

MEETING OF THE PARLIAMENT

Thursday 24 September 2009

Session 3

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2009.

Applications for reproduction should be made in writing to the Information Policy Team, Office of the Queen's Printer for Scotland, Admail ADM4058, Edinburgh, EH1 1NG, or by email to:
licensing@oqps.gov.uk.

OQPS administers the copyright on behalf of the Scottish Parliamentary Corporate Body.

Printed and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by
RR Donnelley.

CONTENTS

Thursday 24 September 2009

Debates

Col.

TEACHERS	19895
<i>Motion moved—[Rhona Brankin].</i>	
<i>Amendment moved—[Keith Brown].</i>	
<i>Amendment moved—[Murdo Fraser].</i>	
<i>Amendment moved—[Margaret Smith].</i>	
Rhona Brankin (Midlothian) (Lab).....	19895
The Minister for Schools and Skills (Keith Brown)	19898
Murdo Fraser (Mid Scotland and Fife) (Con).....	19902
Margaret Smith (Edinburgh West) (LD)	19904
Karen Gillon (Clydesdale) (Lab)	19907
Aileen Campbell (South of Scotland) (SNP).....	19909
David Whitton (Strathkelvin and Bearsden) (Lab)	19911
Bob Doris (Glasgow) (SNP).....	19913
Malcolm Chisholm (Edinburgh North and Leith) (Lab)	19914
Margaret Smith	19916
Elizabeth Smith (Mid Scotland and Fife) (Con)	19918
Keith Brown	19921
Ken Macintosh (Eastwood) (Lab)	19923
CHILD PROTECTION	19927
<i>Motion moved—[Claire Baker].</i>	
<i>Amendment moved—[Adam Ingram].</i>	
<i>Amendment moved—[Robert Brown].</i>	
<i>Amendment moved—[Elizabeth Smith].</i>	
Claire Baker (Mid Scotland and Fife) (Lab)	19927
The Minister for Children and Early Years (Adam Ingram)	19930
Robert Brown (Glasgow) (LD)	19932
Elizabeth Smith (Mid Scotland and Fife) (Con)	19935
Michael McMahon (Hamilton North and Bellshill) (Lab)	19937
Christina McKelvie (Central Scotland) (SNP)	19939
Duncan McNeil (Greenock and Inverclyde) (Lab)	19940
Joe FitzPatrick (Dundee West) (SNP)	19942
Hugh Henry (Paisley South) (Lab).....	19944
Robert Brown	19945
Murdo Fraser (Mid Scotland and Fife) (Con).....	19947
Adam Ingram	19949
Mary Mulligan (Linlithgow) (Lab)	19951
QUESTION TIME	19954
FIRST MINISTER'S QUESTION TIME	19963
QUESTION TIME	19976
TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) BILL: STAGE 1	19992
<i>Motion moved—[Shona Robison].</i>	
The Minister for Public Health and Sport (Shona Robison)	19992
Christine Grahame (South of Scotland) (SNP).....	19996
Dr Richard Simpson (Mid Scotland and Fife) (Lab).....	19999
Mary Scanlon (Highlands and Islands) (Con).....	20001
Ross Finnie (West of Scotland) (LD)	20004
Kenneth Gibson (Cunninghame North) (SNP)	20006
Rhoda Grant (Highlands and Islands) (Lab).....	20008
Michael Matheson (Falkirk West) (SNP)	20011
Helen Eadie (Dunfermline East) (Lab)	20013
David McLetchie (Edinburgh Pentlands) (Con)	20016
Robert Brown (Glasgow) (LD)	20018

Ian McKee (Lothians) (SNP).....	20020
James Kelly (Glasgow Rutherglen) (Lab).....	20023
Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)	20024
Jackson Carlaw (West of Scotland) (Con)	20027
Dr Simpson	20030
The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon)	20033
TOBACCO AND PRIMARY MEDICAL SERVICES (SCOTLAND) BILL: FINANCIAL MEMORANDUM	20037
<i>Motion moved—[Nicola Sturgeon].</i>	
DECISION TIME	20038
BLOOD DONATION	20054
<i>Motion debated—[Rhoda Grant].</i>	
Rhoda Grant (Highlands and Islands) (Lab).....	20054
Maureen Watt (North East Scotland) (SNP).....	20056
Michael McMahon (Hamilton North and Bellshill) (Lab)	20058
Nanette Milne (North East Scotland) (Con).....	20059
Jim Hume (South of Scotland) (LD).....	20061
Dr Richard Simpson (Mid Scotland and Fife) (Lab).....	20063
The Minister for Public Health and Sport (Shona Robison)	20064

Oral Answers

Col.

QUESTION TIME	
SCOTTISH EXECUTIVE	19954
GENERAL QUESTIONS	19954
Bluetongue (Vaccination Rules)	19959
Budget 2010-11	19960
Energy Options Assessment (Publication)	19954
Government Economic Strategy.....	19959
Justice of the Peace Courts (South Strathclyde, Dumfries and Galloway)	19955
Local Government Grant Distribution Review	19961
Marches and Parades (Glasgow).....	19957
Teaching Hours (Early Years Education)	19955
FIRST MINISTER'S QUESTION TIME	19963
Cabinet (Meetings)	19967
Curriculum for Excellence.....	19973
Engagements.....	19963
Glasgow Airport Rail Link (Cancellation).....	19971
Inquiry into Future Fisheries Management.....	19970
Prime Minister (Meetings).....	19965
QUESTION TIME	
SCOTTISH EXECUTIVE	19976
HEALTH AND WELLBEING	19976
Adults with Incapacity (Scotland) Act 2000 (Consultation).....	19978
Audiology Modernisation Programme	19990
Convention of Scottish Local Authorities (Personal Care Services)	19983
Disability Organisations (Meetings)	19980
In Vitro Fertilisation Treatment (Waiting Time Guarantee).....	19984
National Health Service (Consultations).....	19976
National Health Service (Funding)	19982
National Health Service (Older and Disabled People)	19988
NHS Fife (General Practitioner Practices).....	19986
Private Rented Housing (Regulation).....	19988
Proposed National Centre for Asbestos-related Diseases	19989

Scottish Parliament

Thursday 24 September 2009

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

Teachers

The Presiding Officer (Alex Fergusson): Good morning. The first item of business this morning is a debate on motion S3M-4910, in the name of Rhona Brankin, on teacher numbers.

09:15

Rhona Brankin (Midlothian) (Lab): Another day, another education debate; another week, another broken promise. The Scottish National Party has now confirmed what we suspected was going to happen months ago and dumped its promise of smaller class sizes in primary 1 to 3. Another promise was quietly dumped yesterday. In fact, we said that it was dumped a year ago, but the SNP denied it. Yesterday, it dumped its commitment to increase access to nursery teachers for every child, because the number of nursery teachers went down again. However, we are here to debate teacher numbers, which is a hugely important matter. We have discussed it in the chamber several times and we on the Labour benches make no apology for returning to it today.

Teachers should be valued. I declare an interest because, like many other members, I am a former teacher. Most if not all of us can remember a teacher who made a difference in our lives. That is what we want for our children and what some of us want for our grandchildren. We want them to have teachers who encourage them not only to learn but to raise their ambitions and aspirations. Thousands of teachers throughout Scotland are doing that day in, day out. I start by acknowledging the great work that they do.

We should all have the utmost respect for the teaching profession. It is therefore unfortunate that the SNP Administration has seen fit to renege on its manifesto promise on teachers. The SNP manifesto was clear. It stated:

"We will maintain teacher numbers in the face of falling school rolls".

Ministers might not like to be reminded of that, but Labour members will continue to remind them of it from now until the next Scottish Parliament elections. It is clear from the first 28 months of the SNP Administration that it has no intention whatsoever of maintaining teacher numbers. The "Teachers In Scotland, 2008" census shows a cut of almost 1,000 in teacher numbers, spread right

across Scotland, with 24 of the 32 local authorities having cut teacher numbers, including, the minister might be interested to hear, 12 of the 13 SNP-run councils.

The First Minister defended those figures by saying that pupil teacher ratios had been maintained at 13:1, but that was yet another shoddy attempt to move the goalposts to spare his blushes and those of his hapless Cabinet Secretary for Education and Lifelong Learning. Under the SNP, a majority of local authorities have seen either no change or a worsening in pupil teacher ratios.

Beyond those faceless statistics are real teachers with views and experiences, and we need to listen to them. I encourage SNP members in particular to look at the forums section of the *Times Educational Supplement Scotland* website, where they might learn something about life at the chalkface under their Government. On it, Pam writes:

"I am ... coming to the end of my third year as a teacher and have actually been asked to attend a job interview outside teaching. It's going back to the job I had before teaching, working in a lab and quite a good job. I enjoy teaching but am fed up with being unable to get a permanent job. I am at the point now that I don't think I can continue doing supply and having no job security, no stability and no regular income."

Jane writes:

"you will earn more as a shelf stacker in Asda than a supply teacher here. I haven't stepped in a classroom since the end of June. Supply far outstrips demand and there is very little demand for enthusiastic teachers these days ... we are just waiting on people to die or become ill or sustain some horrid injury. Teaching is a very casual profession now."

What is the SNP solution to that crisis in teaching? It is cuts. Fiona Hyslop and John Swinney are taking £10 million from the teachers budget next year. That is a betrayal of our young people. It is more about plugging holes in the SNP's budget than about doing what is right for the country. As Ronnie Smith of the Educational Institute of Scotland put it,

"Scotland needs more teachers, not fewer."

He said that the cuts will

"inevitably lead to fewer teachers in our classrooms and larger class sizes for pupils."

However, as we saw yesterday, the SNP's promises on class sizes have been ripped up. Yesterday's climbdown confirms what we have known for at least a year—that the SNP has no intention of maintaining teacher numbers to reduce class sizes.

Fiona Hyslop's solution to the issue of unemployed teachers is to slash spending on teacher training, but what she really needs to do is

to keep her promise to maintain teacher numbers. If she had not cut teacher numbers by nearly 1,000, we might not have a situation where there are 543 applicants for one teaching post in Perth and Kinross.

The education secretary recently trotted out the excuse that local authorities are not replacing retiring teachers at the levels that were previously expected. Frankly, I think that that is a pathetic excuse. Having promised to maintain teacher numbers and utterly failed to do so, the Scottish Government is now pointing the finger of blame at local authorities. On this side of the chamber, we do not blame councils but, if the cabinet secretary is intent on doing so, perhaps she should have words with the 12 SNP-run local authorities that cut teacher numbers in the past year.

No matter how the cabinet secretary tries to dress up the figures, the General Teaching Council for Scotland statistics show a year-on-year decline in the number of newly qualified teachers who find full-time, permanent jobs. Ken Cunningham, the general secretary of School Leaders Scotland, says that the figures confirm

“the worrying trend of unemployment among usually very good, very well trained, newly qualified teachers.”

That will be the Administration's legacy—a generation of talented teachers on the dole and lost to the teaching profession because of SNP incompetence and broken promises. As Dougie Mackie of the EIS says,

“The current difficulties in teacher employment are little short of a national scandal.”

On the TESS website, a teacher who calls himself “SickOfHavingNoSecurity” writes:

“Think I will send Hyslop a calculator—she obviously does not have one in her office, and if I could—her P45. I can just photocopy mine and change the names.”

I urge members to stick up and speak up for Scotland's teachers, parents and pupils and support the motion.

I move,

That the Parliament notes the most recent reduction in the number of teachers employed in Scotland revealed by the September 2009 public sector employment figures; further notes that this follows on from the Teachers in Scotland 2008 census, which showed that the number of teachers fell by nearly 1,000 on the previous year, and asks how this can be reconciled with the SNP's manifesto pledge and concordat commitment to maintain teacher numbers in the face of falling school rolls in order to cut class sizes; highlights with concern the *Times Educational Supplement Scotland* survey, published in August 2009, suggesting that only 15% of this year's newly qualified teachers had secured full-time permanent work at the start of the school term as well as the General Teaching Council Scotland follow up survey suggesting that, even half way through the 2008-09 school year, only around a third of the previous year's probationary teachers had found full-time permanent posts; believes that the Scottish Government

has precipitated a teacher jobs crisis, forcing many of the most qualified new teachers in Scotland's history to look elsewhere in the United Kingdom or beyond for suitable employment; believes that this represents an appalling loss of talent to Scotland's education system and a gross betrayal of those enticed to train as teachers as well as those who voted SNP due to its election pledges on schools, and therefore calls on the SNP government to publish detailed plans of how it will deliver on its manifesto and concordat commitments on teacher numbers.

09:22

The Minister for Schools and Skills (Keith Brown): I put on the record straight away the Government's regret that, in these difficult times, anyone is unable to find the job that they want in the profession that they have chosen. We know from the latest figures that 13.4 teachers per 1,000 in the workforce in Scotland are claiming jobseekers allowance. That figure is too high. However, it is important to note that it is still lower than the equivalent figure for England, which is 14.8, and significantly lower than the figures for Northern Ireland and Wales. [Interruption.] Labour members might be interested to know that that comes against a background of perhaps £2 billion of cuts by the Labour Party to education in England, so the figure there may worsen.

As members are well aware, we are in a critical position in relation to the education system here in Scotland. The curriculum for excellence is a once-in-a-generation opportunity to ensure that our education system equips our children to meet the demands of the future, and the teacher workforce is crucial to its delivery. We have provided record levels of funding for local government, despite what Rhona Brankin says, and, through our concordat-based partnership with local government, we have made substantial progress towards our ambitious class size reduction targets.

The average primary class size is 23.2, which is a record low. At 13.1 pupils per teacher, the pupil teacher ratio is also at an historic low for the second year running, and the proportion of P1 to P3 pupils in classes of 18 or fewer rose to a record high of 13.25 per cent in 2008. The largest class sizes have been tackled first and the proportion of P1 to P3 pupils in classes of more than 25 went down to a record low of 23 per cent in 2008.

Ken Macintosh (Eastwood) (Lab): If the minister is making such substantial progress, when does he predict that he will meet his class size target of 18?

Keith Brown: Through the concordat with local government, we have committed to making year-on-year progress in reducing class sizes. As the figures that I have just given show, we have made record progress—in fact, substantially more progress than was possible under the previous Administration.

As I have said, that kind of achievement does not come easily. It has been made possible by record levels of local authority funding; in 2008 to 2010, for example, £23 billion has been made available. I am the first to acknowledge—and have said on previous occasions—that we would like to have seen more progress. However, we are working constructively with the Convention of Scottish Local Authorities and local authorities to identify the further progress that can be made over the coming months and years. Indeed, the Cabinet Secretary for Education and Lifelong Learning and Adam Ingram have been meeting councils to that end.

Rhona Brankin: Will the minister give way?

Keith Brown: I am sorry—I do not have that much time.

Despite the financial pressures that formed the backdrop to last week's budget announcement, the total package of funding for local government in 2008 to 2011 comes to £35 billion, which is £4 billion more than in the period 2005 to 2008. The 2010-11 element of that investment is £12 billion, which represents an increase of £127 million on the figure for 2009-10.

Rhona Brankin: Will the minister give way?

Keith Brown: No. It is also worth noting that COSLA has given a continuing commitment to pursue the commitments in the concordat. An important point that members will be aware of is that teacher employment is a matter for local authorities, which is as it should be. Despite the examples given by Rhona Brankin—

Rhona Brankin: Will the minister give way?

Keith Brown: No. Despite the examples highlighted by Rhona Brankin—[*Interruption.*]

The Presiding Officer: Order.

Keith Brown: There are numerous examples throughout the country of the very significant progress that has been made. Indeed, 18 of our 32 local authorities have made progress on class size reduction. I should point out that those councils include not only West Lothian, which is SNP led, but Midlothian, which is Labour led. I am sure that Rhona Brankin will welcome that.

Rhona Brankin: Will the minister give way?

Keith Brown: No.

However, the converse is also true. We need look no further than Glasgow City Council to find an authority that is haemorrhaging teachers and whose class sizes are increasing. Rhona Brankin did not mention this, but I think that it is worth noting that, out of the 226 probationers who became available in 2008-09, Glasgow has employed only 75 in temporary posts in the new

school term and not a single one on a permanent contract.

As for the drop in teacher numbers to which Rhona Brankin referred, I point out that four councils—Glasgow City Council, Renfrewshire Council, North Lanarkshire Council and Aberdeen City Council—account for almost half the total figure. Renfrewshire and North Lanarkshire have made positive commitments to reducing class sizes in the coming years, and we all know about the situation in Aberdeen. The one council that stands out is Glasgow City Council, and it will be interesting to see whether the Labour Party acknowledges that point when it comes to the summing-up speeches.

Of course, the time lag between taking decisions on student teacher intake numbers and those teachers seeking employment after serving their probationary period is such that the vast majority of those decisions were planned for by the previous Administration. The 2008 teacher census, which we published in March, showed that there were 1,000 fewer teachers. However, we took immediate action to address the situation by reducing by 500 the student teacher intake targets for autumn 2009.

Robert Brown (Glasgow) (LD): On the overall picture, I am not entirely clear why progress towards reducing class sizes is compatible with a reduction in the number of teachers in Scotland. No matter who is responsible, is that not a difficulty for the Government?

Keith Brown: Obviously, there is a relationship between class sizes and the number of teachers. I have detailed already our progress on class sizes, and I am happy to come back to the issue when I sum up.

That is why, as the cabinet secretary announced yesterday, we are proposing to make regulations to limit primary 1 class sizes to 25 from the beginning of the 2010-11 school session. The previous Administration issued a circular with the intention of limiting P1 class sizes to 25—

George Foulkes (Lothians) (Lab): On a point of order, Presiding Officer. Did I hear the minister say that he would be summing up? Does that mean that the Cabinet Secretary for Education and Lifelong Learning will not be participating in this important debate?

The Presiding Officer: You certainly did hear the minister say that he would be summing up, which he is perfectly entitled to do.

Keith Brown: As I said, the previous Administration issued a circular—[*Interruption.*]

The Presiding Officer: Order.

Keith Brown: The circular set out the intention of limiting P1 class sizes to 25. However, local authorities have subsequently found that it is scarcely worth the paper that it is printed on. *[Interruption.]*

The Presiding Officer: Order. There is too much noise.

Keith Brown: That is why we are making regulations to limit P1 class sizes, which the previous Administration did not do. We will consult on those regulations later this year and, in parallel with that, we will review the current unsatisfactory mixture of arrangements governing class sizes at all stages.

This Government is committed both to class size reduction and to our target of class sizes of no more than 18 in P1 to P3, and we are taking steps to ensure that progress continues to be made in that direction by legislating to clear up the ambiguity that was left by the previous Administration. We are also very concerned about the plight of the significant numbers of unemployed teachers and, again, we have plans to address that.

This time last year, the Labour Party brought a similarly half-baked motion to the chamber and it is a pity that, in the meantime, Labour members have been unable to develop their thinking. Their motion offers nothing positive. It offers no solution to the challenges that the education system and unemployed teachers face. It complains, but it does not contribute. The Government is offering solutions. We are serious about Scottish education and, for that reason, I urge members to support the amendment in my name.

I move amendment S3M-4910.3, to leave out from “the most recent” to end and insert:

“that Scotland benefits from a record low in average class size in primary schools, that the number of P1 to P3 pupils in classes of 18 or under is increasing and that the Scottish average primary class size is considerably smaller than those for England and Wales; welcomes the record levels of funding provided by the current administration to local government and the commitment set out in the concordat to reduce class sizes but notes that the employment of teachers is a matter for local authorities; welcomes the continuing commitment of the Scottish Government and local government to work together to make further progress on class size reduction; highlights with concern that the previous administration took no legislative action to support its class size reduction policy and notes the recently announced intention of the Scottish Government to introduce regulations for a maximum class size of 25 in P1 from the beginning of the 2010 school year and to review more generally how class sizes are governed, and also recognises the action of the Scottish Government to ensure a better balance between supply and demand of teachers.”

09:30

Murdo Fraser (Mid Scotland and Fife) (Con): The Labour Party is quite right to highlight the crisis of the lack of employment for newly qualified teachers. I am sure that all of us in the chamber have been approached at our surgeries by, or have received correspondence from, newly qualified teachers who are in despair at being unable to find suitable permanent employment. They have often given up careers elsewhere to go into teaching believing that they could make a contribution and enticed by the message that was sent out to them by this Administration—and, to be fair, the previous one—that they would be welcome. Having spent a year at university, often at their own expense, they now find themselves struggling to find employment. The tragedy is that many are going back to their previous jobs, which represents a dreadful loss of talent to the teaching profession.

I sometimes think that Opposition education debates on Thursday mornings have become the parliamentary equivalent of small boys pulling the wings off flies. The trend is for the Opposition parties to gang up on the hapless Cabinet Secretary for Education and Lifelong Learning and her team, highlighting the latest failures in education. I am not without sympathy for the cabinet secretary in some of the things that she is trying to do but with yesterday’s announcement of the ditching of the flagship class size policy and today’s debate on teacher numbers, in which the Labour motion makes clear the awful situation that we are now in, it has not been a good week for her.

