.

I suspect that we are all aware of cuts in social services, which is certainly a major problem for us in Edinburgh. If carers were normal workers—apparently, there are Scottish Government documents that list carer support under workforce headings—they would have maximum working

hours, access to training, tea breaks, holidays, the ability to stop work when they are ill and someone to look out for their rights. However, they do not have any of that. Although we have some fantastic carers groups, such as the Voice of Carers Across Lothian, carers need more support from us. Where is the guaranteed annual entitlement to breaks from caring for those who are in greatest need, which the Scottish National Party promised by 2011?

Carers of all ages face challenges. Respite care is an issue not just for older people but for young carers, too. Young carers are often isolated at school and suffer more often from some form of stigma, which can impact on their personal development. They have mental and physical stress, and it might be tougher for them to get into further or higher education. A lot of issues have to be addressed.

It is not just about recognising the problems that carers have. We have to move from talking about carers rights to delivering them. I thank colleagues for showing their support by turning up for the debate. I ask the minister to set out what more can be done to develop a carers strategy that will make the difference that the hard-pressed carers, who I suspect we all have worked with and know from campaigning, know has to be made. I hope that we can make the difference for those hard-pressed carers and that we can give them the support that they and the people for whom they care so desperately need.

17:12

Christopher Harvie (Mid Scotland and Fife) (SNP): As R A Butler said:

“Politics is the language of priorities”.

One is always in the position of judging particular commitments. As a carer of two parents who are both now 91, I, too, am committed in this matter. I recognise many of the feelings that Sarah Boyack mentioned. That has come with the particular job that we do.

Earlier today, I was helping to organise lobbying for boys who suffer from Duchenne muscular dystrophy, which is a tragic and wasting malady that kills most of its victims before they are out of their youth. Costs of optimal care have been put at £200,000 per patient per year. Obviously, only a fraction of cases will get anywhere near that income, but it gives one a frightening statistic for what would be the full costs of care were it to be priced into the system. As Sarah Boyack said, the contribution of unpaid carers saves the taxpayer an estimated £7.6 billion each year.

Sarah Boyack referred to statistics. Projections suggest that by 2037, there will be 1 million unpaid

carers, including the parents of boys who suffer from Duchenne muscular dystrophy and people who look after disabled or elderly friends, neighbours or family members. As she said, the financial, physical and mental strain on unpaid carers is immense. I trust that the Scottish Government's "Strategy for Carers in Scotland" consultation will help to improve the situation—that it will improve the financial support and assistance.

However, it might be worth our while to consider unpaid care within its broader social context. On demographics, we in Scotland are medically, socially and economically a nation that is in need of care. It is not an optimistic outlook. I attend too many meetings that are connected with churches or political and cultural bodies and at which, at 64, I find myself to be at least the average age and sometimes the youngest person in the place. Our committed generation is an old generation—it is a grey-haired generation. Nineteenth-century national movements called themselves "Young Ireland", "Young Italy" or even—rather late in the day—"the Young Scots". The welfare economies of western Europe are ageing. Demographics suggest that, by 2037, Scotland will depend on 1 million unpaid carers. The need to involve the younger generations is obvious.

In much of Europe, young people make caring part of their education either by way of a sideways move from national military service or on a voluntary basis. For example, in Germany or Denmark, young people can spend a "social year"—or more than a year—in the community, helping in education, care for disabled people and the elderly, or on environmental conservation projects. In Scotland, such a year would straddle the period between highers and university or school and apprenticeships. I tried to sketch that out in a recent paper for the Scottish Urban Regeneration Forum. Such an approach would act mutually by relieving and supporting unpaid carers, creating social integration and providing competence and training for young people in the period between school and higher education or work. Ideally, young people could accrue some sort of education credit for their first year in higher education or apprenticeship. We could plan things in such a way that caring would become part of education. There is no question but that people who have been through such experiences are more receptive to the idea, and intelligent in making the argument, than those who are deprived of it.

The billions of pounds that such unpaid work would save could flow from our national accounts into the real Scotland, not some ad-man's fantasy of easy money and continuous enjoyment.

17:16

Cathy Peattie (Falkirk East) (Lab): I thank Sarah Boyack for bringing this important motion to the chamber.

At the last meeting of the cross-party group on carers, we heard from carers in the Highlands who had made an enormous effort to ensure that everything was sorted so that they could get up at an unearthly hour and travel to our lunch-time meeting. I wish that every member of the Scottish Parliament had heard what those carers had to say. We heard about the additional problems that rural living imposes on people, including in respect of poor public transport and the long distances that people have to travel. We also heard about the difficulties that carers have in dealing with bureaucracy and the costs that they face for respite charges, heating and travel to access health and other services.