I accept that local authorities find themselves in a difficult position. In that respect, I have to say that, in claiming that councils have more money than ever, the Minister for Schools and Skills mounted a quite extraordinary defence of the Government’s position. It seems, therefore, that the entire blame for this scenario rests with local authorities, which, having been granted this largesse, are stealing money from education budgets to spend on invisible projects that we do not know about. If that is really the SNP’s defence, it should say so clearly and tell us where the money is being spent in such an extravagant fashion.

Keith Brown rose—

Murdo Fraser: If the minister wishes to elaborate, I will give way to him

Keith Brown: The figures for Glasgow City Council show that it intends to spend 1.4 per cent less on education this year than it did last year. Moreover, on the point about loss of talent, members might be interested to learn that this year’s probationer of the year was employed by

Glasgow City Council on a temporary contract only after it was exposed that the council was not going to use any probationers.

Murdo Fraser: I am grateful to the minister for that intervention. However, what he has not done is clarify where he believes all the extra money that councils are receiving is supposedly being spent. What is it that Glasgow City Council is spending all this money on that he thinks is extravagant and a waste?

Everyone in education understands that money is tight; indeed, headteachers are being asked to make efficiency savings. The fact is that whoever was in government would be facing this situation.

However, I start to lose my sympathy for the SNP when I recall that, when in opposition, it promised in its manifesto to deliver class size reductions. As we know, those reductions are taking place, but at a glacial rate; according to the latest figures, the SNP will deliver on its class sizes promise in 2095. In opposition, Fiona Hyslop was keen to criticise the previous Executive over the difficulties that newly qualified teachers found in finding permanent employment. Now that the situation has worsened, she has nowhere to turn.

That said, I want to be constructive, and our amendment suggests two positive steps to help the situation. First, we reject the notion that scarce resources should be spent on free school meals for the children of well-off parents. Even if such a policy were justifiable in times of plenty, there can be no justification for it when we are facing spending cuts. That is simply a waste of resources that could be spent on employing more teachers.

Secondly, we believe that headteachers should have much more power over teacher employment. At the moment, a headteacher can fill a vacancy in one of three ways. It can be advertised in the local newspapers, a surplus teacher can be transferred from another school, or a commitment can be made to take on a probationer once they are fully qualified. However, the decision remains under the control of the local authority, not with the headteacher. Headteachers' freedom of operation is limited and often they end up having to take teachers whom they might not have wished to take because the local authority has required it. We believe that giving headteachers more power would improve the teacher employment situation.

We are seeing a huge waste of talent as those who have, at a great expense to the taxpayer, been trained in teaching find themselves unable to find an outlet for their skills. Indeed, many are being lost to the profession, possibly permanently. The SNP made a rod for its own back on this issue with all the promises that it made in opposition. This week, the policy to cut class sizes has been ditched, and we can only hope that the

commitment to maintain teacher numbers will not go the same way. The cabinet secretary has a duty to start delivering on education; if she does not do so, we will have many more Thursday mornings like this one.

I have pleasure in moving amendment S3M-4910.1, to insert at end:

“; considers that the universal provision of free school meals in P1 to P3 will impact on the ability of councils to recruit and retain teachers, and believes that head teachers should have much greater say in the recruitment of teachers and other staff in their schools.”

09:35

Margaret Smith (Edinburgh West) (LD): I thank the Labour Party for raising this issue. Others have referred to the colossal waste of talent in having trained teachers, whose training has been paid for out of the public purse, sitting at home instead of being in our classrooms.

Back in 2007, the Scottish Government spoke of the historic concordat with local government as though it were a milestone in the governance of Scotland and a breakthrough in relations between local and national Administrations. It is now clear that it is more like a millstone shackled to our local authorities as they are burdened with the delivery of undeliverable Government promises with insufficient support and resources, and carrying all the blame for Government failures.

Among the Government's failures and broken promises—and there are many—is its failure to maintain teacher numbers and reduce class sizes in primary 1 to 3. The minister, Keith Brown, was more than happy to direct the blame for that towards Scotland's local authorities. He did that earlier this year in an education debate and again today when he told us that teacher employment is a matter for local authorities. If responsibility for teacher employment and class sizes is so clearly not the responsibility of the Government, why did the SNP make such bold pledges on both of those issues in its election manifesto? Why were there no caveats then about the limitations of its power to deliver? In truth, the SNP has centralised the policy but localised the blame.

The Minister for Schools and Skills said that he is

“disappointed with the results of the 2008 teacher census and the implications for teachers after their probation year.”—[*Official Report*, 7 May 2009; c 17203.]

I imagine that that is little comfort to those newly qualified teachers, who I expect would use a stronger word than “disappointed” to describe how they feel about their prospects and this Government. It is little comfort to Scotland's missing teachers—a generation of missing teachers.

Just this week, the Education, Lifelong Learning and Culture Committee received more information from the cabinet secretary on the curriculum for excellence, which she said is

“a strategic vision for a better, fairer and more robust system that promotes quality of achievement through education”.

In the past, the cabinet secretary has quoted the scholar Joel Barker, who said:

“Vision without action is merely a dream.”

Question marks remain about the delivery of the curriculum for excellence. Without action from the Government to back its vision with the resources that are needed to make it a reality, it might become a nightmare, not a dream. There can be no more important resource than the required numbers of properly trained teachers to implement the curriculum for excellence properly. Keith Brown acknowledged as much today. Is it not a pity that the SNP has cut 1,000 teachers in its two years in government—1,000 teachers who would have made the curriculum for excellence happen?

It can be nothing short of a nightmare for many newly qualified teachers who are unable to find work and many teaching students who are working hard for their qualifications but are deeply concerned about their future. Last month's *Times Educational Supplement Scotland* showed that just 15 per cent of last year's probationer teachers had found full-time permanent jobs at the beginning of this academic year. In Glasgow, out of 226 enthusiastic new teachers who completed their probationary year last year, not one had found permanent employment.

If this was a phenomenon particular to Glasgow, perhaps we could see some sense in the Government's pathological passing of the blame to local authorities, given that Glasgow City Council is a Labour administration. However, when we consider that, in each of Scotland's 32 councils, fewer than half—and in most cases significantly fewer than half—of last year's probationers have found permanent employment, it is clear that this is a national problem. Where then is the national solution from the national nationalist Government?

Keith Brown: Where is your solution?

Margaret Smith: I am not the Government. You are the Government, unfortunately.

Where is the master plan that will deliver what the Government promised on education, smaller classes and maintaining teacher numbers? What progress is being made on the implementation of the recommendations of the teacher employment working group, which include greater reconciliation between local workforce decision making driven by financial necessity and the national workforce planning process? How will that work be helped by

the Government's pass-the-buck attitude to the problem of falling teacher numbers? What progress is being made on the policies that the working group called for in relation to retirement patterns and winding-down arrangements, the use of post-probation teachers to fill supply posts and the utilisation of permanent supply pools?

After more than two years of the SNP Government, only 13.2 per cent of P1 to P3 children are in class sizes of 18 or fewer, but the First Minister had the audacity last week to say that the Government is making “significant progress”. Yesterday's announcement cannot be characterised as significant progress. It was a complete and utter abdication of the policy.

Back in April 2003, John Swinney said:

“Scotland's children can't wait any longer for smaller class sizes.”

Well, I have news for them: they are still waiting under the SNP. The SNP has delivered 1,000 fewer teachers than it inherited two years ago. As our amendment says, Government figures that were published yesterday show that pre-school teacher numbers are continuing to drop at an increasing rate, too.

We were clear in our manifesto that we wanted 1,000 more teachers in our classrooms to reduce class sizes and boost children's education.

The Presiding Officer: You should be closing now.

Margaret Smith: In June 2007, Fiona Hyslop declared that the Government was

“already working to meet other parties' demands for 1,000 new teachers.”—[*Official Report*, 20 June 2007; c 882.]

Today, she stands accused of failing to meet those demands and, more important, failing to meet the expectations of the people of Scotland and the promises of the SNP's election manifesto, yet again.

I move amendment S3M-4910.2, to insert after “class sizes”:

“; raises concern about the implementation of the Curriculum for Excellence in the face of falling teacher numbers; acknowledges that the previous administration increased the number of teachers by 4,600 between 1999 and 2007; notes the continued reduction in the number of full-time equivalent nursery teachers as shown in the Scottish Government's *Pre-school and Childcare Statistics 2009*”.

The Presiding Officer: We come to the open debate. Members will have picked up that we have a little bit of flexibility in hand, but speeches should be around four minutes.

09:40

Karen Gillon (Clydesdale) (Lab): This is not an academic debate about facts and figures; it gets to the very heart of the SNP Government's failure to deliver for Scotland's children and young people and says loud and clear that a manifesto pledge to deliver class sizes of 18 for primary 1 to 3 was no more than a cruel con trick on parents, teachers and pupils throughout Scotland. The SNP Government was elected on a false prospectus, on a pledge that it knew it could not fulfil, on a commitment that it knew it was never going to deliver. This is a debate that impacts on the lives of individual children the length and breadth of Scotland. It is not about abstract concepts but about real people.

In South Lanarkshire in 2007, when the cabinet secretary was appointed, there were 1,801 teachers in primary schools and 1,812 teachers in secondary schools. By 2008, there were only 1,674 teachers in primary schools and 1,763 teachers in secondary schools. South Lanarkshire Council is a Labour council. I make no apologies for saying that the teacher numbers have fallen, but why have they fallen? They have fallen because that cabinet secretary failed to get the necessary resources into education.

The cabinet secretary says, "Teacher numbers have fallen, but average class sizes are down slightly." That is not what she promised; she said that she would maintain numbers. She says, "Don't blame me; it's those big bad councils that did it and ran away." Those are the excuses that she peddled last night on "Newsnight", but she is too scared to come to the chamber and peddle them herself today. Cabinet secretary, you would have been as well in your bed if you were not prepared to come and defend yourself in the chamber instead of sending somebody else. That is your job. Stand up in here and be accountable for your decisions.

Cabinet secretary, you like to refer to the historic concordat, but I would call it the historic con trick. Councils can work only with the resources that you give them and the legislation before them. Why not act now and find money for local authorities to do what you said they were going to do? Why legislate for class sizes of 25 when you should be legislating for class sizes of 18? That is what you promised.

Aileen Campbell (South of Scotland) (SNP): Will the member give way?

Karen Gillon: You will have your time next, Ms Campbell. I am sure that you will debate for Clydesdale to great effect.

Cabinet secretary, the truth is that you promised to deliver smaller class sizes with no resources. Under the historic con trick, that promise was

uncosted and undeliverable. You simply abdicate responsibility for all bad decisions and take the credit for the good.

The real reduction in teacher numbers in South Lanarkshire is 176. At the same time, there are 99 probationer teachers seeking employment—teachers who could be doing a good job. Last year, my son had a probationer teacher. She came into teaching from another job—a mature individual with lots of skills and experience. All the parents would agree that she was one of the best teachers that they had seen in the school. However, up until the weekend before the classes resumed on 18 August, she had no job. Even now, she has only a part-time supply job. She is a great teacher, who does not have the security of a full-time contract, because the Government is not delivering the resources that it promised the people of Scotland it would.

What about the three young people at Lanark grammar school who embarked on an advanced higher history course, because they thought that it was the best course to allow them to get into the universities of their choice, only to be told six weeks later that the course had been withdrawn? The families have been told that there is a resource issue. The history teacher remains in post, but the four hours a week that had been allocated to the three pupils to study advanced higher history has been reallocated to cover possible short-term sick absences among teaching staff as a whole because of scarce resources. The young people have therefore been left high and dry by the Government. I am talking about real people, not abstract concepts.

One of the tenets of Scottish life is that education can provide opportunities for all of us, regardless of our status, to move on and better ourselves. However, in the two years of SNP government, teacher numbers have fallen by 1,000, probationary teachers are failing to find full-time employment, classes have been cancelled for students who want to learn, and primary school pupils have been let down as promises about class sizes are dropped. Yesterday, the cabinet secretary at last came clean and admitted that she would not legislate for classes of 18 in primary 1 to 3. That is the cost to our nation of the SNP Government. Breaking up Britain is more important to it than building up Scotland. The real con trick is on the families of Scotland who trusted the SNP at the previous election. Its false promises have finally come home to roost.

The Presiding Officer: I remind members that they should always speak through the chair, please, rather than directly to each other.

09:46

Aileen Campbell (South of Scotland) (SNP):

Every child in Scotland deserves the best possible start in life and the best possible education. We owe it to teachers and support staff—the dedicated professionals who deliver education—to debate teacher numbers in a fair and rational manner. We must be clear about the goals that we want to achieve and the challenges that exist in achieving them.

The SNP Government knows the value of education in Scotland. In the face of the global recession, supporting our education system at every level is an investment in skills and knowledge that will allow Scotland to grow in the future. That is why we reintroduced free education in universities and why we are committed to getting things right in the earliest years of primary education, especially through free school meals and lower class sizes.

While the Scottish Government continues to look with confidence at what Scotland can achieve and how best to achieve that in the face of the tightest budgets that any devolved Administration has had to deal with, the Labour Party continues its relentlessly negative carping and criticism. It has no new ideas and no positive outlook for the future. We are all scunnered with hearing the cry of broken promises. [*Interruption.*]

The Presiding Officer: Order.

Lewis Macdonald (Aberdeen Central) (Lab):

Will the member take an intervention?

Aileen Campbell: No. I want to make progress, please.

The cries that we hear are simply a broken record that Labour members play over and over again, irrespective of the content of any Scottish Government announcement or any policy that it brings forward. Only in the Labour Party's eyes could figures that show year-on-year progress towards lower class sizes be seen as evidence that class sizes are not falling, or a commitment to reduce the legal maximum number of pupils in primary 1 classes from 30 to 25 be seen as an announcement that we are not serious about cutting class sizes.

Karen Gillon may be interested to know that, in South Lanarkshire in 2006, when her Government was still in charge, fewer than 7 per cent of children in P1 to P3 were in class sizes of fewer than 18 pupils. In February this year, under the SNP, that figure had almost doubled to 13.7 per cent.

Of course, Labour is still trying to deflect attention from the record low class sizes. There is an average of 23.2 pupils per primary class.

Karen Gillon: Will the member take an intervention?

Aileen Campbell: No. You did not take an intervention from me. You might have been interested to know that—

The Presiding Officer: You should speak through the chair, please, Ms Campbell.

Aileen Campbell: Okay. I will make some progress.

Labour is trying to deflect attention from the record low class sizes by focusing on teacher numbers. However, once again, the broken record spins around to reveal that, in fact, the SNP is dealing with a mess that was bequeathed to it by a Labour Administration that got its sums wrong.

It takes time to train teachers. It takes four years to complete a bachelor of education course and one year to complete a postgraduate diploma in education course. Either way, teachers who finished their probationary year in June 2009 would have studied on a course as part of a cohort of trainees whose numbers were set in either 2003-04 or 2006-07 by the previous Administration. We accept that planning to provide teachers is not an exact science. That is why the cabinet secretary established a workforce planning task force. It was established so that future plans can be made with confidence, irrespective of which party is in charge.

Even with such challenges, the SNP has achieved an historic low in the pupil teacher ratio. There is now one teacher for every 13 pupils in Scotland, compared with one teacher for every 17 pupils in England and Northern Ireland, and one teacher for every 18 pupils in Wales.

The situation is open to sudden and not easily predictable change. There are almost 10,000 primary and secondary teachers in Scotland who are over 55 and could retire at any time. If that happened, I have no doubt that the Labour Party would be the first to howl that we had failed to provide enough trainee teachers to fill the gap. That is not enough to stop the Labour Party simply trying to apportion blame to the current Administration for the number of newly qualified teachers who are looking for work. Of course, it is not the Scottish Government's job to recruit or employ teachers directly—that is, rightly, the role of local authorities. Perhaps it is just coincidence that most of the local authorities that have seen fit to cut the number of teachers that they employ are run by the Labour Party. SNP-majority councils have, on average, increased spending on education by 3.5 per cent this year; for Labour-majority councils, the figure has been only 2.5 per cent. In national and local government, the SNP puts the interests of Scotland's children first.

People in Scotland may hear the noise that is being made by Labour's broken record about broken promises, but they will pay attention to experience on the ground. Many children throughout the country are benefiting from our investment in education, and many more will continue to do so in years to come. I am confident that the Scottish Government will do all that it can to get the right number of teachers in the right place at the right time. That is the difference between getting on with government and the simple complaining from hapless Opposition members.

09:51

David Whitton (Strathkelvin and Bearsden) (Lab): I welcome the opportunity to speak in support of the motion in the name of my colleague Rhona Brankin.

Like other members, including Murdo Fraser, I receive e-mails and letters from young probationary teachers who feel badly let down by Fiona Hyslop and the SNP. It is little wonder that she is sneaking away now and that she will not listen to the rest of my speech. Those teachers trained for a career in teaching and are finding that there are no jobs for them despite all the great promises that were made by the now-departing cabinet secretary. We know from her shameless performances yesterday and today how Fiona Hyslop deals with promises. She can appear on television, but she refuses to take part in this debate.

I wonder what the cabinet secretary would say to Jenny Boyle from Lennoxton, who is a constituent of mine. Jenny is a fully qualified primary teacher who is currently on jobseekers allowance. Her mum qualified as a teacher after having her family, and Jenny wanted to follow a teaching career from a young age. After qualification in 2007, she did her probationary year at St Margaret of Scotland primary school in Cumbernauld; she finished her year in June 2008. Since then, there has been a dwindling amount of supply work. She always had excellent reports from the headteachers of the schools in which she was employed, and she received many thank-you letters from parents. So far, she has applied for more than 30 jobs and has had five interviews for jobs, all of which went to internal candidates. She sits at home every day waiting for the phone to ring to find out whether she will work. That is the sort of thing that used to happen with dock labourers. Who would have thought that, in an SNP-led Scotland, teachers would be put in the position of labour for hire on a daily basis?

Jenny is particularly concerned about the number of schools that still use retired members of staff to fill gaps rather than post-probation

teachers. One school at which she taught had two retired teachers for learning support or absence cover; at another school, retired teachers were used to cover the non-contact time of other members of staff. Jenny's mother-in-law, who retired from teaching in the summer, was asked to go back to her old school for two days a week. To her great credit, she said no.

Like other graduates, Jenny has a student debt and an overdraft, but she cannot begin to pay them off until she has a full-time job. She signs on for the jobseekers allowance, but every time she does supply work, even if it is for only one day, she has to sign off, because what she earns cancels out her jobseekers allowance. Like many other young Scottish teachers on the dole, she has considered working abroad. She and her partner want to buy a house, but they cannot do so because of her uncertain situation.

Another constituent of mine, Donald McDonald from Bishopbriggs, decided on a career change after 20 years in industry. He qualified as a primary school teacher and has just completed his probationary year. We all know that there is a great shortage of men in primary teaching. His pupils enjoyed his computer-based lessons, but that has not helped him. He has volunteered to work in local schools to gain experience while he, too, waits for the phone to ring and a job to be offered. He cannot keep that up for ever, because he has a wife and family to support. He describes the chance of even an interview for one of the few jobs on offer as akin to a lottery win and shares Jenny's concerns about the use of retired teachers to plug gaps.

Bob Doris (Glasgow) (SNP): Will the member take an intervention?

David Whitton: I am always grateful for an intervention from Mr Doris.

Bob Doris: In the member's conversations with Jenny Boyle and Donald McDonald, did he inform them that there are 10,000 teachers in Scotland who are over 55 and could retire at any point and that they should hang on in there, or did he just tell them his side of the story and make cheap party-political points instead of putting their careers first?

David Whitton: If Mr Doris was a constituency member, he would know that it is my job to put forward the concerns of my constituents in the chamber. Perhaps he can tell the people to whom he speaks why 1,000 teaching jobs have been lost since his Government came to power.

Other constituents have written about family members who have emigrated to places such as Australia and New Zealand or who have given up teaching and sought work in another profession. The cabinet secretary cannot duck responsibility for that. The examples that I have given happened

on her watch—they happened since the SNP came to power in 2007.

Budget figures for next year show a cut in the school allocation of over 3 per cent. Promises were made, but those promises have been broken. Worst of all, enthusiastic young people who see teaching as more than a job and who want to help to educate the next generation have been let down badly by the SNP. As the Labour motion says, that is

“an appalling loss of talent ... and a gross betrayal”.

Fiona Hyslop has presided over this teaching crisis and, ultimately, she will pay the price.

09:56

Bob Doris (Glasgow) (SNP): I agree with the concerns that have been raised on teacher employment for 2009-10. Teachers who are now looking for work, having completed their probationary year in 2008-09, and who are part of the training intake that was decided on early in 2007 for one-year postgraduates—or, indeed, in early 2004, for those doing a four-year course—are unemployed partly as a result of the badly managed recruitment decisions of the Labour-Liberal Democrat coalition in 2004 and 2007.

Rhona Brankin: Will the member give way?

Bob Doris: In a minute.

In every year since 2005, an ever-increasing number of trained teachers have failed to secure permanent employment, in part as a result of the previous Administration's decisions. I will take an intervention from Ms Brankin on those decisions.

Rhona Brankin: The previous Administration got teacher numbers up to over 53,000. In this Government's first year, 1,000 teaching jobs were lost. That is the truth. Does the member recognise those figures? Does he accept that teacher numbers were at a record high of more than 53,000 under the Labour-Liberal Democrat Administration?

Bob Doris: That intervention allows me to draw attention to the 200 teachers whom Glasgow Labour has failed to employ.

In two short years, with the SNP Government's prioritisation of education spending, our primary schools now enjoy record low average class sizes. Labour members may not think that that goes far enough, but that is a bit rich coming from a party that does not even believe in lowering class sizes. That is hypocrisy, hypocrisy, hypocrisy, not education, education, education.

In our concordat commitments, we made our policy for lower class sizes clear. Let us not forget that national Government sets the agenda, but local government employs the teachers. Where

the policy of the elected Government in the concordat agreement, to which all local authorities signed up, is respected and adhered to, class sizes are coming down. Local authorities, not Government, employ teachers. That is clear. Does any member want education departments across Scotland to be centralised? I do not think so.

In Glasgow, the Labour-run council has chosen not to implement smaller class sizes. It prefers to make cheap political points against the SNP than to support teachers, children and families. Labour in Glasgow is letting down our children badly. The closing of 20 primary schools and nurseries against the backdrop of a sham consultation amounted to no more than the wanton destruction of local communities. Class sizes are rising, while teacher numbers are down, as is spending on education, which is now the lowest in the country.

Steven Purcell's priorities are all over the place. Last week, Purcell spoke of

“a dagger in the heart of Glasgow.”

When Glasgow Labour closed the primary schools and nurseries, that was a dagger in the heart of every community. That was the real dagger in the heart of Glasgow and it was wielded by the Glasgow Labour Party.

Rhona Brankin: Will the member take an intervention?

Bob Doris: I will take no more carping from Ms Brankin.

Labour members carp away, filling the chamber with an unwanted air of cynicism. Does that sound like Rhona Brankin? I think so. Labour entirely misses the point: the SNP has a new ambition for Scottish education. Labour prefers attack, attack, attack; it has nothing positive or constructive to say. The SNP Government will legislate to reduce primary 1 class sizes to a legal maximum of 25. When the Labour-Liberal Democrat Executive failed in its class size targets, did it legislate to reduce the legal maximum? It did not. For Labour, it is not education, education, education, but hypocrisy, hypocrisy, hypocrisy.

The SNP will take no lessons from Labour; we will act. We are reducing class sizes and standing up for teachers. Labour should come to the chamber with something constructive to say. That is what this country needs; it is what our teachers, pupils and communities need. People want constructive policies, not Labour negativity. I ask members to reject the Labour motion.

10:00

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Nothing is more important to the future of Scotland than the education of our children. For that reason, maintaining teacher numbers in the face of falling school rolls seemed

to be one of the better policies of the Scottish Government. However, infuriatingly, the minister gave no explanation of why the Government has failed by a figure of 1,000 to achieve that objective. Instead, he trumpeted the so-called record resources to local government. In effect, he blamed local government for the failure. As Rhona Brankin reminded him, 12 of the 13 SNP councils have failed, including the City of Edinburgh Council. The case of Edinburgh is particularly worrying, because the city does not have a falling school roll. In fact, over the next 10 years, primary school rolls in Edinburgh will increase by 20 per cent.

As it happens, the cabinet secretary has been talking quite a bit about Edinburgh recently. Last night she gave a television interview, but perhaps it would best be left in obscurity. In answer to a question that I put to her last week, she said:

"the City of Edinburgh Council ... should be making efforts to reduce class sizes ... it wants to concentrate on areas of deprivation where, as we know, having smaller class sizes gives schools the space and time to raise standards of literacy and numeracy in those who will benefit most."—[*Official Report*, 17 September 2009; c 19743.]

A couple of weeks ago, George Foulkes and I had a meeting with the City of Edinburgh Council education convener on the council's school closure proposals. We asked her whether the council had built class sizes of 18 into its proposal. We expected a long and detailed answer, but she just said, "No."

The school closure proposals in Edinburgh will result in larger class sizes, including in areas of deprivation. Fort primary school in my constituency has the largest percentage of pupils who take free school meals of any school in Edinburgh. In spite of that, the school is 10 per cent above similar schools in terms of attainment. The proposal to close Fort primary school will result in £145,000 of savings in teacher costs. In other words, if the school is closed, the result will be a higher pupil teacher ratio in the larger school that the Fort pupils will go to.

Of course, I understand the arguments about saving money spent on maintaining school buildings; sometimes there is an argument for closing schools for that reason. However, I have never come across a school closure document that seeks to make two thirds of revenue savings from cutting staff. In Edinburgh, school closures are being used as a mechanism for cutting teacher posts. In my constituency, the result will be larger classes and overfilled schools. I made that point last night at a public meeting about Royston primary school, which is also up for closure.

As we have seen in the debate today, and not for the first time, there is an enormous gap between the SNP Government's policies and the

reality on the ground. The policy, which we keep hearing about, including on television last night, is for year-on-year reductions in class sizes and maintaining teacher numbers. However, every day across Scotland, the reality contradicts the policy. It is time for the Scottish Government to remember that nothing is more important for the future of Scotland than the education of our children.

10:04

Margaret Smith: Three years ago, Fiona Hyslop said:

"Scottish education has been lacking in strong political leadership. It's time for new energy, actual delivery, dynamic vision and passionate leadership of education in Scotland."

Is it not a pity that, instead of that, we got the cabinet secretary and an SNP Government that has failed to deliver on its election bribes in education more than in any other policy area?

I see that my comments have brought the cabinet secretary back into the chamber—I am pleased to see her. As Karen Gillon pointed out, the cabinet secretary could have had an extra hour in her bed this morning. When she finally got up, she should have had a bit of what Karen Gillon and Bob Doris had for breakfast—we have had some passionate speeches this morning. That is perfectly understandable, as the debate provides a timely reminder of the terrific waste of teaching talent over which the Government presides. That waste of talent should, and does, genuinely concern every member of the Parliament. Dougie Mackie of the EIS summed up the situation well when he said:

"the current difficulties in teacher employment are little short of a national scandal ... the fact that young teachers cannot find work is a loss of public money dedicated to training and a potential waste of human capital at a time when young teachers are often at the forefront of new initiatives in schools."

The Government is failing in our schools. It committed itself to maintaining teacher numbers, so that with falling school rolls—I take the point that Malcolm Chisholm makes about Edinburgh—it could deliver its discredited class size policy. We now know that it has failed to deliver that policy. Just when we were all about to give up completely on the Scottish Government on class sizes, it announces that it has already given up on itself by bringing forward legislation to cap primary 1 classes only at 25—a proposal noticeably absent from the Scottish Government programme that was proudly reeled off by the First Minister earlier this month. Yesterday the cabinet secretary could not even bring herself to face Parliament with the news that the policy was about to hit the scrap heap, and made her announcement in Glasgow instead. That is unsurprising—not only is the

measure a humiliating climbdown from the election promises of class sizes of 18 in P1, P2 and P3, but it will achieve very little, given that about 95 per cent of P1s are already in classes of 25 or under. The real action is needed in P2 and P3.

It is shocking to hear any member, especially an SNP member, give the advice that Bob Doris gave to the teachers who are languishing at home—to hang on in there until a few teachers decide to retire. We know that the number of teachers who are choosing to retire is an issue, given the economic situation in which we find ourselves. However, Bob Doris's advice seemed to be the 2009 equivalent of Norman Tebbit's "Get on your bike"—but probably not as good.

Rhona Brankin, Murdo Fraser, David Whitton and others made the point that there is a terrific waste of human capital. Some will question whether the teacher induction scheme raises too many expectations, but Liberal Democrat members firmly believe that the guaranteed probationary year remains an improvement on the previous system. What is required is proper management of the systems of supply and demand. Yet again, the SNP has spent today's debate passing the buck to local government—trying to sidestep the fact that its promises to maintain teacher numbers at the record level of 53,000 achieved by the previous Administration and to reduce class sizes have helped to fuel probationers' expectations of jobs for all. The Government has failed to give local government the financial and legislative tools that it needs to reduce class sizes to 18 and to employ the number of teachers that we need.

Rightly, members have highlighted the low number of people who are getting full-time permanent posts. The *Times Educational Supplement Scotland* showed that only 15 per cent of probationers had secured permanent teaching posts—a significant fall from the 32 per cent who secured such positions in 2007. The GTC follow-up survey showed that, halfway through the school year, only a third had secured permanent employment. As some members have pointed out, that has a real impact on people's ability to live their lives as they wish.

I have a real fear that the uncertainty surrounding teaching posts will act as a deterrent to some Scots who would otherwise have entered the profession. These are tough times for Scotland's councils, and all the signs are that they will get tougher. The Government keeps saying that sufficient money is in the local authority settlement, but member after member—including the minister—has acknowledged that teacher numbers are falling across the country.

The Tory amendment makes a reasonable point about priorities—we certainly agree on the issue of

free school meals. This is an important debate that has highlighted yet again the Government's broken promises. It has also highlighted the importance of a well-trained, well-motivated teaching profession to Scotland's future wellbeing. Teachers deserve better than they are getting from the SNP.

10:10

Elizabeth Smith (Mid Scotland and Fife)

(Con): Malcolm Chisholm made the point that few jobs are more important in defining the future of this country than being a teacher. That is why this morning various speakers—with considerable passion—have been right to identify the current disgrace of a large number of teachers, both new and experienced, being unable to find a job. If headteachers were free to comment on the matter, I doubt that one of them would be prepared to accept that situation. Like every parent and pupil, they know that a good school depends on the headteacher's ability to recruit the best staff. They also know that, at present, they cannot do that job properly because of local authorities' ability to restrict the labour market. That makes it exceedingly difficult for headteachers to ensure that there is stability in teacher appointments, with the result that far too many classes have to put up with a change of teacher during the school year.

Of course, difficult economic circumstances mean that more of the older generation of teachers are postponing their retirement, but there are also far too many constraints in the teaching marketplace, not least those that are imposed by the Scottish Government's disastrous class size policy, which becomes more chaotic by the day.

Workforce planning has been dealt a severe blow by the fact that local authorities, many of which are geographically large and diverse, operate a centrally controlled recruitment policy that pays little heed to the needs of individual schools. We all know headteachers who are told from which employment pools they must appoint staff. *The Herald* newspaper has reported that newly qualified teachers across the country are finding it difficult to find permanent jobs because of a worrying trend—the fact that some local authorities are deliberately preventing new teachers from getting jobs because they have stronger employment rights than probationary teachers, who are a cheaper option. What became of the 12 key recommendations of the teacher employment working group report, which the cabinet secretary told us in June 2008 would remove some of the rigidities?

It is ludicrous for any Government to assert that it can find every qualified teacher and probationer a permanent job. That is simply not in its power—we would not expect it to be. However, it is in its

power to carry out a complete reappraisal of the recruitment process to allow much greater flexibility within the demand structure so that it better reflects supply and to prevent the situation of 564 unfilled posts, which was the case in the previous two sessions. Rigid central control has failed, and it is time to let headteachers make more of the running. They should be free to choose the best staff, instead of being hide-bound by the bureaucracy of local authorities, many of which do not even keep a good record of data on teacher numbers, and the disastrous central diktats of a failed class size policy.

Thanks to the excellent progress that the GTC has made in recent years, the standard of teacher training is improving all the time. That also has the effect of raising standards among older, more experienced teachers. What a waste it is that so much talent is currently consigned to the sidelines. It does not take a genius to see what effects that will have on those who are currently at college and university and may be considering teaching as a career.

Worse still—if that were not enough—teachers look at the SNP's flagship schools manifesto pledges and its subsequent school report. On class sizes, the SNP said:

"We will reduce class sizes in Primary 1, 2 and 3 to eighteen pupils or less"—

I would still rather that it had said "or fewer". That is now a chaotic policy, which finally bit the dust yesterday. On physical education, the SNP said:

"we will ensure that every pupil has 2 hours of quality PE each week delivered by specialist PE teachers."

That is an important policy, but only two councils say that they can achieve it. On outdoor education, the SNP said:

"We will work towards a guarantee of 5 days outdoor education for every school pupil."

That is another important pledge, but no councils are delivering it. On teacher numbers, the SNP said:

"We will maintain teacher numbers in the face of falling school rolls",

yet we have 1,000 fewer teachers. On raising standards, the SNP said:

"We will pay particular attention to raising the achievement of the poorest performing 20 per cent of school pupils",

but we find that many standards are declining.

What a catalogue of failure, and what a massive turn-off to anyone who is either in or considering the teaching profession. I hope that the Parliament will support the amendment in Murdo Fraser's name.

The Deputy Presiding Officer (Alasdair Morgan): I call Keith Brown.

George Foulkes: On a point of order, Presiding Officer. Do you have the power to call instead the Cabinet Secretary for Education and Lifelong Learning, so that she can accept her responsibility and reply to the debate?

The Deputy Presiding Officer: I suspect that the member knows the answer to that question. I have the power to call anyone who wishes to speak. In this case, I call Keith Brown.

George Foulkes: Further to that point of order—

The Deputy Presiding Officer: Mr Foulkes, would you sit down, please? I have dealt with your point of order, which was not a point of order.

George Foulkes: This is a point of order.

The Deputy Presiding Officer: It had better be a point of order.

Jack McConnell (Motherwell and Wishaw) (Lab): On a point of order, Presiding Officer.

The Deputy Presiding Officer: No. I will take Mr Foulkes.

Jack McConnell: Will Mr Foulkes give way to me first?

The Deputy Presiding Officer: There is no giving way on points of order, Mr McConnell. Mr Foulkes.

George Foulkes: You might pronounce my name properly from time to time, but that is another matter.

Is it not appropriate for you, as Presiding Officer, to exercise your power to call the cabinet secretary to accept her responsibility and reply to the debate? She was on "Newsnight" last night but she is failing to come along and answer the debate—

The Deputy Presiding Officer: Sit down. I choose from among the members who have indicated that they wish to speak in the debate.

Mr McConnell, do you still wish to make a point of order?

Jack McConnell: Yes. Perhaps the Presiding Officers collectively could reflect on the absolute need for the chair to recognise when a member wishes to make a point of order, regardless of what they personally think of that point of order. I wish you to reflect on that in the course of the day.

The Deputy Presiding Officer: We allow members to make points of order but once it becomes obvious during the making of that point of order that it is not in fact a point of order, we reserve the right to stop the member.

10:16

Keith Brown: I am grateful for the opportunity to sum up on behalf of the Government, even if Mr Foulkes does not want me to. The Government is committed to improving Scottish education, which is absolutely crucial to our purpose of increasing sustainable economic growth. We will improve Scottish education through the curriculum for excellence, and our teachers are the agents for change that will bring about those improvements.

Despite what has been said, we have achieved record low class sizes and pupil teacher ratios. There are increasing numbers of children in classes of 18 or fewer, and fewer children in classes of 25 or more. Further, record levels of funding are being directed to local government—whether or not the Opposition likes that fact.

We have a legacy from the previous Administration that we need to address. We have an oversupply of teachers and confusion about maximum class sizes. This Government is taking action to sort those out.

Robert Brown: Will the minister take an intervention?

Keith Brown: No. I am just starting.

We have cut student teacher intake targets for the session that has just started, and we will do the same for the intake in autumn 2010. We need to restore a reasonable balance between teacher supply and demand. We will take the tough decisions that are necessary to achieve that. We will make regulations to limit P1 class sizes to 25 from 2010 and review the current unsatisfactory mixture of class size control mechanisms.

Rhona Brankin *rose—*

Karen Gillon *rose—*

Margaret Smith: Will the minister explain the point about the oversupply of teachers? If he still thinks that he has an oversupply of teachers, how many more teachers will he cut out of teaching numbers in Scotland?

Keith Brown: It is clear that the demand for teachers has to match the supply. We have taken action to reduce numbers by 500 because of the oversupply. The member knows full well that some decisions were taken three and four years ago—we are trying to correct some of those false assumptions.

Rhona Brankin: Will the minister take an intervention?

Karen Gillon: Will the minister take an intervention?

The Deputy Presiding Officer: Order.

Keith Brown: On the point that was made earlier about morale within the teaching profession, along with the cabinet secretary I had the chance yesterday to speak at the Scottish learning festival. Not one single teacher, not one person looking for a job in teaching and not one headteacher made comments that fit with the Opposition's assertions. However, I was repeatedly told the extent to which teachers are fed up with the apocalyptic nature of statements made by Opposition parties, and the effect that that is having on morale in the education community.

Karen Gillon *rose—*

Keith Brown: In relation to retaining teachers and local government, I refer members to the statement from COSLA's education convener, who said:

"We also acknowledge that money was retained with the local government settlement at a level equivalent to maintaining teacher numbers at 2007/08 levels."

I would have thought that the Opposition would acknowledge that. I would also have thought that Karen Gillon would acknowledge the fact that in South Lanarkshire there has been an increase of nearly 50 per cent in the number of classes with fewer than 18 pupils in P1 to P3—that was not recognised in her speech.

Karen Gillon: Will the minister acknowledge the situation in a number of urban schools in South Lanarkshire, such as Crawforddyke primary school in Carluke, where class sizes in P2 and P3 were previously 25 and are now 28 and 31?

Keith Brown: I still hear no acknowledgement from Karen Gillon of the 50 per cent increase in the number of P1 to P3 classes going below 18.

Karen Gillon: The minister is missing the point.

Keith Brown: No, the member is missing the point.

It is clear that the Opposition has nothing positive to say. Do Opposition members wish to make any suggestions? There have been one or two suggestions from the Conservatives, including the idea of abolishing free school meals, which I will not accept. Do Opposition members want to reintroduce ring fencing in local government? Their councils and their councillors do not want that. Will they introduce amendments to the budget that will result in even more resources going into teaching? I do not think so.

It is important to realise that the teachers who finished their probation year in 2008-09 undertook training in numbers that were decided in early 2007 or early 2004. It is also important to realise that nine out of 10 teachers whose probation year

was 2007-08 were employed in some form by the end of the following school year.

Robert Brown: If the SNP Government's target for teacher numbers is not to maintain them at 53,000—which it manifestly is not—what is it?

Keith Brown: The Government's overriding priority is to ensure that there are enough teachers to deliver the education system that we want in this country. That is not a definite science. It has been difficult for previous Administrations. It is interesting to note that the number of teachers going straight from training to permanent employment has been in decline since 2005, and that—as Bob Doris said—around 10,000 primary and secondary school teachers are over 55 and could retire at any time. When that happens, it is important that we meet the resulting demand.

To listen to the overwrought rhetoric of some members, we would not think that teacher unemployment is lower now than it was in the early years of the Labour-Lib Dem Administration. Most important, it is necessary for any mature debate on the issue to recognise that the employment of teachers is undeniably—despite what has been said—a matter for local authorities.

Rhona Brankin forgot to mention some other facts, for example that £2 billion of cuts in education have been proposed south of the border. There have been proposals from the Lib Dems to abolish tuition fees—

Karen Gillon *rose*—

Rhona Brankin: Will the minister take an intervention?

The Deputy Presiding Officer: Order.

Keith Brown: We have heard nothing more from the Liberal Democrats about the proposed £800 million cut in the Scottish budget. Members have a choice to make: either they choose the past way of doing things, with central Government pulling the strings, or they come with us into the future and work in true partnership with local government.

10:21

Ken Macintosh (Eastwood) (Lab): I am pleased that the cabinet secretary has been able to join us for the conclusion of the debate, although I am staggered that we should need to hold such a debate to force the Scottish Government to take action on teacher numbers. The accumulation of evidence that ministers are failing to honour their commitments to teachers is now so overwhelming that we can only conclude that it is being deliberately ignored.

I believe that most of us were genuinely shocked in March when the teacher census was published.

The surprise was not that the number of posts was down—as Murdo Fraser and many other members have highlighted, we all received e-mails and approaches from constituents who let us know that trouble was afoot. The surprise was the scale of the job losses—nearly 1,000 teaching posts lost in just a year. Last week, the public sector employment figures confirmed precisely the same trend. To add insult to injury, this week we discovered that the number of nursery teachers is also down for the second year running, despite the First Minister's specific assurances on that point.

Across the board, in every sector, the teaching jobs problem is becoming a teaching jobs crisis. Yet, despite a crystal clear manifesto commitment from the SNP, the Scottish ministers are doing nothing to turn the situation around. The SNP manifesto and the concord—I beg your pardon, the concordat; I hope that I will never have to say that again—both spelled out:

“We will maintain teacher numbers in the face of falling school rolls to cut class sizes”.

That simple promise offered security to the profession, encouragement to new recruits and trainees and, of course, improved discipline and a better learning environment to parents and pupils. Instead, we have had a series of cuts.

The fact that school rolls are falling has probably served to disguise the gravity of the situation. The First Minister and his education team have tried to hide behind the fact that we have a static pupil teacher ratio, as if to say, “Well, matters aren't getting any worse.” However, matters are getting worse, and hundreds of teachers up and down the country are chasing jobs. As Rhona Brankin said, there were 543 applicants for one job in Perth and Kinross. In addition, hundreds of teachers are being employed on temporary rather than permanent contracts. The result, if we are not careful, could soon be a return to a disillusioned and dispirited profession.