In its guidance on charging policies, the Convention of Scottish Local Authorities says that

"it is left to the local authority to decide whether a client has reliable access to other resources such as those of a partner."

The result is that carers who look after a partner or spouse can have their income taken into account during the financial assessment of the person for whom they care. Worryingly, some local authorities are now considering assessing, or are beginning to assess, the income of parent carers when considering the services that it will provide to a disabled young person aged 18 or under. That is contrary to the Executive policy that

"carers should not be adversely affected as a result of their caring role."

Much can be done to improve the lives of unpaid carers and of those for whom they care. Transport is a problem for many. It is costly, if it is available. People who cannot travel on their own are entitled to be accompanied by a companion, but only on buses, whereas the blind persons scheme permits a companion to travel also on rail and ferry journeys. Anyone who needs to be accompanied by a companion should be allowed that.

Of course, not everyone has access to public transport. Services are sometimes not suitable and in some areas do not exist. Private transport is expensive and unpaid carers rarely have big incomes because many must give up work to provide care. Demand-responsive community transport can provide much-needed services and should be included in the national concessionary travel scheme.

Respite care is in short supply. The Government is committed to providing an additional 10,000 weeks of respite care, but thanks to the concordat, the commitment is reliant on the good will of councils. To their credit, some councils are

providing respite care, but others are not—or have different ideas about how the weeks should be counted.

It would cost a lot to pay carers from the public purse for the services that they provide. Through their unpaid work, they make a major contribution to the economy, which we should recognise by ensuring that the support and services they can access are as good as possible, right across the sectors.

We need to recognise carers' needs in our health service by providing decent breaks and respite care. We must also provide adequate benefits, in recognition of the additional expenses that carers face as a result of their work.

Carers are everywhere and all of us may become carers at some time in our lives, so we must ensure that carers are seen and supported and that their voices are heard. As politicians, we are responsible for ensuring that carers are supported in every way possible, and for ending the dreadful situation that leaves them living in poverty.

17:20

Mary Scanlon (Highlands and Islands) (Con):

I thank Sarah Boyack for securing this debate and Cathy Peattie for her excellent speech. Conservative members join them in recognising the vital role that unpaid carers play across Scotland and the tremendous contribution that carers make to those for whom they care and to the wider Scottish economy. I will highlight some issues relating to carers that were made known to me just this week—which is not much different from many other weeks—at a surgery on Friday and again by three carers who are fighting the system and battling bureaucracy.

At the reception that Christopher Harvie hosted today, we heard from young men with Duchenne muscular dystrophy and from Eileen McCallum, the grandmother of two young boys with DMD. It is important to remember that often there is more than one carer in the family, for example where grandparents and siblings are involved. The postcode lottery of care is highlighted in a booklet produced by Action Duchenne. Two young boys requested that care packages be the same no matter where people stay and regardless of age. They also asked for equal hospital tests and treatment, wherever people are in Scotland. Obviously, carers' ability to cope depends very much on the care provision and support that are in place.

We heard from Eileen McCallum about the year that her daughter in Edinburgh spent dealing with form filling, social work visits, meetings and changes of staff—all to apply for assistance at

home for her two sons with DMD. At the end of the process, she was awarded four hours a week. If emphasis were placed on addressing needs rather than the bureaucracy that Sarah Boyack highlighted, the situation would be much better.

This week, I met the Huntington's disease support group in Inverness. I learned of the group's existence through Hugh Henry's members' business debate on Huntington's. At the meeting, I heard about the excellent, dedicated work of carers in the Highlands. However, it is shocking that only about 6 per cent of Scotland's 660,000 known carers receive the carers allowance. It appears that there are obstacles to accessing the funds.

The 10,000 extra weeks of respite care that are due to be delivered by 2011 are welcome, but I can confirm Cathy Peattie's point that some councils, including Highland Council, have not been increasing the number of weeks of respite care that are available at the rate that is expected in the run-up to 2011. I am not saying that the target will not be met, but the expected year-on-year increases are not happening.

In 2007, new national guidance was issued to improve take-up of direct payments. However, it is not just difficult for carers to get direct payments, it is almost impossible. Councils tell carers that they have all sorts of responsibilities and it would be far better and would make their lives easier if the council continued to deal with the issue, but often carers find that they are short-changed on the level of care.

All the issues that I have highlighted are to be set against the care 21 summary guide for carers that was published in September 2005, which undoubtedly made excellent recommendations for addressing the issues that we are considering today. Four years following the publication of that guide, a briefing on unpaid carers produced by the Scottish Parliament information centre in February confirms that

"The recommendations of the Care 21 report were encouraging, but there has been no shift with regard to additional funding ... to create an infrastructure to support carers ... There is unclear guidance about charging for carer services."