Just last year, studies told us that the lack of job opportunities is damaging the career prospects and professional development of young teachers. In fact, the teaching crisis is having a particularly deleterious effect on new entrants to the profession. Newly qualified teachers are being forced abroad, elsewhere or out of the profession entirely. That is despite the fact that the average age of most new entrants is more than 30. People who have had jobs and careers and who are married and have homes are being let down.

If people are lucky enough to find work, the casualisation of the workforce—the dramatic shift away from permanent posts—leaves them vulnerable and anxious. I was struck by the parallels that David Whitton drew between teachers and dock workers in the past. As we

debate the situation, teachers are at home, waiting anxiously by the phone.

The effect on other areas is dramatic. There are reports that some teachers' contracts are not being renewed as they approach the end of the year, so that they do not accumulate employment rights.

What has been the Scottish Government's reaction? It has attempted to deny that problems are arising. Members will recall that, last year, the First Minister's strategy was to describe the fall in the number of nursery teachers as a substantial increase. I thought that such an approach could not be taken again this year, but there have been unfortunate echoes of it from several members, including the minister Keith Brown.

I was encouraged that the minister started his speech with an expression of regret—well, he should apologise—but he then had the gall to claim that the SNP has made substantial progress on its class size target, and he did that the day after the SNP officially replaced a class size target of 18 with one of 25. The minister refused to answer me when I asked him when, if the SNP still has its illusory target, the target will be reached. That is because, on the Government's figures, it will take more than 80 years to reach the target. Is that substantial progress?

The SNP's first strategy is to deny that things are happening; its second strategy is to blame someone else. The strategy is familiar to us all and was mentioned by Murdo Fraser, Margaret Smith and other members. I liked Margaret Smith's phrase:

"the SNP has centralised the policy but localised the blame."

It is always someone else's fault. In this case the SNP is not blaming Westminster, as it usually does—although I bet some SNP members think that Westminster is ultimately behind the issue—and instead is blaming local councils. As Karen Gillon said, the SNP is blaming those pesky local authorities.

The SNP's amendment asks that the Parliament

"notes that the employment of teachers is a matter for local authorities".

Whatever the role and responsibility of councils, has it escaped the minister's notice that SNP-controlled Renfrewshire Council and SNP-controlled Aberdeen City Council started this? As Rhona Brankin pointed out, 12 out of 13 SNP-controlled local authorities have cut teacher numbers.

When the SNP is forced to take action, what does it do? The cabinet secretary's reaction was to cut teacher recruitment. How can doing that maintain teacher numbers, improve discipline in

classrooms and help to reduce class sizes? Such an approach does nothing for the teachers who are currently employed. Keith Brown suggested in his closing speech that there is a problem of oversupply. The issue is not oversupply; it is about ensuring that there are enough jobs for teachers to go to. It is not even about creating jobs; it is about maintaining jobs, just as the SNP said in its manifesto.

The previous Executive did much to restore the professional standing of teachers by improving pay and conditions, introducing the induction scheme, reducing class sizes and employing record numbers of teachers. All that work has been put at risk by the negligence of the SNP Government. I urge members to support Labour's motion.

Child Protection

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-4911, in the name of Karen Whitefield, on child protection.

10:29

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased to open this debate on child protection for Labour. Along with all members, I appreciate how important child protection is for our society. It is unfortunate that Karen Whitefield cannot take part in the debate. There might be heated exchanges in the Parliament during the debate, but I hope that members will acknowledge Ms Whitefield's commitment to the issue and accept her apologies.

Public tragedies have brought us to this debate. We all know that far too many children live in family circumstances that put them at risk. There might have been more tragic outcomes but for the dedication and professionalism of social workers and other family support workers. The death of Brandon Muir shocked and sickened people and awoke many to the chaotic, dysfunctional and dangerous circumstances in which some children live. I am the parent of a young child, and the circumstances into which Brandon Muir was born and raised would be unimaginable for my child. Many people in Scotland reacted similarly to the terrible circumstances of Brandon's death.

Social workers have witnessed dramatic societal changes in recent years. We do not underestimate how difficult their job is. More unborn babies are being placed on the child protection register because their mother has a drink or drug problem, and the number of babies who are born suffering from drug withdrawal symptoms is increasing. There are more families in which there are generational substance misuse problems. Social workers and other professionals are at the sharp end of those issues. They carry the responsibility of making informed judgments and they must be supported in that. We acknowledge that they do a difficult and pressured job and we want to make their job as easy as possible.

I hope that the debate will be constructive and that members will acknowledge how difficult child protection is. There might be disagreement about the way forward, but we will all take part in the debate for the right reason: to ensure that our child protection system is as good as it can be.

I think that we all agree that the significant case review and review for chief officers reports into the death of Brandon Muir identified significant gaps and inadequacies in the sharing of information between agencies that were concerned with the

child's care, which contributed to the inability of services to protect him.

Concern about local child protection is not unique to Dundee. Since 2007, Her Majesty's Inspectorate of Education has published critical reports on Midlothian Council, Moray Council and Aberdeen City Council. The recent "Summary of Indicative Quality Indicator Results from HMIE Inspections" showed that 23 per cent of local authority child protection services in Scotland were evaluated as "weak" or "unsatisfactory" on at least one indicator. We acknowledge that more than 75 per cent of services are performing well, but any squint at the figures will confirm that 23 per cent are underperforming, which is far too many.

How can we improve services and ensure that no child is vulnerable? We must all acknowledge that we still have inadequate systems for the sharing of information that is vital in the protection of children. Labour thinks that the Government is not doing enough to address that. The Government's actions certainly do not match what was intended in the draft children's services (Scotland) bill.

We need to be better at identifying the problem. The "Hidden Harm" report estimated how many children are affected by parental drug or alcohol misuse. We would welcome action to ensure that those children are identified and supported. I hope that members will support our call for the Scottish Government to report to the Parliament on the steps that it has taken to identify children who are at risk because they live with parents or carers who are alcohol or substance dependent. We acknowledge the road to recovery approach, which is mentioned in the Government's amendment, but it involves considering children in the context of an adult's drug or alcohol problem and is too light on how we can measure the impact on children.

We would like the Government to make more progress on implementing the recommendations in "Hidden Harm", and we would welcome a statement on how the work will be taken forward. In light of that, I do not see the point of the amendment in Robert Brown's name, which seems to add little to the debate.

The Government needs to show leadership. It is not easy dramatically to increase placements for children who are removed from their homes, but we cannot stand back and leave children with parents whose addiction puts them at risk every day. Of course, time and resources must be dedicated to helping families to stay together, but child protection services must be supported financially and professionally to take difficult decisions unhindered. We must listen to Barnardo's chief executive Martin Narey, who says that we have a system in which we are more

content to try to fix families than to do what is in the best interests of the child. We should think about what would be acceptable for our own children before we leave other children in situations in which they are vulnerable.

We welcome many of the actions that the Government has taken, which are set out in its amendment, but we fear that the Government is not going far enough and is presenting proposals that tinker around the edges of a significant problem. The national review of child protection guidance is welcome, but it will not get to the heart of the issue. Do we need to challenge the orthodoxy? Do we have a system of child protection that is able to meet the challenges of our modern society? Do we have the right balance between the welfare of the child and the needs of parents and carers? Are we properly resourcing child protection services? Do the resources properly reflect the scale of the issue, particularly drug and alcohol misuse? Do we need to re-examine and change our view on intervention?

That is not a criticism of the people who provide child protection services day to day. As policy makers, we are responsible for the direction of travel and for resourcing the system. That is why the Labour Party believes that we need a national inquiry into child protection in Scotland. We need to take stock of the serious concerns that HMIE and the reports into Brandon Muir's death have raised.

The Scottish Government needs to redouble its efforts to deal with the problem. The First Minister's recent response at question time that

"We have a very good child protection system in Scotland"—[*Official Report*, 25 June 2009; c 18905.]

is in danger of being seen as complacent, but it does not reflect the Government's amendment, which

"recognises that further improvement is necessary".

In light of the recent HMIE reports, it cannot be denied that we need to improve child protection services pretty dramatically for some children. Labour believes that it is time that we questioned the system.

I move,

That the Parliament notes with grave concern the *Summary of Indicative Quality Indicator Results from HMIE Inspections*, published on 17 September 2009, showing that 23% of local authority child protection services in Scotland were evaluated as weak or unsatisfactory; further notes with similar concern the findings of the significant case review and review for chief officers reports into the death of Brandon Muir, revealing gaps and inaccuracies in the sharing of information between agencies concerned in his care and the terrible circumstances of his life as well as death; believes that the situation highlighted by these publications cannot be tolerated in a civilised society; acknowledges and commends the efforts and dedication of

staff involved in the safety and care of Scotland's children, often under considerable pressure but believes that these reports confound the comments of the First Minister on 25 June 2009 that we have a very good child protection system in Scotland; recognises the initiative taken by the previous administration in tackling this problem by bringing together a series of actions contained in the Hidden Harm report; calls on the Scottish Government to bring forward a report and to make a statement to the Parliament on the progress that it is making in implementing the recommendations of Hidden Harm and also what it is doing to build on those recommendations, and also calls on the Scottish Government to report to the Parliament on the steps it is taking to identify those children who are at risk as a result of living with parents or carers who are alcohol or substance misusers.

10:36

The Minister for Children and Early Years (Adam Ingram): None of us in the Parliament disputes the need to keep Scotland's children safe; what Claire Baker's comments show is that we differ on how to work with partners to best achieve that objective.

The Government recognises that there is room for improvement and fully supports hard-pressed staff who, for the most part, do an excellent job, often in very difficult circumstances. We hear about the tragic cases, but we hear less about the daily challenges that staff who work with vulnerable children face and overcome. We are keen to build on the good practice throughout Scotland—the foundations for which were laid by the previous coalition Administration—and are working in a structured way with those who are responsible for child protection to address the concerns that have been highlighted in the various reports, including those arising out of Brandon Muir's death.

I agree that the circumstances of Brandon Muir's life were intolerable, but the prime responsibility for that lay with his parents. We need to enhance the capacity of parents and communities to support their children and to know how and where to share any concerns that they have. We must also ensure that services are alive to and able to respond effectively to risks. That is why we are working closely across children's services to learn from the undoubted good practice throughout Scotland to identify improvements.

Rhona Brankin (Midlothian) (Lab): The minister talks about the need to support parents. Does he acknowledge that the figures show that an unacceptable number of children live with drug and alcohol-abusing parents and that it is time for a rethink on risk, with the emphasis being on the child?

Adam Ingram: The emphasis is on the child. Safety is the overriding consideration. I do not recognise Rhona Brankin's leader Iain Gray's description of the current system as operating a

presumption for keeping children in unsafe conditions with their families.

I will set out the range of actions that the Government is taking and show how they combine to form a programme of activity to keep children safe as far as possible. No system can protect every child, but we can do our best to ensure that children are as safe and protected as possible.

We regularly meet child protection committee chairs to ensure that national policy is developed in partnership with professional stakeholders. I recently announced that we will shortly recruit a national coordinator to strengthen and support the work of local child protection committees and to increase the emphasis on multi-agency working.

Marilyn Livingstone (Kirkcaldy) (Lab): The minister knows my interest in the topic, as I am the convener of the cross-party group on survivors of childhood sexual abuse. Is he aware that the centre for the vulnerable child in Fife has a waiting list of up to 16 weeks, which I am working hard with colleagues to address? I also ask him about the promise of further Government support through additional funding from the mental health division for a child psychology post over the next three years—

The Deputy Presiding Officer: The intervention is a bit long now. The minister gets the gist of it.

Adam Ingram: I would be happy to meet Marilyn Livingstone to discuss the local circumstances in Fife.

Our child protection inspection regime is the most robust in the United Kingdom. It challenges and highlights good practice and areas for improvement. We are reviewing the 1998 national child protection guidance and will issue a consultation in the spring. The guidance needs to reflect the changing environment in which child protection services are now delivered and the changing risks that our young people face.

The blight that substance misuse now places on the lives of far too many children in Scotland is unacceptable. Within a year of taking office, we issued "The Road to Recovery: A New Approach to Tackling Scotland's Drugs Problem", which included a chapter on protecting children. Our approach seeks to realign some of the positive action that is already under way with the Government's preventive, early-intervention agenda and places an emphasis on support for families. We now have a comprehensive alcohol framework, which was launched earlier this year and is backed by record investment totalling just under £120 million over the three-year period 2008-09 to 2010-11. That represents a tripling of resources compared with the previous three years.

All that, along with the progress that is being made on risk assessment and information sharing as part of the review of child protection guidance, forms part of the wide-ranging approach that we are taking to tackle these difficult issues.

We have also embarked on a second round of more targeted and proportionate child protection inspections that will show how services have learned and improved from the first round. In the coming weeks, we expect a detailed report from HMIE on the messages from the first three-year round. That general report will help to draw out a comprehensive overall picture for the first time.

All those activities are coherently linked together under our strategy for keeping children safe, which is shared with stakeholders, and all are being delivered under the existing legislative framework. Yes, we must challenge and probe and work with partners to improve services and outcomes, we must encourage parental responsibility, we must challenge whether the child's best interests can be addressed within their family, and we must never be complacent, but we should also recognise the good basis from which we start and the work that is under way to secure improvements. Therefore, I invite colleagues to support the Government amendment, which recognises the considerable progress that has been achieved so far, and to encourage the development of our work.

I move amendment S3M-4911.2, to leave out from "notes" to end and insert:

"notes with concern the 23% of local authority child protection services in Scotland that scored weak or unsatisfactory in at least one of the reference quality indicators, reported in the *Summary of Indicative Quality Indicator Results from HMIE Inspections*, published on 17 September 2009; welcomes the fact that 77% of authorities have achieved positive child protection reports; recognises the immensely valuable contribution made by those professionals working in frontline child protection services; recognises that further improvement is necessary and will be informed by the second round of inspections now underway; looks forward to HMIE's summary report that will provide the most comprehensive national picture of child protection that Scotland has ever had, which, taken together with the findings of the recent significant case review into the death of Brandon Muir, will feed into the national review of child protection guidance; encourages measures to address the increasing prevalence of substance misuse and its impact on children within the framework of Road to Recovery; encourages the promotion of the *Getting it Right for Every Child* approach, and looks forward to public consultation on the review of national child protection guidance that will address assessment of risk and information sharing for all children, including those suffering from parental substance misuse, domestic abuse and other risks to their safety and wellbeing."

10:43

Robert Brown (Glasgow) (LD): I welcome the tone with which Claire Baker opened the debate and the minister followed. It is important that there

should be a unified Parliament view on child protection matters, which are of great importance to the future of Scotland's children.

Few burdens rest more heavily on social workers, teachers, youth workers, police officers and, indeed, politicians than the protection of our children. We know that some children have simply appalling starts in life through neglect by those who have responsibility for caring for them. We also know that the consequences follow young people through their lives and can blight the lives of their children too.

Over the past 10 years, and before then, we have had many reports and inquiries. They have often been insightful and have often confirmed the same messages. All the reports had three basic points in common: the need for partnership working and information sharing between agencies; the need for individuals within the system to take personal responsibility for action; and the need to identify and target the children who are most at risk. Those children are often with parents and families who are alcohol or drug abusers—a growing problem, as Claire Baker rightly said.

If anything, there has sometimes been too great an emphasis on partnership working and information sharing and too little emphasis on individuals taking urgent action based on that information. Too many times, information has gone round the system rather than stopping and moving forward to action. Report after report has identified the presence in the system of enough information to put anyone on alert in cases in which action was not taken or not taken urgently enough.

Adam Ingram: The member will be aware of the getting it right for every child programme, which addresses the issue of referring on inside the system. Clearly, the member is familiar with the origins of that programme. I assure him that we are making significant progress.

Robert Brown: I am grateful for the minister's intervention in that regard.

The Labour motion is highly pertinent. Evaluation of local services has shown that there are far too many weaknesses. To be fair, there have not always been weaknesses in every area; nevertheless, a quarter of council areas have "weak" or "unsatisfactory" gradings. The processes for producing sustained improvements exist, with HMIE targeted inspections and follow-up work, but that approach needs a strong and sustained ministerial lead and priority to make it happen, as well as full commitment from the local authorities concerned. The minister rightly made the point that we need to have structured

responses in child protection and to follow through on the lessons that we know about.

Ministers are properly accountable to Parliament for how they perform their duties, so the Liberal Democrat amendment proposes that there should be a full report to Parliament within three months—before Christmas—and then reports at regular intervals on progress on identifying and focusing on children who are at risk, on which information is still lamentably vague, on the follow-through on the "Hidden Harm" report and on HMIE's inspection and improvement work.

The clear focus of all that work must be the welfare and best interests of children. It is, no doubt, often best to support children in living with their own families or with grandparents or other relatives. However, the briefing that we had on that from the Association of Directors of Social Work was astonishingly complacent and lacking in any sense of hope for the future. Yes, we have to be realistic; yes, no system of child protection can guarantee a child's safety; and, yes, we have a shortage of adopters and fosterers. However, I increasingly feel that Barnardo's Scotland and others are right that more children need to be removed from chaotic and dangerous families—I use the word "dangerous" advisedly—and that that must be done much sooner, before their lives and health are irreparably damaged. I know from conversations with people in the field that others feel likewise.

Parliament and Government cannot set targets or make individual decisions on those matters, but there is a sense that decisions are driven by resource issues, such as the number of foster carers and the lack of alternative carers, and sometimes by inappropriately applied views about the natural family unit, rather than by consideration of children's welfare. Government can do many things to support the workers in the field, not least in bending its efforts to the effective recruitment of more foster carers, possibly through a high-profile national campaign akin to that used to recruit children's panel members.

Ken Macintosh (Eastwood) (Lab): Will the member take an intervention?

Robert Brown: I am in the last moments of my speech, I am afraid.

Today's debate is too short to do the subject justice. However, these children are our children, and it is our job and everyone's job to ensure that they have the best start in life.

I move amendment S3M-4911.2.1, to insert at end:

"recognises the initiative taken by the previous administration in tackling this problem by bringing together a series of actions contained in the Hidden Harm report; calls on the Scottish Government to take effective action to

identify and focus on those children who are at risk, particularly as a result of living with parents or carers who are alcohol or substance abusers; calls on the Scottish Government to report to the Parliament within three months and thereafter periodically on the progress made on this, in building on the recommendations of Hidden Harm and in the follow-up inspection work by HMIE, and looks for a child-centred approach to child protection that has the welfare and best interests of children at its heart."

10:47

Elizabeth Smith (Mid Scotland and Fife)

(Con): This debate sits in the context of two main issues. First, there is the growing number of reports into child protection services, which, as Labour has rightly identified this morning, have too often been found seriously wanting when it comes to looking after the best interests of the child. Secondly, there is the crisis—I use that word advisedly—in parenting skills. While each of the three speakers so far has identified the first issue as extremely important for the Parliament, the second issue must be a priority for debate in every corner of Scotland. We want to use this debate to pursue that theme in order to help deal with the root causes of the problem. After all, a substantial number of child protection cases, though not all, would never occur if more parents were better able to harness the appropriate skills.

Let me deal first with the question of child protection procedures and the fact that, earlier this month, 23 per cent of local authorities were rated as "weak" or "unsatisfactory" in relation to their child protection services. That is a deeply worrying statistic, particularly for local authorities such as Dundee City Council, Moray Council, Aberdeenshire Council and Midlothian Council. On top of that, we have had deeply disturbing high-profile cases, such as the death of little Brandon Muir.

There has been consensus across the chamber about how to improve child protection procedures in line with national legislative changes. The Scottish Government has made good progress in some areas through simplifying structures, such as those that surround disclosure procedures, and trying to end the culture of crisis management that has often been the result of too much buck-passing of responsibilities. In addition, the more carefully targeted inspection programme will bring benefits, as will the determination of all parties in the chamber to support earlier intervention strategies. However, it remains the case that the lives of far too many young people have been blighted by incompetence within the system.

It will be important that the Scottish Government gets the forthcoming children's hearings bill right. Ministers have been forced into a major rethink because they did not consult fully and because some of their initial proposals were rightly seen as

a challenge to the traditional ethos of the children's hearings system. The Government has said that it will ensure that that ethos is looked after. I hope that that happens, because that system is vital to children in Scotland and we must get it right.

For me, the issue of parenting skills lies at the heart of the debate. It is a hugely difficult and complex issue, which is similar to that of drugs and substance misuse, but that is no reason to shy away from it or be reluctant to take bold and radical action. Indeed, as Annabel Goldie made very clear in her recent speech to the Convention of Scottish Local Authorities, there is no option to be anything other than radical. Family breakdown from one cause or another costs the UK over £20 billion a year. The resulting burden on society, especially on family, relatives, social work services and our justice system, goes much, much deeper than just the money. We do not pretend that our party has all the answers—we do not—but neither do we believe that there is any time to waste in bringing the matter to the top of the political agenda.

We totally accept the Scottish Government's focus on the early years, but why can it not also tackle child protection within education spending? Why must we spend £30 million a year on providing free school meals to those who do not need them? That money could go into providing better support for the very young children who are the victims of irresponsible parents, providing universal health visitors for all young children, or providing support for the hard-pressed voluntary sector, which does such a fantastic job for so many children.

It is also time that we had a major reform of the UK tax and benefit system to end the perverse financial incentive against couples who choose to marry, and to end the benefit system that penalises married couples. Last week, the Conservative party received from Iain Duncan Smith and the cross-party Centre for Social Justice a three-point plan to help more households into work and tackle the penalties that work against constructive parenting.

A very large number of parents in society genuinely find it difficult to pass on parenting skills to their children because they themselves are the children of parents who do not possess those skills. Those people need our help because they have also been let down in some way or another. I understand the call to remove children from parents whose behaviour puts them in danger, but we must not delude ourselves about the numbers involved. Children's panel members will be the first to tell us that not even using multistorey tower blocks in each area of Scotland, which would

involve prohibitive costs, could cope with all those suffering from parental neglect.

This debate is not easy, and I fully agree that there is an issue about child protection. However, there is a much bigger issue about parenting and engaging parents in their responsibilities and their child's education and about ensuring that the welfare state supports rather than penalises them. I hope that all parties will be able to sign up to my amendment.

I move amendment S3M-4911.1, to insert at end:

“, and further calls on the Scottish Government to acknowledge the concern about the growing number of parents in society who lack the necessary skills to bring up their children responsibly and to address this issue as a matter of urgency.”

10:53

Michael McMahon (Hamilton North and Bellshill) (Lab): In 2006, the previous Labour-led Executive published a draft children's services (Scotland) bill. Regrettably, the Scottish National Party decided to abandon that bill because it believed that more had to be done before changing the way in which information is shared by different agencies. It is three years since that draft bill was issued, but little has been done—at least, there is no evidence of much being done—and a bill has yet to see the light of day. The Government has published only one draft bill that relates to child protection—the children's hearings (Scotland) bill—but it had to drop that, before resurrecting it, so inept is the team of education ministers. If that is an indication of how seriously the SNP takes the matter, we should be alarmed for the future safety of children in Scotland under this Administration.

If the SNP genuinely believes that its e-care framework or the vulnerable persons system for Scottish police services meets the provisions that were envisaged in our proposed children's services (Scotland) bill, we really are in trouble. That is why Labour, but in particular Iain Gray, has stated on several occasions that we would support a children's services bill if the SNP introduced it.

A recent report showed that 90 per cent of child abuse happens in the home. It is therefore essential that we do everything that we can to protect vulnerable children in a place where they should feel safe and free from harm. The Scottish Government's website states:

“Scottish Ministers are committed to improving the protections offered to children and young people in our communities. We recognise that the best way to do this is by taking appropriate, proportionate and timely action to support those children who need it.”

Those are absolutely the right words and they indicate the action that we would expect to see from the Government, but how much time does the SNP need before we see that action?

Joe FitzPatrick (Dundee West) (SNP): Will the member reflect on the fact that his politicisation of the issue does neither him nor those involved in child protection any service?

Michael McMahon: I am always happy to take an intervention from Mr FitzPatrick, but I have found it to be a waste of time on every occasion. I am not politicising the debate but highlighting the need for the Government to take decisions. Any criticism of the Administration is used by the SNP to say that we are carping and complaining. Our job is to hold the Government to account. Mr FitzPatrick must accept that we need to say it as it is: we cannot accept a cosy consensus that is a false consensus.

We should not really be surprised by the situation, given that the SNP prefers to spend time on the national blether. Would it not be better to put that on hold for a while? So far, the SNP Government has wasted £700,000 of taxpayers' money on its national conversation instead of using that money to fund services to protect our children. What type of Government prioritises a referendum bill over the need to address the serious issue of child protection?

The seemingly endless review of child protection services is a poor substitute for the action that is needed. Our children deserve better than that. No member would want to see any other child's life ended in the way that Brandon Muir's was because of an inability of child protection agencies to share information with each other.

Under this Administration, we are asked to accept a situation in which the majority of inspection reports mark our local authority child protection services as “satisfactory”, which means that strengths just outweigh weaknesses in meeting children's needs. From the briefing that was issued yesterday, it is apparent that the Association of Directors of Social Work is happy to accept such low standards. That should worry us all. I am pleased that such low standards are not good enough for the Labour group in the Parliament.

The children's charter that was developed under the previous Labour-led Executive pledged that children and young people who are at risk of neglect or abuse would get the help that they need when they need it and that professionals would use all the powers available to them in order to help such children. We also pledged that those involved with helping such children and young people would share information to help to protect them and to work effectively on their behalf.

I am still 100 per cent committed to those pledges. I am disappointed that the current Government clearly does not share that commitment.

10:57

Christina McKelvie (Central Scotland) (SNP): I read the Labour motion for today's debate with some interest. The motion—this epistle of doom—points an accusing finger at the professionals who work in council child protection departments and suggests, as Michael McMahon has just done, that they are not up to the job. The motion conveniently ignores the 77 per cent of inspection reports in which child protection services were rated as good and as having already reached the standard that others are striving to reach. The motion also ignores the fact that staff whose council receives a negative report will use the report as constructive criticism to help to improve service performance. The time to assess a report's overall effect is after the follow-up inspection, when it can be seen what actions have been taken as a result of the comments that were made in the initial inspection report.

Rhona Brankin: I am not sure that the member has read our motion, which

"commends the efforts and dedication of staff involved in the safety and care of Scotland's children, often under considerable pressure".

If that is not recognition of the commitment and dedication of social workers, I do not know what is.

Christina McKelvie: Rhona Brankin quotes only a small part of that epistle of doom. Michael McMahon has just claimed that the Association of Directors of Social Work is happy with low standards. I do not believe that the professionals who are on the front line every day are happy with low standards. I was on the front line with them for 19 years of my career, and I will not have that profession done down by Labour members. Serious professional people who do a serious professional job deserve better than to have their efforts taken out of context in an attempt to score petty party-political points.

Let us get the matter straight by considering what the professionals say about the proposed national inquiry—although we have not heard much about that today because, I believe, Iain Gray has dropped the proposal after taking on board the professionals' opinion. The Association of Directors of Social Work says:

"We do not want to see an inquiry into child protection, which will divert energy and scarce resources away from service delivery; our inspection regime is delivering results and the majority of councils and their partners are delivering good services; those that are not are being supported to improve".

I am glad to see that Iain Gray has taken on board those comments of the front-line professionals.

Four of the 32 councils received reports in which the actions taken by child protection staff in response to immediate concerns were rated as unacceptable. Four out of 32 is not good, but those four will strive to improve so that they get a better result next time. Only one of the 32 councils—only 3 per cent of the total—received a report in which the service was rated as unacceptable on whether children's needs are met. That council will strive to improve. No council was rated as "unsatisfactory" on listening to, understanding and respecting children, and I hope that we will hear some acknowledgement from Labour members that those workers deserve some praise. On what is surely the prime indicator for child protection services—whether children benefit from strategies to minimise harm, which means whether child protection services actually protect children—no council was rated as "unsatisfactory". I hope that Labour will have the good grace to recognise that.

Weaknesses are identified in the reports—11 authorities were rated as "weak" across four indicators—and those weaknesses need to be addressed. I believe that they will be addressed by the professionals on the ground, who deserve our support and thanks rather than any criticism. Those five "unsatisfactory" reports and 11 "weak" reports represent only seven councils out of all those that were inspected.

Recently, Susan Deacon said:

"My heart also sinks when I hear one party somehow implying that either they have the best ideas or another party's failing. This is a classic area where politicians have to be able to get together across party lines, look beyond legislative solutions and act in the best interests of their society as a whole."

I believe that Susan Deacon is right.

The Parliament should praise those councils that have received good reports and acknowledge that councils will strive to improve things by using the reports that they have received. We should encourage those councils that have not got there yet to lift their performance. Having worked on the front line, I have seen at first hand the amazing work that goes on in child protection and early intervention teams. Those workers go out every day to do a job that our society needs them to do but that we wish was not necessary. They deserve our support, and they have mine.

11:02

Duncan McNeil (Greenock and Inverclyde) (Lab): It is only correct that we recognise the progress that has been made following the "Hidden Harm" report, but that progress must be

measured against the scale of the problem. Much more still needs to be done if we are to be confident that children are no longer subjected to the abuse that Brandon Muir suffered in his short and troubled life. That is why I support the call for an inquiry. Certainly, more work needs to be done to provide a greater understanding of the options available for such children, the risks that are accepted on their behalf and the lack of capacity in kinship and foster care. Our ambitions and our priorities for such children should be set by this Parliament, not simply managed by hard-pressed front-line staff.

If anyone has any doubt about how hard that job is, they need only read the *Official Report* of the Health and Sport Committee of 25 March 2009, when a range of health visitors, headteachers, general practitioners and social workers gave powerful and damning evidence on the frustrations and obstacles that they face every day. They spoke about children who are

“never in the same house two nights running”

and about

“families in which the mother and gran are addicts, and it is the great-gran, who is in her late 70s, who is looking after young children”

without adequate support. They described a drug withdrawal process that

“can take five or 10 years”,

and they said that

“health visitors have really big case loads ... so ... they are really reliant on parents to make contact if any problems arise.”—[*Official Report, Health and Sport Committee*, 25 March 2009; c 1715, 1723, 1705.]

Children’s services were also described as “haphazard”, and mention was made of social workers being refused access to vulnerable children. All of that is on the parliamentary record for members’ attention.

Although I accept that more work needs to be done through an inquiry to establish some areas, I am impatient for action. I believe that there are things that we can do straight away to mitigate the impact of drugs on vulnerable children. What needs to be done? We need to meet the basic requirements that were set out in the “Hidden Harm” report. We need to accept that there are risks for children associated with living with an addicted parent; we need to identify and assess the level of risk; and we need to ensure that those children’s needs are met. It is not good enough that we cannot identify all the children in question. Finding them and assessing them must be our starting point. If a care plan is good enough for the addicted parent, it is surely good enough for the child of an addicted parent.

It must be accepted that children who live with parental addiction are at risk—they might be at varying degrees of risk, but they are at risk all the same. Part of the process must involve assessment of parental capability. We must ensure that social workers and children’s care services have sufficient powers to get access to those children when their parents refuse to engage with care services.

The significant support that we provide to those adults, such as child benefit, housing benefit and the medical support that we offer through the methadone programme, needs to be set out in a contract so that they understand why we are giving them that support and, crucially, what we expect of them in return in terms of behaviour, parental responsibility and a commitment to progress towards a drug-free lifestyle. Lastly, the contract must point out the consequences of failure, which could affect their continued receipt of support and could include the possibility of their children having to be taken into care. If drugs cannot be taken out of the home, we need to take children out of the home. That is the reality.

The sad fact is that, if Brandon Muir had not died, he would still be living in that house of horrors, experiencing all the abuse and neglect that marked his troubled young life. Thousands of other children are surviving what Brandon was put through. They will grow up with the legacy of those traumatic experiences and, sadly, will often repeat the mistakes of their parents. We must act: we must continue to do more and do better to end that miserable cycle. If we do not, more children will face the misery that Brandon and others suffered.

11:07

Joe FitzPatrick (Dundee West) (SNP): Child protection is a very serious issue. Nowhere is that more the case than in Dundee, where we recently had to come to terms with the tragic death of Brandon Muir at the hands of Robert Cunningham. In the wake of that event, the HMIE inspection was accelerated and an extremely thorough case review and independent report, which considered all the issues surrounding the case, were completed. Most significantly, the reports identified that agencies had failed to work together. Those failures must be—and are being—addressed.

Additional resources have already been allocated to meet the gaps in service in Dundee, to appoint more front-line social workers and to ensure that all multi-agency partners work together in the interests of Dundee’s most vulnerable children. In addition, Dundee City Council immediately agreed that it would implement all the recommendations from all the reports to ensure that the action plan is put in place as quickly as possible so that vulnerable

children in Dundee are better protected in the future. We all have a duty to ensure that lessons are learned from such a sad incident. I congratulate the vast majority of members of all parties who have spoken in the debate, who have stuck to the issue and who have struck the correct tone. It is important that we continue to do so.

Members might not be aware that Unison officials in Dundee have complained that the constant attacks on child protection services by a small number of people in one particular party are not helping those services. Our social workers, in particular, feel under threat at every turn. They are damned if they do and damned if they don't. In Dundee at the moment, social workers are being lambasted for taking a child into protection, but they cannot put their side of the story. They are interested only in the child concerned. Such trial by media is unacceptable. I congratulate most members—particularly Marlyn Glen, who is not in the chamber—for not taking part in that attack on our social services.

Michael McMahon: Does the member recall that when the Parliament discussed Brandon Muir's sad death, he shouted, from a sedentary position, that that had happened under a Labour Administration? Does he regret doing that? Is that not a political insult?

Joe FitzPatrick: The member will be aware that I was responding to an attack by him on the SNP Government. My point was that it was not an issue of party politics. We should not put blame on any particular party. I believe that everyone in the Parliament is responsible, and we all have the interests of children at heart. Finger pointing does not help anyone. Unison representatives of people who are involved in children's services in Dundee sent out a clear message in that regard. I suggest that any members who want to point a finger should have a discussion with Unison in Dundee.

Each community relies on its social workers to protect its children. Instead of just attacking social workers, we must work together to improve services. As I have said, trial by media and partisan politics do not help the situation.

In Scotland, we are constantly working to ensure better protection for children. The Scottish Government has already launched a review of national child protection guidance and has started new targeted inspections to help raise standards across Scotland. It has created the multi-agency resource service, which is the UK's first hub for exchanging child protection expertise, and it is to appoint a national co-ordinator to support the work of child protection committees.

This Parliament has always sought to safeguard children across Scotland. The Labour-Liberal Democrat Administration passed a number of

pieces of important legislation in that area, including the Protection of Children (Scotland) Act 2003, and I welcome the steps that it took during its time in government.

Rhona Brankin *rose*—

Joe FitzPatrick: All political parties share the same aims when it comes to child protection, and we must work together with local authorities and other partners to ensure that those aims are met.

Rhona Brankin *rose*—

The Deputy Presiding Officer (Trish Godman): Ms Brankin, the member is just about to finish.

Joe FitzPatrick: My final point is about how the Parliament can do more to prevent children from coming to harm. The majority of cases that social work departments deal with are not like the case of Brandon Muir; they are cases of neglect. Evidence suggests that incidents of child neglect and harm are higher in households that have a history of alcohol abuse. If we can tackle alcohol abuse, which is the root cause of a large number of child neglect cases, we can make a real difference. I ask all members to consider that when the Government introduces legislation that will have an impact on the issue.

11:12

Hugh Henry (Paisley South) (Lab): There is no doubt that social workers across Scotland do an excellent job in very difficult circumstances. It is a job that I do not envy them: their having to face the trauma, the despair, the sheer deprivation and the lack of support and care in many families is extremely stressful and demanding. In the cases that we hear about in which something has gone wrong, sometimes a mistake has been made by a basic grade worker and sometimes there has been a failure of management, but all too often there has been a failure of the system—there is an organisational reason for it. All too often, the issue of resources has not been properly addressed.

One of my fears is that we are, in the current climate, taking no action to protect social work budgets that are already under pressure and which will come under more pressure. Instead, we are leaving it to local authorities, whose budgets are already under strain. We should not be surprised when things go wrong, given some of the budgetary constraints.

That said, one thing that worries me about today's debate is the existence of a conspiracy of complacency among politicians and professionals. When we see something going wrong, we should not be frightened to speak out. It does no good to talk about how well things are going and the need to learn lessons from mistakes and difficulties. We

should be prepared to speak up when we know that a system is failing. I suggest that politicians and professionals are sometimes prepared to tolerate standards for vulnerable children that they would not tolerate for their own children or grandchildren.

I still hear stories of frustration because workers in one agency do not have access to information that is held by another agency. There is no good reason why that should continue; it continues only because of the failure by the Scottish Government and ministers to take the action that is required to ensure that information is exchanged where necessary.

I come to the points that were made by Christina McKelvie about HMIE. She is right to repeat Susan Deacon's comments that no one party has the best ideas, that it is wrong to imply that other parties are failing and that we should all be working together on the issue, but it does no good to try to distort or ignore the reality of the HMIE inspections. If a school were to get a "satisfactory" report in an HMIE inspection, there would be an inquiry into the school's performance because that would not be good enough. A "satisfactory" report is barely scraping a pass.

I refer to "The Summary of Indicative Quality Indicator Results from HMIE inspections, 2009", which reveals that out of 30 councils, 16 are barely passing or are failing on the quality indicator that "Children's needs are met"; 24 are barely scraping a pass or are failing on the "Recognising and assessing risks and needs" indicator; 17 are barely scraping a pass or are failing on "Operational planning"; 17 are barely scraping a pass or are failing on "Leadership and direction"; and 18 are barely scraping a pass or are failing on "Leadership of change and improvement". That is not good enough for our children; it is not good enough for those who are enduring hidden suffering in homes throughout the country. We must be prepared to invest and we must put our money where our mouth is. If there are continuing failures, it is right that politicians and professionals should be held to account.

11:17

Robert Brown: As I said in my opening speech, this is a timely debate and it has, by and large, been an important and high-quality debate. I agree with and support the comments that some members have made about the heroic efforts that are made by front-line staff, but we should not use the heroic efforts of front-line staff as a shield against proper debate on the system under which they work. We must get that balance right.

I agree with the impatience for action that was so ably expressed by Duncan McNeil. His

comments on social work powers and agreements with methadone users were valid and helpful contributions to the debate.

I would like to build on the comments that were made by Hugh Henry, who has knowledge of the issue from his time as senior minister on such matters. In essence, he said that the system ought, in effect, to be such that it treats all children as if they were our children. That must be the central message that goes out from the debate. Some impatience must be shown on the matter and, as the minister said, there must also be an element of structural reform.

It is important to put the issue in context. As has been said, the damage to children is done not by positive action by social workers or youth workers, but by the parents or carers. The central issue that we face is that what we are trying to do through our services is not exactly to second-guess, but to get at what is going on in individual families, often when there is not a desire on the part of those families to let the public authorities know what is taking place. It is inevitable that from time to time the systems that are in place will have problems and will fail to catch individual instances that they perhaps should, in retrospect, have caught. Our job is to ensure that the systems are as good as they can be, which they are manifestly not.

The central point that should come out of the debate is that there must be a process of structural improvement. Our Administration put in place arrangements to take the matter forward. There were the child protections that Peter Peacock—I think—launched way back, the reports that have been touched on in the motions and amendments, and the actions that were taken to report to Parliament on progress. There have been many inquiries into these issues, both general Government inquiries, the forthcoming HMIE general report and inquiries into individual tragedies. In large part, we know what needs to be done, but the problems have emerged from not doing the things that we know need to be done.

Some issues have emerged from the growing crisis that has been caused by rising levels of drug and alcohol addiction. I say to the minister that it is necessary to keep a very close eye on the resources that go to that problem. We know that resources are tight, but we do not want things to drop off the edge. In that regard, one has heard stories about voluntary sector organisations whose services have been terminated because of funding issues.

In that context, Elizabeth Smith was right to talk about the need to improve the resilience of parents and parental knowledge and information. We all know that the old-fashioned way in which knowledge went from grandmother to mother to daughter has in many families in recent years

broken down. Many young people, some coming out of the care system, do not have the parental skills to take to the new generation. We must address those issues.

The minister mentioned the issue of alcohol resources. It would be helpful if we made best use and full use of all the alcohol resources including, for example, the underused facilities at Castle Craig, on which I have been corresponding with the minister.

These are difficult issues, so it is important that we get right our approach. As the previous debate on the issue was, this debate has been short, but many good points have come out of it. I hope that ministers will reflect on the points that have been made and will ensure that matters are taken forward as well as they can be, and that they will give attention to both the structures and the reporting mechanisms, which is the central point of the Liberal Democrat amendment.

11:21

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

This has been a serious debate and it has, rightly, been markedly different in tone from the first debate this morning. With the exception of a few party-political points that have been made, members recognise that we are dealing with very serious issues about some of the most vulnerable people in society. I have been struck by a number of the powerful speeches from members of different parties, and in particular by Duncan McNeil's comments on cases about which he knows.

There has been a lot of discussion about the HMIE figures and there have been attempts by both sides to spin them. For my part, I say that it should be a source of great concern to us all that aspects of 23 per cent of child protection services in local authorities were evaluated as being "weak" or "unsatisfactory". I agree with Hugh Henry that that is a wake-up call for us and that much more needs to be done.

Robert Brown made a fair point in his first speech about the briefing that we received from the Association of Directors of Social Work, which seemed to dismiss the statistics as not reflecting the true picture. We should be concerned, as we would be when a school gets a bad inspection report, that HMIE is saying what it is about child protection services.

A number of members referred to cases in the media, such as the tragic case of Brandon Muir in Dundee. There has been debate for many years about the point at which authorities should intervene in family situations and remove children for their protection. If we go back 30 or 40 years, local authorities took a much more interventionist

approach than is taken today. I remember being at primary school with a group of youngsters from the local children's home, who were there for a variety of reasons, most relating to family breakdown. Nowadays, children's homes are very rare because most children are either supported in a family situation or, if they have to come out of that situation, they go into foster homes. That change has happened in my lifetime under Governments of all political persuasions.