I hope that the debate not only raises awareness of carer issues but leads to an audit or review of existing services and support for carers, as the Community Care and Health (Scotland) Act 2002 and the recommendations that have been made over the years by the Parliament are not being implemented where they should be.

17:25

Mary Mulligan (Linlithgow) (Lab): I, too, thank Sarah Boyack for bringing the debate to the

Parliament. This is an important debate, and I am only sorry that its timing means that the attendance is quite low. However, I am sure that, as with previous discussions, many of us feel the issue to be important.

At the Local Government and Communities Committee meeting this morning, we considered the provision of home care services by local authorities. It was clear that, despite a commitment by local authorities to a high-quality service and the dedication of many home care staff, there are huge challenges in delivering home care services. How grateful, then, we should be to the many family members and friends who, without seeking reward, provide care, including the care that we have heard about this evening.

Members have referred to the cost that we would have to pay to provide the same care. Because we do not know how many carers there are, it is difficult to assess that cost, but it is clearly substantial. Whoever they are, carers care as a matter of course. That presents one of the difficulties in identifying carers who move into caring roles and accept caring responsibilities without recognising what they are taking on. Furthermore, they tend to make few demands on the system until things reach a desperate state. We need to do something to identify carers and to offer them the support that is available.

Sarah Boyack referred to the lobbying of the Parliament a few weeks ago when carers from throughout Scotland came here to explain to us their needs. Top of their list of requirements was respite, which many members have mentioned. It is concerning that the respite that does exist is often provided in a way that is inflexible and does not meet the needs of individual families. The question whether respite is for one day a week or to cover a couple of weeks away—or even where the respite takes place—can determine whether or not it is effective.

Although respite is intended for the carer, it is also for the cared person, who needs a break sometimes, and it can bring them some benefit in their lives. We must recognise that respite has to be flexible to meet the needs of the carer and the cared for. It should be adequate, and there should not be a postcode lottery in its provision, which Mary Scanlon referred to. It strikes me that if some councils can provide flexibility, why cannot they all? That is where the Scottish Government could come in, by providing guidance on how to provide that flexibility.

I will mention the role of young carers, and I will start with my usual initial comment: I feel very guilty when we talk about young carers. They should not be caring; they should be enjoying their young lives. However, we know that there are

young people who care, and they are even more difficult to identify than other carers.

In West Lothian, where my constituency is, there is a scheme in which young people help to identify young carers in schools. That has been supported by the Big Lottery Fund. However, that funding is coming to an end, and the identification of young carers is at risk if we do not provide more. That would be a great and unfortunate loss, given that we know how to identify carers and make contacts in schools. Let us not lose that.

People in West Lothian are grateful for the work of Carers of West Lothian, which identifies carers, offers them support and campaigns to raise their profile. We need such work in more places throughout Scotland. We must learn from best practice.

Parliamentarians need to support carers, and the Scottish Government needs to ensure that the resources and guidance for local authorities match needs.

17:30

The Minister for Public Health and Sport (Shona Robison): I congratulate Sarah Boyack on the selection of her motion for debate. This debate follows hot on the heels of the debate in February on Margaret Mitchell's motion on behalf of the Equal Opportunities Committee, which demonstrates the importance of the subject to members. I endorse that. There will be a spotlight on carers next week too, as it will be carers week. That is all to the good.

I acknowledge the good work that is undertaken by VOCAL, the coalition of carers in Scotland and the many other organisations that support carers throughout Scotland. I was pleased to meet members of such organisations at the beginning of the march to which Sarah Boyack referred.

I want to pick up on points that members made and to reiterate important points that were made during the debate in February. We all know that carers' work greatly complements the work of health, social work and other statutory and voluntary services, and we all recognise and value the work of unpaid carers. Changing demographic projections and the increasing number of people who live in community settings and at home will result in an even greater demand for, and reliance on, unpaid care in the future. That is a huge responsibility and we all need to respond accordingly.

For unpaid carers across the board, we have put in place a broad range of measures, which are supported by £13 million of new resources in health and local government. Those measures are helping to make progress towards the provision of

an additional 10,000 respite weeks, and of information and training to support people in their caring roles. As Margo MacDonald said, many carers do not identify themselves as such, so carer information strategies should help to address that. General practitioners and other providers can identify carers who present to the national health service, perhaps as a result of stress or other conditions, and will be able to help them to secure the assistance that they need.

Dr Richard Simpson (Mid Scotland and Fife (Lab)): Does the minister agree that we should perhaps go further? Every carer is entitled to a care plan of their own. When someone who has a problem is given a care plan, and a carer for that person is identified, the carer should automatically be offered a care plan too, so that their health and wellbeing can be protected.