It is easy to understand why that change took place, as the record of institutional child rearing was not good and we now have the legacy of far too many incidents of child abuse that occurred in such situations. However, many people are concerned that the pendulum has swung too far and that we now have an in-built reluctance to intervene and remove a child from a difficult or dangerous situation. It is right that we have a debate about whether and to what extent we should redress that balance. Barnardo's, the children's charity, has been calling for a new approach and for more children to be removed from their parents. We must give the matter serious consideration.

Just as the authorities seem to be too reluctant to intervene in some cases, in other cases they are far too enthusiastic. Earlier this week, there was a bizarre case at Livingston sheriff court, in which a mother who smacked her 14-year-old child, who was on drugs and alcohol and had head-butted her and stabbed her in the thigh with a pair of scissors, was taken to court and charged with assault. Fortunately, the sheriff at Livingston saw sense and granted an absolute discharge, but I have to wonder what on earth the point was of dragging that mother to court, at great public expense, when doing so was clearly inappropriate. Those resources could surely have been better spent elsewhere.

I agree with a lot of what Christina McKelvie said about social workers. Social workers are, undoubtedly, underappreciated and they all deserve our support. However, that is not to say that we should refuse to criticise when there are failures. Parliament must set out where there is room for improvement.

Elizabeth Smith referred to the important issue of parenting, which we have raised on several previous occasions. In some cases, we are dealing with second or third generations of parents who do not have the basic skills that they need to bring up their youngsters. I hope that the Government will address that.

A society will always be judged on how it treats its most vulnerable members: few people are more vulnerable than are children in at-risk settings. We must do much more to ensure that we are getting it right for all children who are in that situation, so I

hope that the Scottish Government will listen to all the points that have been made in this morning's debate.

11:26

Adam Ingram: I thank Karen Whitefield for lodging the motion, which has led to a valuable discussion, and I am sorry that she was not able to be here to speak in it. Different points of view have been expressed, but there is much common ground. We agree that every child has the right to be kept safe, and we agree that we must do all that we can to ensure that we have a robust child protection system. We also agree that child protection practitioners do a difficult job and do so, on the whole, with great skill and dedication.

In that spirit of consensus, I note that many of the child protection structures that are in place and much of the work that is under way were begun under the previous Administration. At the time, my SNP colleagues and I supported and worked constructively with the then Scottish Executive on those developments. I look forward to working with the other parties again.

Liz Smith spoke with conviction about the need to support parents and to help them to develop the skills that they need to raise and nurture their children. We share that view. The Government's early years framework, "The Road to Recovery: A New Approach to Tackling Scotland's Drug Problem" and the getting it right for every child initiative are designed to identify where help and support are needed by parents to ensure that their children develop and fulfil their potential.

I am happy to confirm to Robert Brown that the Scottish Government will continue to report quarterly to MSPs on child protection issues and on progress in implementing getting it right for every child, which places the child's wellbeing at the centre. Those reports will include updates on the second round of HMIE inspections and will record progress on "The Road to Recovery", which embraces the recommendations of "Hidden Harm". Together with the alcohol framework, "The Road to Recovery" is guiding how we are addressing the risks and poor outcomes that are experienced by children who are affected by parental substance misuse. We are also developing specific tools to meet the needs of children who are affected by parental substance misuse.

The first round of child protection inspections has given us an unprecedented picture of how services are performing throughout the country, and 77 per cent of local authorities have received a positive report. Nevertheless, we are committed to improving that proportion—it is, after all, one of our 45 national performance indicators. Areas that

received "unsatisfactory" reports have been actively improving services, which has led to good progress being reported in Aberdeen and Midlothian. Other areas have received excellent reports, so we must ensure that we spread good practice where possible.

We must build on the strengths that we know exist and we must ensure that the system is continuously improving. The tragedy of Brandon Muir, like other horrific cases before it, has rightly led to a high level of awareness of child protection issues and to concern that other children might face a similar fate. However, Scotland's children will not be best served by radically changing a child protection system that is basically sound, with detailed guidance already under active review. Earlier, I outlined some of the work that we are doing to improve services for children who are affected by parental substance misuse. That will remain a key priority.

There have been calls for a shift towards taking more children from parents who misuse drugs or alcohol. In my view, that is an oversimplification of a complex problem. Where necessary, child protection services remove children from families, and the number of children in care is increasing—it increased by 6 per cent in the past year alone and has increased by 27 per cent since 2004. Scotland has the highest number of looked-after children who are accommodated away from home in the UK. Some 81 out of every 10,000 of our under-18s are looked after away from home, compared to only 54 out of every 10,000 in England. Crucially, children are taken into care as a result of individual risk assessments. We are not establishing an arbitrary quota.

Robert Brown: Will the minister share his views on the crisis in foster care? That resource gives another option in terms of what Government, local authorities and individual social workers can do and avoids their decisions being informed by resource limitations rather than by what is in the best interests of the children.

Adam Ingram: As Mr Brown will be aware, new looked-after children regulations have recently been approved by Parliament. They set out what we need to do to encourage foster care recruitment, which is a priority for me. The position is also set out in the getting it right for every child programme and in our kinship and foster care document. I agree with Robert Brown's emphasis on that point.

We have heard calls for information sharing. That sounds positive, but it would not be helpful at this stage. The sharing of information must be based on sound decision making by individuals, not on broad legal dictums. Too much information can be as bad as too little, as the crucial piece can be lost in the noise.

No child protection system can ever provide a 100 per cent guarantee of safety for every child, but when things go wrong, we must learn and improve. Child protection is a complex problem that requires sophisticated systems of support. Sound-bite solutions will not help. I ask members to support the Government's amendment, which recognises the robust work that is already under way to ensure continuous improvement. We are also happy to accept the Conservative and Liberal Democrat amendments.

11:33

Mary Mulligan (Linlithgow) (Lab): I am sorry that my colleague Karen Whitefield cannot be with us today, but I am pleased that I have the opportunity to take part in this morning's very important debate.

Many members have said that protection of our children should always be at the top of our agenda. As Hugh Henry said, it is right that MSPs should challenge a system that has been identified as having problems. We should not be complacent and we should not be afraid.

I believe that Adam Ingram is sincere when he says that child protection is on his agenda; therefore, I question why he feels the need to amend Labour's motion. The motion refers to the HMIE report, which found that 23 per cent of local authority child protection services in Scotland have been evaluated as being "weak" or "unsatisfactory". Inspectors do not use those terms loosely, so of course we should be concerned. Parliament should be demanding action from the Scottish Government to correct that.

The motion and the Government's amendment acknowledge the dedication of the staff who are involved in the safety and care of Scotland's children. Do we not owe it to them to challenge the system that is in place, as other members have said, in order to ensure that they can do the job with which they are tasked?

Everyone seems to agree that the "Hidden Harm" report provides a good basis on which to progress and improve child protection services. The report highlights issues around information sharing. The minister just referred to that, and I must take issue with his stance on it.

In a speech in Dundee, following the Brandon Muir court case, Iain Gray called on the Scottish Government to legislate to require the sharing of information between agencies, so that no child's life slips through the bureaucratic net. Always, following the tragic death of a child—Brandon Muir or any other child—we hear calls for better information sharing among agencies: people throughout Scotland cannot understand why the issue has not yet been resolved. Previous

attempts to legislate were withdrawn because it was felt that they did not capture the issue appropriately. I accept that. However, the minister has had more than two years to come back to Parliament with alternative proposals. When will we have those proposals? The issue has not gone away, the situation has not got any better, but we still hear—even as recently as the Brandon Muir case—that information sharing is an issue.

For most of us, the first line of child protection involves not social workers but parents. Therefore, when the Conservatives and my colleague Duncan McNeil call for support for parents, they are absolutely right. Some parents' problems result from substance abuse, so those addictions need to be tackled. Other parents' problems stem from their having themselves been neglected and uncared for, which means that they do not know how to care for their own children and need specific support. I ask that the minister tell us what the Scottish Government is doing about providing that support.

My colleague, Duncan McNeil, has long campaigned for better identification of children who are at risk. He and many others have raised the issue again today. Various figures are quoted by the Scottish Government, the ADSW and so on, but we do not have a precise grasp of the numbers of children at risk. That is not good enough. If we do not know the scale of the problem, how can we provide adequate resources and staff to tackle it?

Some members, including Robert Brown, referred to the briefing from the ADSW, which told us that no matter how good it might be, no system can offer 100 per cent guaranteed protection. I think that we would all accept that, regrettable though it is. However, that does not mean that we should not strive to improve the system. To be honest, I was also surprised at how complacent the ADSW's briefing appeared to be. When I meet social workers, they constantly say how they find it difficult to find time to do everything that they need to. However, just last week, the Scottish Government released statistics that say that the number of staff who are employed in social work in Scotland had dropped by 2,400 in the past three months. Even if the Scottish Government is not concerned by that decrease, I would have expected the ADSW to be.

I am also a little surprised that Robert Brown does not feel able to support the Labour motion. His amendment concentrates on focusing on the child and determining what is in the best interests of the child. I hope that Mr Brown accepts that that is a given—that is what we are talking about today. The child is central to all of this.

I agree with Robert Brown that today's debate has been too short. This is a serious issue:

Unfortunately, it has been left to the Labour group to bring it to the chamber. The Labour motion calls on the Scottish Government to tell Parliament what it is doing to better identify children at risk, to report to Parliament on the progress that has been made in the implementation of “Hidden Harm” and to state what further actions it is going to take in regard to “Hidden Harm” and the child protection services that were identified by the HMIE report as needing to make significant improvements. We also call on the Scottish Government to accept the Conservative amendment’s call to offer support to parents and to tell us what it is doing in that regard.

I would have thought that all members across the chamber could support that call to action. Our criticism of the Scottish Government is that it appears to be complacent and inactive. Our motion gives the Government the opportunity to come to the chamber and say so, if that is not the case.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

Energy Options Assessment (Publication)

1. Gavin Brown (Lothians) (Con): To ask the Scottish Executive whether it now has an expected date of publication for its independent assessment of the energy options open to Scotland, as recommended in the “First Annual Report of the Council of Economic Advisers”. (S3O-7902)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Council of Economic Advisers is currently considering the report.

Gavin Brown: What weight will the Scottish Government give the independent report, given that the Council of Economic Advisers and the business community have concerns about the energy policy?

John Swinney: The Government obviously pays particular attention to the issues and proposals that are put forward by the Council of Economic Advisers. We are fortunate to have access to a range of individuals who give of their time, commitment and energy to address some of the strategic questions that face Scotland. Of course we will consider the opinions that are expressed by the Council of Economic Advisers, as we have demonstrated in our response to the council’s first annual report, in which the Government explained and set out some of the approaches that we are taking to address the significant issues that were raised.

Lewis Macdonald (Aberdeen Central) (Lab): Has the cabinet secretary endorsed the report that the marine energy group of the forum for renewable energy development in Scotland—FREDS—published on 26 August, which praised the £13 million wave and tidal energy scheme that was put in place by the previous Scottish Administration and recommended

“that the scheme be re-run with an increased budget”

by his Government, and will he implement that recommendation?

John Swinney: The Government is giving significant support to the development of wave and tidal energy in Scotland. Indeed, on a recent visit to the Orkney islands, I saw some of the most recent developments in that area. Further, the

First Minister recently inaugurated the new Scottish European Green Energy Centre in Aberdeen, with which Mr Macdonald will be familiar.

Naturally, Mr Macdonald will expect me to point out that the Government has to live within a fixed budget. We have made our decisions in relation to investment. If Mr Macdonald and his colleagues have any alternative proposals to offer in that process, we will, of course, be delighted to consider them.

I see that Rhona Brankin is shaking her head. I assume that that means that she has not got a clue what to suggest.

The Presiding Officer (Alex Fergusson): Question 2 has been withdrawn.

Justice of the Peace Courts (South Strathclyde, Dumfries and Galloway)

3. Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive whether it has received recommendations from the Scottish Court Service regarding the future location of the justice of the peace courts in the sheriffdom of South Strathclyde, Dumfries and Galloway and, if so, what those recommendations are. (S3O-7935)

The Cabinet Secretary for Justice (Kenny MacAskill): The Scottish Court Service has recommended to me that Annan, Cumnock, East Kilbride and Girvan courts should close. I am currently considering that recommendation.

Elaine Murray: The original communication from the Scottish Court Service suggested that the order would be laid in early September. Given that that same proposal was rejected soundly by the Justice Committee in May this year, I entreat the cabinet secretary not to resubmit the order, since it is very unlikely to get through the committee or Parliament.

Kenny MacAskill: As I said, I am considering the recommendation from the Scottish Court Service and discussing matters with members of the committee and others. If Elaine Murray wishes to discuss the matter with me, I am happy to do so.

I have not made a final decision. I will consider the recommendation, but I will also have to take other factors into account. As Elaine Murray correctly said, I will have to weigh up the views that were expressed by the Justice Committee on the last occasion that the matter was addressed in Parliament.

Teaching Hours (Early Years Education)

4. Hugh Henry (Paisley South) (Lab): To ask the Scottish Executive what the minimum number

of required teaching hours will be per month for each early years establishment serviced by a peripatetic teacher. (S3O-7919)

The Minister for Children and Early Years (Adam Ingram): It is for local authorities to decide how teachers are best deployed in pre-school settings to reflect local needs and circumstances. Research evidence is inconclusive on how much teacher time is required to improve children's outcomes, so there is no robust basis for setting minimum thresholds for teacher access in full-time, part-time or peripatetic settings. It is clear, however, that teacher support needs to be regular and sustained.

Hugh Henry: We have heard another cop-out from the minister: a grand promise was made, but there has been no action to back it up. The minister talks about input being sustained. Will he confirm that, as I am told, a two-hour visit from a teacher once a term will be sufficient?

Adam Ingram: No, that will not be sufficient at all. The statistics that were published yesterday on support for pre-school children show a 4 per cent rise—to 70 per cent—in the number of pre-school children who have access to a General Teaching Council for Scotland-registered teacher. That is the equivalent of an extra 3,600 children, which is real progress.

Hugh Henry: On a point of order, Presiding Officer. I am sure that the minister would not want to mislead Parliament. He said in response to my first question that it was a matter for local authorities to decide. However, he then said that a two-hour visit once a term would not be acceptable. If the minister knows what is not acceptable, why has he just told me that that is for local authorities to decide? Can you help me, Presiding Officer, in trying to get the minister to reply to the question or to withdraw the misleading information?

The Presiding Officer: You know that that is not my role, Mr Henry, but I am sure that the minister has noted your point.

Rhona Brankin (Midlothian) (Lab): Bang goes another manifesto promise. We now know that access to a nursery teacher for every child has been dropped from the manifesto. Will the minister confirm whether the number of children who have access to a qualified nursery teacher has gone up or down? From my reading of the statistics, the number has gone down.

Adam Ingram: I am happy to correct Rhona Brankin in her interpretation of the statistics. There is, as I said, a 4 per cent rise in the number of pre-school children who have access to a GTCS-registered teacher, which is an increase of 3,600 children throughout Scotland. That is significant progress.

The Presiding Officer: Question 5 was not lodged.

Marches and Parades (Glasgow)

6. Bill Butler (Glasgow Anniesland) (Lab): To ask the Scottish Executive when ministers next plan to meet Strathclyde Police Authority and Glasgow City Council to discuss marches and parades. (S3O-7909)

The Cabinet Secretary for Justice (Kenny MacAskill): Although I meet regularly with Strathclyde police authority, I have no plans to meet with it or with Glasgow City Council to discuss marches and parades. I would be happy to discuss the matter with Strathclyde police authority at a future meeting if it wishes to do so.

Bill Butler: The minister will be aware that the Government recently justified a £3.5 million capital city supplement to Edinburgh on the basis that it recognised

“factors that are unique to Edinburgh as Scotland’s capital city. These include the marshalling and hosting of events, such as marches and parades”.—[*Official Report, Written Answers*, 27 January 2009; S3W-20053.]

However, in a written parliamentary answer to me it later emerged that Glasgow played host to 357 marches and parades, while Edinburgh hosted 129. Given those statistics, and the fact that Strathclyde police authority informs me that the cost of policing parades over the summer months alone came to £1.7 million, will the Government now commit to acknowledging factors that are unique to Glasgow and address the funding imbalance by providing additional support to the city?

Kenny MacAskill: The member mixes up two distinct matters: events of a cultural nature that occur in Edinburgh and some events that occur in the west of Scotland that are euphemistically described as cultural. I do not view Orange marches as falling into that category.

I acknowledge the extreme pressures on the police as a result of marches and that is why, in opposition, we supported Bill Butler’s party when it was in government in giving local authorities powers to exercise greater control. We support the exercise of those powers by local authorities where they see that that is appropriate, and the work that local authorities do with the police to achieve the correct balance in protecting our communities’ rights while ensuring that people have the right to march and protest.

Bob Doris (Glasgow) (SNP): I draw the cabinet secretary’s attention to a proposed demonstration in Glasgow in November that is unwanted and clearly not cultural. The English defence league plans to come to Glasgow and spread its hate and poison outside mosques. We should say no to

that. I have already written to Strathclyde Police and Glasgow City Council. Will the cabinet secretary back me by making representations to both those organisations to ensure that that poison is not spread in our country?

Kenny MacAskill: Such events are, as I said in response to Bill Butler, a matter for the local authority, but our Administration has always said that it will support local authorities when they act in defence of their communities. The defence of the community includes not only the wider community, but specific minority communities that must be protected from those who seek to spread poison and bile. Strathclyde Police will, as always, have our support in taking whatever steps it feels are necessary to protect every citizen and every community in Scotland from those who seek to do them harm.

Jack McConnell (Motherwell and Wishaw) (Lab): The cabinet secretary indicated in his response to Bill Butler that he would be happy to discuss these matters with Strathclyde Police if it wished to do so. I respectfully remind him that his predecessor signed a written agreement with many of the marching organisations and with the police in Scotland on the subject of marches and parades. Will the new Scottish Government continue to support that written agreement? Will the cabinet secretary monitor its implementation proactively, rather than waiting for the police force in Strathclyde or elsewhere to raise the matter with him?

Kenny MacAskill: We support the Police, Public Order and Criminal Justice (Scotland) Act 2006 that Mr McConnell and his Government introduced, which gives local authorities powers over such matters. We believe that local authorities are best placed to protect their communities. That may not have been Mr McConnell’s view, or he may have forgotten it, but the purpose of the 2006 act was to allow local authorities—which are best placed to do so—to provide a balance in deciding which marches are appropriate and beneficial for a community, and which are inappropriate and unacceptable. We fully support the right of local authorities to make those decisions and to take the advice of our police and work in conjunction with them. It is not a matter for micromanagement—we should support the legislation that Mr McConnell introduced and of which he should be proud.

Jack McConnell: On a point of order, Presiding Officer. My question referred to the written concordat with the marching organisations and the police authorities in Scotland that followed from the 2006 act, rather than the act itself. I would be grateful if you would indicate whether it is appropriate for Mr MacAskill to write to me with a

reply to that question, as he misunderstood what I asked.

The Presiding Officer: As I am sure that Mr McConnell knows full well, it is for the minister to decide how he responds.

Bluetongue (Vaccination Rules)

7. Jamie McGrigor (Highlands and Islands) (Con): To ask the Scottish Executive whether it will provide an update on the rules regarding vaccination for bluetongue disease in sheep. (S3O-7892)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The requirement to vaccinate cattle and sheep will remain in place until it is suspended on 25 October. After that, there is a lower risk of bluetongue infection because lower air temperatures mean that we will be in a transmission-free period. The Scottish Government and stakeholders will meet towards the end of 2009 to discuss vaccination arrangements for 2010.

Jamie McGrigor: Is the minister saying that vaccination will not be compulsory after 25 October? If that is so, will he agree that it is far more convenient for the job to take place in the months that precede winter—September, October or November—rather than waiting until January, when the ewes will be in lamb and there will be extra stress?

Richard Lochhead: The current arrangements were drawn up after full consultation with all stakeholders, including the sheep sector. We will continue, as I said in my previous answer, to discuss the arrangements for 2010. If the sector wants to propose any changes to the arrangements, we will listen closely.

Government Economic Strategy

8. Derek Brownlee (South of Scotland) (Con): To ask the Scottish Government what progress has been made in implementing “The Government Economic Strategy”. (S3O-7896)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): In the face of recession and a tightening budget squeeze, implementation of “The Government Economic Strategy” is being driven across the public sector through a range of co-ordinated actions that are designed to achieve the Government’s purpose of increasing sustainable economic growth in Scotland.

Derek Brownlee: “The Government Economic Strategy” includes a laudable target to increase the business start-up rate. According to the Scotland performs website this morning,

performance against that target is improving. However, that runs counter to the evidence in the global entrepreneurship monitor report for Scotland, which is published by the Hunter centre for entrepreneurship. Does the Government believe that the business start-up rate is improving? If not, what does it intend to do about that?

John Swinney: Mr Brownlee will be aware that within the Scotland performs information system there is a published set of guidelines about the measures that are looked at and the information that is considered to inform the final decisions that are taken by statisticians—I reiterate that they are taken by statisticians and not by ministers—on the performance within that system. All of that is independently assessed. I have made it clear all along that the Government will consider whether the measures that are used to judge on those points are appropriate and adequate. If Mr Brownlee has representations to make on that point, I will of course listen carefully to them.

On business start-ups, the Government is focused on ensuring that we improve the business start-up rate in Scotland. The investment that we have made in the business gateway, Scottish Enterprise and Highlands and Islands Enterprise is designed to support that process, and we will look for other ways to improve performance and ensure that Scotland can deliver the economic growth that the Government believes is possible.

Budget 2010-11

9. Patricia Ferguson (Glasgow Maryhill) (Lab): To ask the Scottish Executive how the 2010-11 budget will assist local communities. (S3O-7914)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Scottish Government’s spending plans for 2010-11 will mean protection for front-line services, households and local businesses at a time of economic hardship as well as on-going investment in our economic recovery plan, all of which will greatly assist local communities throughout Scotland.

Patricia Ferguson: I have previously asked the Scottish Government to recognise through its budget the particular needs of the city and communities of Glasgow. It has failed to do so. This year, it proposes to rob the city of £120 million-worth of investment, and the much-needed jobs that would come with it, in order to pay for its pet projects such as the national conversation. Why does the Government continue to treat Glasgow and its communities unfairly? *[Interruption.]*

The Presiding Officer: Order.

Patricia Ferguson: Why is Glasgow having to take the hit for the obsessions of this Scottish Administration?

John Swinney: I unreservedly thank Patricia Ferguson for the opportunity to put on the record once again the very strong level of support that the Administration is giving the city of Glasgow.

I start with the fact that the city of Glasgow receives the largest per head funding through the local government distribution formula of any mainland authority in Scotland. Into the bargain, I remind Labour members who were perhaps not listening last week that the M74 project is being completed at a cost of £690 million—a project that the previous Administration was unable to fulfil at any stage. *[Interruption.]*

The Presiding Officer: Order.

John Swinney: We then have the M80 Stepps to Hags motorway at a cost of £320 million, the national indoor sports arena in Glasgow and the Southern general hospital, not to mention the significant transport improvements on the rail network including the Edinburgh to Glasgow rail improvement programme. In addition, the Cabinet Secretary for Education and Lifelong Learning has announced £300 million of support through the Scottish Further and Higher Education Funding Council for the Glasgow city centre colleges.

I really do think that the Labour Party has to look at the facts and understand that the Government gives full support to the city of Glasgow.

Local Government Grant Distribution Review

10. Alison McInnes (North East Scotland) (LD): To ask the Scottish Executive when and how it will report on the conclusions of its review of the local government grant distribution process. (S30-7951)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I have just received the joint review group's final report and I am considering the recommendations. An announcement on the way forward will be made in due course.

Alison McInnes: Does the cabinet secretary agree that the gap between the most poorly resourced and the best-resourced councils is too great? Will he commit to meeting the five councils that receive less than 90 per cent per capita allocations with a view to exploring the introduction of a floor below which local authority funding to each council will not fall?

The Presiding Officer: As briefly as possible, please, cabinet secretary.

John Swinney: Certainly, Presiding Officer.

The issues that Alison McInnes raises are central to the consideration of the review of the distribution formula. As I said in my previous answer, I have just received the report. I think that I have had meetings with each of the local authorities that Alison McInnes refers to, but I would be delighted to meet them again and listen to representations. As I said, I will make appropriate announcements once the consideration of the review is complete.

The Presiding Officer: Before we come to First Minister's question time, I know that members will wish to join me in welcoming to the gallery the Speaker of the Legislative Assembly of the Parliament of Victoria, Jenny Lindell MP. *[Applause.]*

Equally, I know that members will wish to join me in welcoming the Lithuanian Ambassador to the United Kingdom, His Excellency Dr Oskaras Jusys. *[Applause.]*

First Minister's Question Time

12:00

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day (S3F-1894)

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

I know that the whole chamber will wish to take this opportunity to record its appreciation as a national Parliament for the life of Bill Speirs, the former general secretary of the Scottish Trades Union Congress. Bill made a substantial contribution to Scottish life for many years and will be greatly missed by us all. *[Applause.]*

Iain Gray: I thank the First Minister for those words, which I am sure are echoed across the chamber and throughout Scotland.

On 5 September 2007 the First Minister was asked a straight question: would he reduce in this parliamentary session class sizes to 18 in primary 1, 2 and 3? For once, he gave a straight answer; he said, "Yes". But that was not true, was it?

The First Minister: The commitments were set out in the concordat with local government, which was published in 2007 and which said that there would be "year on year progress" towards lower class sizes of 18 in primary 1 to 3 in Scotland. Throughout Scotland, there has been year-on-year progress. Class sizes in Scotland are now at a record low, thanks to the actions of this Government and many local authorities around Scotland.

But some local authorities have not been quite so much in favour of a class size reduction policy. Is that not true?

Iain Gray: Indeed. Twelve out of 13 Scottish National Party-led councils have failed to make progress and have reduced their teacher numbers. That was certainly not the straight answer.

Last night on television, Fiona Hyslop was asked five times when the class size promise would be delivered. She could not answer. This morning, Fiona Hyslop did not speak, so Keith Brown was asked when the promise would be delivered. He could not answer. Let us try the organ grinder. Will the First Minister tell us when the promise will be delivered?

The First Minister: Under this Administration, there will be year-on-year progress towards that class size target, which is in dramatic contrast to Labour's failure to meet its class size target when

it was in government. Not only are we determined to make that year-on-year progress at this hugely difficult economic time, but we are going to have class sizes that are lower than those either under the previous Labour Administration or anywhere else on these islands. That will be the aim of the Scottish Government and our local authorities.

Of course, Iain Gray did not wish to comment on the fact that the largest local authority in Scotland, which is under Labour control, is itself responsible for 20 per cent of the decline in teacher numbers in Scotland. Why on earth should that be? Would anyone on the Labour benches care to comment?

Iain Gray: As Benjamin Franklin once said,

"He that is good for making excuses is seldom good for anything else."

The issue is not just about class sizes. A year ago, the First Minister told us that nursery teacher numbers were "substantially increasing". They were not; they were falling. Moreover, in his manifesto, he said that he would

"maintain teacher numbers in the face of falling rolls".

However, he has cut 1,000 teachers out of our schools. The promises on class sizes, nursery teachers and school teachers—not one of them was true, was it?

The First Minister: We now know for the first time just how many nursery teachers there are in Scotland: there are 2,590. Unfortunately, that figure cannot be compared to figures in previous years, because the Labour Administration double-counted hundreds of nursery teachers because they worked at several schools. In other words, under the Labour-Liberal Administration, if a nursery teacher worked in two schools, they were counted twice; and if they worked in three schools, they were counted three times. I am not sure that Iain Gray was fully familiar with that double and treble-counting policy, but I am sure that he welcomes the fact that we now have an accurate estimate of nursery teacher numbers in Scotland.

Would it not be wonderful if every council in Scotland shared the enthusiasm of this Government for lower class sizes? Would it not be wonderful if our largest local authority was not engaged in the practice of cutting teacher numbers, increasing class sizes and closing primary schools, despite receiving more per head than any other local authority in this country?

Iain Gray: I am delighted that we have accurate figures for full-time equivalent nursery teachers in pre-school education. What those figures show is that last year there were 34 fewer nursery teachers and the year before that there were 14 fewer. The numbers are not going up; they are going down.

The First Minister was elected on a false prospectus. In a tight election, he made cynical promises to children, parents, teachers and students—promises that he never intended to keep.

Here is how one of those teachers feels:

"Think I will send Hyslop a calculator—she obviously does not have one ... and if I could—her P45." [Interruption.]

Iain Gray: SNP members can laugh. The teacher continued:

"I can just photocopy mine and change the names."

The education secretary is making Alex Salmond look like a fool. Will the First Minister make that teacher's day and give Fiona Hyslop her P45?

The First Minister: If Iain Gray had attended the education debate, he would have heard that story being told. I am concerned about the future of teachers and post-probationers in Scotland. [Interruption.]

The Presiding Officer (Alex Fergusson): Order, Mr McAveety.

The First Minister: I think that a serious employment situation is facing all teachers in Scotland. That is why the Government is taking action to address those circumstances.

I agree that it is no consolation for any individual teacher that teacher unemployment is lower in Scotland than in England, Wales and Northern Ireland, but Labour members should reflect for a second on why unemployment among teachers is higher elsewhere in these islands. Might that be something to do with the public expenditure profile that is being set by the Treasury in London, or does the Labour Government in London deliberately make teachers unemployed?

I am interested in individual teachers, such as Alice Thompson, the probationer of the year, who was employed by Glasgow City Council only after it was shamed by publicity into offering record probationer employment, and following the scheme that was introduced by the education secretary to help the implementation of the curriculum for excellence, which employs 100 extra teachers in Scotland—real action by the education secretary, not more cries of, "We was robbed in the last election" by Iain Gray.

Prime Minister (Meetings)

2. Annabel Goldie (West of Scotland) (Con): To ask the First Minister when he will next meet the Prime Minister. (S3F-1895)

The First Minister (Alex Salmond): I met the Prime Minister last week and I have no plans to meet him in the near future.

Margo MacDonald (Lothians) (Ind): Neither does Obama.

The Presiding Officer: Order.

Annabel Goldie: Let us take a look at the First Minister's own report card on education: raising standards—fail; teacher numbers—fail; outdoor education—fail; physical education—fail; and now the flagship class size pledge trumpeted by the SNP—fail. Posted missing in making any comment to the Parliament about this mess is the minister, the hapless Fiona Hyslop. Who should parents blame for the mess? Should they blame the cocky head boy, Alex Salmond, or his silent and wretched prefect, Ms Hyslop?

The First Minister: Annabel Goldie should have a care before making sweeping statements about Scottish education. [Interruption.]

The Presiding Officer: Order.

The First Minister: In 2009, the standard grade pass rate was 98.5 per cent, the higher pass rate was 74.2 per cent, and the advanced higher pass rate was 77.8 per cent. Each of those statistics represents a new record of achievement in Scottish education. In generally running down standards in Scottish education in a way that contrasts with the figures, which show the highest improvement rate in history, Annabel Goldie should consider that she demeans the teachers and pupils who achieved those wonderful results.

Annabel Goldie: For all his bluster, the First Minister has been found out and found wanting. He has failed. The *Daily Record* talks about "a cynical election soundbite", the *Daily Mail* says that there has been a "humiliating climb-down" and *The Sun* says that the First Minister is the "School Dunce". Very few people have any confidence left in the Scottish National Party's approach to education. I ask again, who is to blame for the shambles? The First Minister is the head boy. Is he big enough to admit that he got it wrong? Will he put on record his full, unequivocal and unconditional support for his Cabinet Secretary for Education and Lifelong Learning?

The First Minister: I put on record my approval and endorsement of a cabinet secretary who has, with the pupils and teachers of Scotland, helped to achieve the record levels of attainment that I spelled out for Annabel Goldie.

Annabel Goldie should reflect on what I am about to say, although I know that she did not ask the question that I am about to refer to. Only last week, the Labour deputy education spokesperson, Mr Macintosh, asked and encouraged me to reduce to 25 the statutory level of class sizes in primary 1. I listened to a speech that he made a week later in which he attacked the self-same policy that he advocated only last week. Luckily for

the cabinet secretary and me, the move has been welcomed by the Educational Institute of Scotland and local authorities throughout the country, even if it has not been welcomed by Annabel Goldie and, this week, Ken Macintosh. [*Interruption.*]

The Presiding Officer: Order.

I think that Miss Goldie deserves a chance to ask the question again. [*Interruption.*] Order.

Ken Macintosh (Eastwood) (Lab): On a point of order, Presiding Officer.

The Presiding Officer: You should wait until the end, please, Mr Macintosh.

Annabel Goldie: It would be much more to the point if the First Minister answered my questions instead of issuing a diatribe to the Labour ranks. I want to know who has caused the mess. Whatever is happening, I believe in choice in education, but the policy is restricting choice, not expanding it, and parents do not like that.

The Presiding Officer: The First Minister should be brief.

The First Minister: By listing the attainments in Scottish education by teachers and pupils under the realm of the Cabinet Secretary for Education and Lifelong Learning I specified exactly the achievements of Scottish education and directly answered Annabel Goldie's question. I weigh in the balance any suggestions that I receive on how to improve education, whether they come from Annabel Goldie or Ken Macintosh. However, I think that the welcome that the policy of reducing the statutory maximum number of pupils to 25 has received from the EIS and local councils throughout Scotland carries slightly more weight than even Annabel Goldie's refusal to acknowledge it.

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-1896)

The First Minister (Alex Salmond): At its next meeting, the Cabinet will discuss a range of issues of importance to the people of Scotland

Tavish Scott: The First Minister is aware that ITV is involved in a dispute with STV that is damaging for viewers. I spoke to STV this morning; it is clear about its legal defence. Is the First Minister aware that the television regulator, the Office of Communications, offered binding arbitration earlier in the year? STV accepted that offer to sort things out, but ITV refused it. Will the First Minister agree to speak to the United Kingdom Government and the Secretary of State for Culture, Media and Sport, Ben Bradshaw, to push ITV into those mediation talks? Scotland

does not need a perpetual dispute between broadcasters. Could this not become a case of legal disputes coming first and viewers coming second?

The First Minister: I agree with the suggestion. I am aware of the offer of arbitration and urge ITV to take it up. The Minister for Culture, External Affairs and the Constitution will be happy to abide by the suggestions that Tavish Scott makes, which are both helpful and constructive.

Tavish Scott: Does not the First Minister understand the fear that people have of the consequences for broadcasting in Scotland? He has put forward plans to end the BBC in Scotland without any guarantee that the BBC will still be made available here. Is that not another case of more for the lawyers and less for the viewers?

Let us consider the programme guide under Alex Salmond's broadcasting corporation. "The One Show" becomes "The Only One Show"; only the First Minister is on it. Especially for him, we will see a return of "Grandstand", and we know who will star in "Monarch of the Glen". If "Only an Excuse" is brought back to our screens, this time round it will see live coverage of First Minister's question time—[*Interruption.*]

The Presiding Officer: Order.

Tavish Scott: We already know the "Weakest Link": it is Fiona Hyslop. Alex Salmond will be on every news item on "Reporting Scotland", unless the plan is for him to read the news instead of Jackie Bird. All programming will be fixed because the SNP Government plans to appoint the director general.

In North Korea—[*Interruption.*]

The Presiding Officer: Order. I wish to hear the question even if members do not. Indeed, I would like a question, Mr Scott.

Tavish Scott: In North Korea, TVs and radios come pre-tuned to Government stations. How can we avoid that happening in Scotland?

The First Minister: I do not know what happens on television in North Korea, but I know what happens in the Republic of Ireland. All BBC programmes are available there, not only on the BBC but on RTÉ. I hope that that calms the concerns of Tavish Scott and the Liberal Democrats that they might not be able to watch their favourite programmes; I give them the undertaking and guarantee that they will.

You said that you wanted to hear the rest of the question, Presiding Officer, but I am not certain that that sentiment was shared unanimously across the chamber. What Tavish Scott was saying was the sort of thing that someone might dream up after having one or two piña colodas

and a little too much sea air at their party conference.

Margo MacDonald (Lothians) (Ind): In light of the statement that the prosecutor in England made yesterday on assisted suicide, does the First Minister agree with Debbie Purdy that the issue can be addressed properly only by elected representatives and through the introduction of primary legislation? Would he back a free vote on such legislation?

The First Minister: Following the recent decision of the House of Lords in what was an English case, the Director of Public Prosecutions was required by the court to issue guidance on the factors that will have to be taken into account in England when a decision is made as to whether to consent to a prosecution for assisted suicide. As Margo MacDonald is well aware, we have no statutory offence of assisted suicide in Scotland. The Lord Advocate therefore made it clear that she does not think it appropriate to issue similar guidance in Scotland.

Although the offence of assisted suicide does not apply in Scotland, the circumstances could amount to culpable homicide. The Lord Advocate therefore commented:

"I recognise the importance of this issue but any change in the law"—

that is, the law relating to homicide—

"should properly be a matter for Parliament."

I agree with that statement. Legislation is, properly, a matter for a legislature. I say to Margo MacDonald that, on a personal level, I am not convinced by the arguments that she has put forward.

Kenneth Gibson (Cunninghame North) (SNP): The First Minister will be aware that, over the past eight years, there have been 24 fires and leaks at the Hunterston nuclear power station in my constituency. The most recent incident happened in May, when 2,600 litres of low-level radioactive effluent was accidentally released into the Clyde. Does he share my concern about those incidents, the lack of public disclosure and the potential threat that the incidents pose to human health and the environment? Will he reassure my constituents that the Scottish Environment Protection Agency will work closely with HM nuclear installations inspectorate and British Energy to ensure that there are no further incidents at Hunterston?

The First Minister: I give the assurance that we will work closely with the relevant bodies to do our absolute best to protect the environment and safety of Scotland; the assurance that there will be no further incidents is extremely difficult to give. Such incidents have taken place throughout the history of the nuclear industry. I guarantee that I

will demand timeous release of the information, because the public have the right to know as quickly as possible about such serious incidents. However, no one on earth can guarantee absolute nuclear safety.

Inquiry into Future Fisheries Management

4. Maureen Watt (North East Scotland) (SNP): To ask the First Minister what steps the Scottish Government will take in response to the interim report of the inquiry into future fisheries management. (S3F-1905)

The First Minister (Alex Salmond): As Maureen Watt knows, we have conducted an extensive consultation and have prepared a range of initiatives to help the fishing industry in Scotland. She will have seen that we now have the estimated sea fisheries statistics for 2008, which show that the value of Scottish landings stood at £395 million—an increase of £13 million, 3 per cent up on the previous year. There was also a welcome, if marginal, increase in the number of those employed.

However, indications are that this year is much more difficult for our industry, because of the impact of the recession on fish prices and interaction with the common fisheries policy. The interim report of the inquiry into future fisheries management is particularly pertinent because it comes at a time when major and, I hope, welcome changes to the common fisheries policy are under way.

Maureen Watt: Does the First Minister agree that the Scottish fishing fleet is leading Europe in developing innovative measures to make fishing a sustainable and profitable industry and that the United Kingdom should, therefore, give clearer priority in the coming discussions on what should replace the discredited common fisheries policy to securing regional management of fishing grounds? Does he believe that, as with environmental issues, in relation to which Scotland plays a leading role, the Scottish ministers should be at the top table in any discussions?

The First Minister: I do. I hope that all members share that opinion, both for fisheries policy and for the upcoming environmental summit in Copenhagen.

Rightly, Scottish fishermen have earned plaudits across Europe for their groundbreaking conservation efforts. The Scottish Government will continue to work closely with the industry, through initiatives such as the Scottish fisheries council. Equally, we are working hard to ensure that we return powers over fisheries to Scotland.

The green paper on the future of the common fisheries policy recognises, at long last, many of

the problems that we have been highlighting for years, such as micromanagement and

“detailed Council regulations that leave very little flexibility”.

I agree with the inquiry report, which describes the green paper as “the last best opportunity” to overcome the

“systemic failures of the current regime”.

Maureen Watt and her colleagues on the Rural Affairs and Environment Committee have a key role to play. I hope that all members who care about the future of one of our great industries will unite to put across their views in response to this “last best opportunity” to address the “systematic failures” of the common fisheries policy.

John Scott (Ayr) (Con): The First Minister is aware of the problem of discards and how it affects our fishing industry's future stocks. What steps is the Scottish Government considering and, indeed, advocating, as part of its input into the reform of the CFP, to bring the practice to an end?

The First Minister: The Scottish fisheries council is working on exactly that issue. As the member will know, there are indications that the European Commissioner for Maritime Affairs and Fisheries has an open mind and is flexible about addressing the question of discards, which has benighted the common fisheries policy for as long as it has been in existence. I hope that the indication of flexibility that has been part of the rhetoric of preparations for the green paper will be carried through into action to make the common fisheries policy rather more sane and sensible than it is at present.

Glasgow Airport Rail Link (Cancellation)

5. Des McNulty (Clydebank and Milngavie) (Lab): To ask the First Minister whether Transport Scotland was asked to assess the transport and economic consequences of the cancellation or scaling back of the programme of major transport projects in order to assure the capital budget's sustainability and, if so, whether the cancellation of the Glasgow airport rail link was considered the least damaging option. (S3F-1909)

The First Minister (Alex Salmond): The Scottish Government faced and continues to face tough decisions on where to prioritise its capital investment against a background of deteriorating public finances, with a real-terms reduction in the capital budget of £500 million for 2010-11. As with all the Government's portfolios, ministers must ensure that the programme for the finance and sustainable growth portfolio is achievable within the constraints on the budget. Therefore, following a review by Transport Scotland of the potential scope and resultant capital and compensation costs associated with work within the Glasgow

airport campus, which have been subject to significant increases over recent months, we have had to take the decision not to proceed with the branch link element of the Glasgow airport rail link.