Shona Robison: I am more than happy to consider that suggestion as part of the development of the carers strategy.

I assure Cathy Peattie, Mary Scanlon and other members that there will be close monitoring of progress on additional respite weeks and on the NHS carer information strategies, which we sign off individually.

I assure Sarah Boyack that work on the guaranteed respite entitlement is being taken forward with carers organisations. The work raises complex issues, not the least of which is the need to avoid displacing resources from one group of carers to another. We need to be careful about that.

We have provided grant funding for work in a number of important areas that will help to inform our carers strategy, including a mapping exercise of young carers services in Scotland, and carer training pilots that focus on carers in rural areas and in black and minority ethnic communities.

Carers' views are fundamental, of course. As part of its inspection of social work services, the Social Work Inspection Agency carried out a survey of carers. Carers returned more than 2,600 questionnaires, which was a good response. The results of the carers survey in the 24 authorities that have been inspected are available and make interesting reading. There is good news, which reflects the progress that is being made. For example, 23 per cent of carers said that the help that they receive meets all their needs, and 38 per cent said that some of their needs are met. There were examples of practice throughout the country fully taking account of carers' needs. In one area, carers of family members who have dementia had the highest praise for all the staff in a dementia centre that even offers a free laundry service for clothes and bedding, which is a big help for the carers.

However, other results reflect that more needs to be done. For example, 23 per cent of carers felt that few of their needs were met, and 17 per cent said that none of their needs was being met. In my view, those figures are too high.

As I said in February, we will revise our carers strategy in partnership with the Convention of Scottish Local Authorities and carers themselves. The emphasis is very much on improving outcomes for carers. Two steering groups, with much stakeholder interest, have been established to drive that work forward. In addition, various sub-groups have been set up to consider the progress that is to be made with the personalisation agenda. I reassure Sarah Boyack that work is under way to extend the availability and scope of direct payments to carers and to the people for whom they care, which will enable their individual needs to be met in a more person-centred way. Perhaps that should have been done in the past, but we are where we are. There are sub-groups on training and development issues for the unpaid and paid workforce; on short breaks; on the role of young carers and wider voluntary sector services; and on supporting transitions for young carers. Much work is therefore in train.

On young carers, I continue to be impressed by the innovative and effective approaches that are being taken by some local authorities, dedicated carer services and the wider voluntary sector. I accept, however, that much more can be done, particularly in mainstream services. We have awarded a small grant to VOCAL to facilitate a carers reference group of 12 carers from across Scotland who have experience of different types of caring, in order to help to progress the strategy. We are consulting young carers through the successful young carers festival and through smaller groups.

I know that caring can incur financial costs, as members have said, especially if people have to give up employment or reduce their working hours. The peak age of caring is between 45 and the early 60s, so it impacts on a crucial stage in a person's life. Carers need to be supported in accessing employment or training, or so that they do not have to relinquish or reduce paid employment. The carers steering group is considering the issues.

Eligibility for carers allowance, to which members referred, and the level at which it is set, are obviously reserved matters, and the United Kingdom Government is examining the carers benefits system as part of its wider reform. Following the poverty protest march in April, which focused on financial hardship, I wrote to the Secretary of State for Work and Pensions about the carers allowance, and I specifically put across the views of the carers to whom I had spoken. My

officials will shortly meet the Department for Work and Pensions to ensure that our views are further fed in.

On fuel poverty, to which members have referred, we introduced a new energy assistance package in April. As well as there being continuing support for pensioners, low-income private sector households with young children under five or a disabled child under 16 can for the first time receive help beyond basic insulation measures. That will certainly help some carers.

Sarah Boyack's motion refers to

"the sharing of best practice in the provision of support with other European countries".

I agree with that. Last month, we gave a grant to VOCAL to help with the costs of next year's Eurocare conference in Edinburgh, which will be held from 17 to 20 May.

Sarah Boyack: I thank the minister for that information. We will all look forward to the conference as a good opportunity to talk about what we do in Scotland and to learn from others. What is the minister's timescale for getting the carers strategy in place? It would be good to have it in place and under way for some time before the conference starts.

Shona Robison: Sarah Boyack must be a mind-reader, because I was just about to say that we will publish our carers strategy for Scotland early in 2010. Much of the work will obviously be done this year, but I hope that it will be ready in time for the Eurocare conference, which would be a good fit.

There is huge potential to improve the lives of carers throughout Scotland. I think that that view is shared across all the political parties. I certainly hope that members will encourage carers in their areas to ensure that they keep up to speed with what is happening and, if possible, to feed in to the carers strategy. We certainly want to hear their views, so I encourage members to play their part in helping us do that.

Meeting closed at 17:39.

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