Des McNulty: That will be a no, then. I say to the First Minister and the Cabinet Secretary for Finance and Sustainable Growth that the M74 extension is not a Glasgow project; it is Scotland's top transport priority in the current programme. The Southern general hospital is not purely a Glasgow hospital; it is a national facility serving the whole of Scotland. GARL was not a Glasgow transport project; it was to serve tourism development, economic growth and integrated transport objectives across Scotland.

Every major city in Europe with a railway and an airport links the two together. Why not in Scotland? Does the First Minister understand the outrage that is felt not just in Glasgow but across the wider business and tourism community in Scotland at the wrong-headed choice that his Government made?

The First Minister: I think that the M74, at a cost of £692 million, is both a Glasgow project and a national project, affecting and benefiting people across Scotland. Is it not strange that the Labour-Liberal Administration never got round to completing that vital motorway link for Glasgow and Scotland?

Given the way in which Des McNulty framed his question, I suspect that he condemns Steven Purcell for his foolish claim that the Forth replacement crossing is somehow an east of Scotland project. The Forth crossing, like the M74, is a project that benefits both an area and the whole of the country.

I do not think that, in the current environment, with large-scale declines in capital spending imposed by a Labour Treasury at Westminster, anyone could justify spending £70 million to remove the fuel dumps, the runway and the car parks from Glasgow airport before even an inch of railway line was laid. How could anybody justify that in the current circumstances?

If the finance secretary had simply not addressed the realities of the budget, what would Des McNulty have cut? Would he have cut the Southern general hospital, the largest capital project in the history of the national health service in Scotland, which is both a Glasgow project and a Scottish project? Would he have cut the national indoor sports arena, which is a project for the city of Glasgow that will also be of benefit to the rest of Scotland?

Des McNulty and the Labour Party had better face reality. There are more capital projects worthy of Scotland in Glasgow now than under any previous Administration—and no one outside the

ranks of Glasgow City Council Labour and Labour MSPs thinks that we should have given BAA £70 million before even an inch of railway line was laid.

Curriculum for Excellence

6. Elizabeth Smith (Mid Scotland and Fife) (Con): To ask the First Minister how the Scottish Government intends to respond to recent criticisms that have been voiced by teachers, academics, business leaders and unions concerning the curriculum for excellence. (S3F-1903)

The First Minister (Alex Salmond): The curriculum for excellence is the most significant development in Scottish education for a generation. The importance of implementing the curriculum for excellence has been recognised across the Parliament, including by Elizabeth Smith.

Progress is well under way, thanks to the unparalleled level of involvement of teacher and headteacher unions, colleges, universities and others. The vast majority of those concerned are now working towards full adoption of the curriculum for excellence by August 2010. Where concerns or suggestions have been raised about implementation, we have listened and acted on them.

For example, the Scottish Government has extended the time for achieving full adoption of the curriculum for excellence by one year, to August 2010. A £4 million investment was made recently for 100 additional teachers to help each school in every local authority to prepare for full adoption.

On 23 September the assessment strategy was published. The strategy was prepared by the curriculum for excellence management board, which comprises universities, academics, teacher and headteacher unions, colleges, Her Majesty's Inspectorate of Education and the Scottish Qualifications Authority.

Elizabeth Smith: Yesterday, the Cabinet Secretary for Education and Lifelong Learning published the strategic vision and key principles for assessment for the curriculum for excellence, which says:

"Teachers in schools will assess children's progress in literacy and numeracy using the experiences and outcomes and the guidance in the relevant *Principles and Practice* papers and further guidance which will apply to standards."

Will the First Minister explain what that means for testing?

The First Minister: It means exactly what Larry Flanagan, the Educational Institute of Scotland's education convener, said on 23 September, when he addressed the matter. He said:

"Curriculum for Excellence offers an opportunity to regain professional control of teaching and learning",

which he said was

"a change, certainly, in contrast to the over-prescriptive practice"

of the previous regime.

Elizabeth Smith should examine the contributions of her colleagues, because it is exactly the issue of regaining professional control of teaching and teaching standards in Scotland that is at the heart of the curriculum for excellence and it is exactly that approach that has been praised by some of her colleagues in debates in the Parliament. I hope that she is not reneging on support for that principle, which is at the heart of the new curriculum for excellence.

The Presiding Officer: We started late, so I will take a final supplementary question.

Rhona Brankin (Midlothian) (Lab): Can the First Minister tell us exactly where in the curriculum for excellence there is reference to an assessment of whether children can read when they leave primary school?

The First Minister: Curriculum for excellence has at its heart improving the basis of education in Scotland. I compare the criticism of the curriculum for excellence that has been made by a range of commentators with the investment that has been put into the new curriculum by a range of interests throughout Scotland. I say directly to Rhona Brankin that I hope that she does not make this vital innovation in the future of education the new Labour Party political football—which Labour always kicks into its own net.

Ken Macintosh (Eastwood) (Lab): On a point of order, Presiding Officer. Is it in order for you to ask the First Minister to clarify what he said earlier? If it is, will you point out to him that if he had answered the question that I asked him at last week's First Minister's question time, he would have realised that asking a question on broken promises on class size does not constitute an endorsement of his policy? Will you also point out to him, if it is in order to do so, that if he—or even his Cabinet Secretary for Education and Lifelong Learning—had taken the time to attend, let alone contribute to this morning's debate on education, he would have some sense of the disappointment, concern and anger that the Parliament feels over the deception of the Scottish public.

The Presiding Officer: If the First Minister wants to respond, I will let him do so.

The First Minister: I will respond and provide that clarification to Ken Macintosh. Last week, he asked:

"Does he"—

that is me—

“believe that legislation is needed to set a new limit of 25 and that that would help him to achieve his class size targets?”—[*Official Report*, 17 September 2008; c 19731.]

When he said that, I believed that he wanted legislation, because he said so, and I believed that he thought that that would contribute to achieving our targets, because he said so. In future I will pay more attention before I believe a word that Ken Macintosh says.

The Presiding Officer: In response to Mr Macintosh’s point of order, I can say only that what the First Minister said is a matter of public record, and that it is for others to make of it what they will. The rest of what Mr Macintosh said was not a point of order.

Rhona Brankin (Midlothian) (Lab): On a point of order, Presiding Officer. When the First Minister was asked the direct question by Ken Macintosh last week, was it in order for him not to answer truthfully that the Government intended to drop its class size policy in a week’s time?

The Presiding Officer: That is not a point of order—we have been through this too many times in the Parliament.

12:34

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Health and Wellbeing

National Health Service (Consultations)

1. Ross Finnie (West of Scotland) (LD): To ask the Scottish Executive whether it considers it acceptable for an NHS board to dispense with public consultation when considering a reconfiguration of services provided by external providers. (S3O-7948)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Health boards throughout Scotland are fully committed to involving the public in the configuration of health care services. Boards continue to work closely with the Scottish health council and local public partnership forums to ensure that the public’s views are taken into account.

Ross Finnie: I am sure that, in the generality, that is absolutely true. However, the cabinet secretary will be aware that, in 2000, the then Greater Glasgow Health Board consulted on the closure of Blawarthill hospital. As a consequence of the consultation, the board decided not to close the hospital, but it produced plans that had a material effect on service provision at St Margaret of Scotland Hospice. I am grateful to the cabinet secretary for ensuring that I received a copy of a letter from Greater Glasgow and Clyde NHS Board, setting out the reasons for those plans. The letter states that the board did not consider it necessary to consult on them because the service was provided by an external provider.

The arrangements are now being questioned, and the board states that, if we interfere with its plans for Blawarthill again, consultation will be required, which would be an unnecessary burden. Does the cabinet secretary share Greater Glasgow and Clyde NHS Board’s approach to the non-NHS provider?

Nicola Sturgeon: I acknowledge Ross Finnie’s interest in the issue, and that of other members. My views on public consultation when major service change is contemplated in the NHS are well known.

The consultation on Blawarthill in 2000 and the implications for St Margaret’s hospice predate my time in post. However, Ross Finnie is right to point out that Greater Glasgow and Clyde NHS Board,

in its recent letter, explains why it considered that public consultation was not required in that instance. Notwithstanding that, the health board has said repeatedly that it is committed to working with the board of St Margaret's to ensure the hospice's continued viability. The health board has continued to engage in a dialogue with St Margaret's hospice about the services that it will be able to commission from it in future.

As Ross Finnie is aware, the greater Glasgow and Clyde palliative care managed clinical network is currently considering a proposal from St Margaret's hospice. There is a considerable amount of on-going dialogue and engagement. I have said repeatedly in the chamber that I hope and expect that that will result in an outcome that is satisfactory for Greater Glasgow and Clyde NHS Board and for the board of St Margaret's hospice.

Sandra White (Glasgow) (SNP): As someone who has been involved in many consultations with Greater Glasgow and Clyde NHS Board in which the original proposal was what we ended up with, I ask the cabinet secretary whether the advent of directly elected health boards will go some way to improving the situation regarding Blawarthill that Mr Finnie mentions and perhaps other such situations.

Nicola Sturgeon: Sandra White and other members will be aware that I am a believer in the principle of direct elections to health boards. I believe that it is right to involve the public in decisions in our biggest public service in that way. That is why, with the consent of the Parliament, next year we will pilot direct elections to Dumfries and Galloway NHS Board and Fife NHS Board, with alternative pilots in two other boards. I look forward to the results of those pilots. If they are as positive as I hope they will be, I am sure that the approach will provide a positive way of proceeding in other NHS boards, including Greater Glasgow and Clyde NHS Board.

Des McNulty (Clydebank and Milngavie) (Lab): I am sure that the cabinet secretary regrets that she was not able to attend the conference at St Margaret's hospice yesterday. Does she accept that not only in the 2000 consultation on Blawarthill but in the 2004-05 consultation on the future of elderly care, St Margaret's was not notified that any decision that might be taken would affect it and that the impact on St Margaret's became apparent only at a later stage? Does the cabinet secretary agree that it would be helpful if the health board had more constructive, positive and regular dialogue with St Margaret's than seems to happen at present?

Nicola Sturgeon: I am more than happy to take on board Des McNulty's points about both 2000 and 2004-05. With the best will in the world, I

cannot rewrite history or turn back the clock to times when I was not in this job and the current Government was not in office. However, I can continue to encourage Greater Glasgow and Clyde NHS Board to have a positive and, I hope, constructive dialogue with St Margaret's hospice to try to find a solution and outcome acceptable to the health board, which has a responsibility to commission services that it needs for its population, and the board of St Margaret's. I certainly encourage Greater Glasgow and Clyde NHS Board to continue to do that, and I encourage the board of St Margaret's hospice to enter into that dialogue constructively. I remain optimistic that, if both sides proceed in that manner, a mutually satisfactory outcome can be reached.

Adults with Incapacity (Scotland) Act 2000 (Consultation)

2. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive what organisations it consulted before changing the code of practice in relation to part 5 of the Adults with Incapacity (Scotland) Act 2000 and whether those are the same organisations that it consulted when the original code of practice was drawn up. (S3O-7930)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The code of practice in relation to part 5 of the Adults with Incapacity (Scotland) Act 2000 has been reviewed on numerous occasions since it was introduced in May 2002. The current version of the code was informed by a far-reaching consultation started under the previous Administration and concluded under the current one. The revised code was laid before the Scottish Parliament for 21 days between December 2007 and January 2008 before its introduction in March 2008.

Michael McMahon: I would like to thank the cabinet secretary for her response, but I am not sure that I can, given that a number of organisations, especially the Catholic Church and the care not killing alliance, were not included in that consultation, even though they were in the original consultation.

Does the cabinet secretary remember the debate in 2000 before the Adults with Incapacity (Scotland) Act 2000 was passed and the importance that faith communities and other stakeholders placed on the need to prevent euthanasia by the back door? Does she recall that she was so concerned that safeguards were needed that she voted for an amendment at stage 3 that sought to put the necessary protection on the face of the bill? Will she therefore tell members and, more importantly, Scotland's faith communities and pro-life groups why she removed

that carefully worded safeguard that was personally agreed between Iain Gray and Cardinal Winning?

Having voted at the time to have the necessary protection put in the bill, will the cabinet secretary pledge today to return to the act's code of practice those words exactly as they were set out and inserted nine years ago in order to provide the same reassurance today as was provided when the act was first made?

Nicola Sturgeon: I recall that debate and the vote. I think that I also recall that the previous Administration voted against that particular amendment.

In light of representations made to me in the past few days by Michael Matheson and in advance of Michael McMahon's question today, I re read the terms of that debate. With the indulgence of the Presiding Officer, I will take a few moments to make our position absolutely clear.

Paragraph 2.62 of the 2002 version of the code did indeed include the following quotation from 2000 from Iain Gray, who was then the Deputy Minister for Community Care:

"Any health professional, like any individual, who acted by any means—whether by withholding treatment or by denying basic care, such as food and drink—with euthanasia as the objective, would be open to prosecution under the criminal law."—[*Official Report*, 29 March 2000; c 1089-90.]

The inclusion of that quotation did not have any legal effect; it simply made clear what the law was. Although it is not included in the 2008 version of the code, the criminal law remains unchanged and the revised code makes that clear. Just as the inclusion of the quotation had no legal effect, neither does its omission.

It remains the case that withdrawing food and fluid from someone with euthanasia as the objective would be a criminal offence. Therefore, there is no substantive difference on that issue between the two versions of the code. However, in light of representations from Michael Matheson and Michael McMahon's question today, I have made it clear that I am willing to take the necessary steps to reinstate to the code the original wording about food and fluid and in doing so put the matter completely beyond any doubt.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): In the light of the comments that the cabinet secretary has just made and the view south of the border—guidance has now been opened to consultation by the Director of Public Prosecutions—does she agree with me and some others that there is a case for a review of the guidance around the operation of the Adults with Incapacity (Scotland) Act 2000 and for the

guidance on factors that would be taken into consideration by prosecutors in Scotland in relation to end-of-life issues?

Nicola Sturgeon: I know that Jeremy Purvis has a particular and long-standing interest in this issue, as do many others. I am sure that he will appreciate that issues about guidance to prosecutors on the factors that may or may not be taken into account in determining whether a prosecution takes place are rightly and entirely matters for the law officers. The Lord Advocate made her position clear yesterday when she outlined that, given the differences between the legal position north and south of the border, particularly the fact that in Scotland there is no statutory offence of assisted suicide, she did not consider it appropriate to issue similar guidelines to those in England and Wales. That matter is entirely for the judgment of the Lord Advocate.

I appreciate that there are a range of strongly held views throughout the Parliament on the more substantive issue of euthanasia and assisted suicide. I am also aware, as are other members, of Margo MacDonald's member's bill on the issue. The right way for these issues to progress is for Parliament to give them due consideration in the normal way.

Disability Organisations (Meetings)

3. Johann Lamont (Glasgow Pollok) (Lab): To ask the Scottish Executive when the Minister for Housing and Communities last met disability organisations and what issues were discussed. (S3O-7923)

The Minister for Housing and Communities (Alex Neil): I met the independent living in Scotland steering group on Wednesday 9 September 2009. The group comprises disabled people from a range of disability organisations including Inclusion Scotland, the Glasgow Centre for Inclusive Living, Deafblind Scotland and many others. The main issue discussed was the Scottish Government's approach to independent living, which we are developing in partnership with disabled people.

Johann Lamont: When the minister met those groups, did he discuss the issue of the employment and training of people with disabilities, which is obviously critical to the capacity of many to live independently? Given the low level of employment of disabled people, coupled with the fact that in the 15 per cent most deprived communities the number of young people not in education, employment or training is more than twice the Scottish average, what specific actions will the minister, as the equalities minister, take to monitor the budgets of his finance, enterprise and education ministers to ensure that they address the needs of disabled workers? What

discussion has he had with officials involved in public procurement to encourage them to follow article 19 of the European Union directive to encourage contracts to be awarded to sheltered workshops?

Alex Neil: I share Johann Lamont's concern about the level of employment of people with disabilities. In Scotland, the level is around 48 per cent of the adult population, compared with a level of employment of just under 80 per cent for the adult population as a whole. The employment level of disabled people with learning difficulties is only 18 per cent, which is unacceptably low.

This week, we published our equalities statement. It is the first time in 10 years that an equalities statement has been published at the time of the budget. The detailed answers to the questions that Johann Lamont asked about the Scottish Government's role are provided in that document in a range of descriptions of each portfolio and of how we are mainstreaming the issue of equality, which includes the need to get a far better deal for our disabled people.

Stewart Maxwell (West of Scotland) (SNP): Has the minister had any discussions with disability groups on taxi transport for wheelchair users? Is he aware that Glasgow City Council's licensing committee yesterday agreed to license a rear-door entry and exit vehicle for use by private hire companies. Does he share my deep concerns about that decision, given that the application for the licence was made by Network Private Hire, a company that many people, including the police, have expressed concern about; that wheelchair users will have to enter and exit the vehicle from the public road; and that in the event of an accident involving a rear shunt there will be no means of escape for the disabled person?

Alex Neil: I cannot comment on the individual licence application or the licensee, but I share a general concern that any vehicle used for the taxiing of disabled people should be appropriately designed. If that is not the case, I am happy to discuss it with the appropriate authorities to see whether there is a need to raise the issue with the council and the licensee.

Jamie McGrigor (Highlands and Islands) (Con): Is the minister aware of the excellent work of Highland Disabled Ramblers? Access to public footpaths is a key issue for that group. What can the minister do to ensure that the interests of disabled ramblers who use scooters as well as the interests of able-bodied ramblers are considered when new footpaths are constructed?

Alex Neil: I am not particularly au fait with that issue, but I am willing to take a briefing on it from Jamie McGrigor because it is a serious matter that should receive the appropriate attention. If the

minister sends me an appropriate briefing—*[Interruption.]* I am sorry—I meant the prospective or shadow minister. If he and the ramblers send me an appropriate briefing, I will be more than happy to take the matter up with our friends in the Convention of Scottish Local Authorities to find out whether there is more that we can do between us.

National Health Service (Funding)

4. Mike Pringle (Edinburgh South) (LD): To ask the Scottish Executive what funding mechanisms are available to NHS Lothian for the development of new surgical techniques. (S3O-7953)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The principal funding source for new developments is the general allocation made by the Scottish Government to national health service boards. NHS Lothian's allocation in 2009-10 is £1.147 billion. In addition, surgical teams that are developing new techniques may be able to access funding through regional cost-sharing arrangements that have been agreed by regional planning groups, as a designated national service, or through a research project or clinical trial.

Mike Pringle: Until a few months ago, all hysterectomies for endometrial cancer at Edinburgh royal infirmary were performed through abdominal incisions, but a surgical team now performs those operations laparoscopically—in other words, it uses keyhole surgery. Patients who benefit from that keyhole technique are now discharged home the following day instead of spending up to a week in hospital. Will the cabinet secretary agree to discuss with NHS Lothian Scottish Government funding for that innovative new project? I understand that the project is new in Scotland and that the royal infirmary in Edinburgh is the only hospital in Scotland that performs the new procedure. Is the cabinet secretary willing to meet the surgical team to discuss the project and perhaps to view a procedure first hand?

Nicola Sturgeon: I am always happy to meet teams of people who do fantastic work in the NHS. That applies to the surgical team in question.

Mike Pringle will appreciate that the Government is keen to ensure that patients throughout Scotland can benefit from new developments that deliver the improved outcomes that he talks about. Equally, we do not want novel procedures to be implemented into routine practice unless clear evidence exists about their safety and effectiveness. Of course, it is for NHS boards to ensure that they have appropriate mechanisms in place to take account of the available evidence and guidance in order to manage the introduction of new techniques.

I am aware of the surgical team in Edinburgh to which Mike Pringle refers and that it has performed a number of laparoscopic operations to treat endometrial cancer. The outcomes of those procedures are being audited, and a case to develop a service that uses the technique is being discussed in NHS Lothian. The outcome of that process is awaited, and I am happy to ask the board to keep Mike Pringle updated on progress, as is appropriate.

Convention of Scottish Local Authorities (Personal Care Services)

5. David McLetchie (Edinburgh Pentlands)

(Con): To ask the Scottish Executive what recent discussions it has had with COSLA regarding the provision and funding of personal care services. (S3O-7894)

The Minister for Public Health and Sport

(Shona Robison): The Scottish Government is in regular contact with the COSLA through a series of working groups to improve the clarity and strategic implementation of the free personal and nursing care policy. Some £40 million in additional funding has been provided to local authorities from 1 April to deliver a package of measures to stabilise the policy in the immediate term.

David McLetchie: Is the minister aware that COSLA has so far failed to respond to my inquiries about the action that it and its member councils are taking to deal with the implications of the judgment in the case of *Boath v Perth and Kinross Council* as regards meal preparation and free personal care? Coupled with the laissez-faire attitude of her Government, that means that no concerted attempt is being made to refund the thousands of Scottish pensioners who were illegally charged for assistance with meal preparation prior to April this year, when the new regulations came into force. Is there a COSLA working group, on which the Scottish Executive is represented, looking into the issue? Will the minister advise COSLA and the councils concerned that it is about time that they faced up to their responsibilities and stopped treating our older people in such a shabby manner?

Shona Robison: On the issue of refunds, the cabinet secretary made it clear to the Parliament on 7 May last year that our intention was to introduce revised legislation to clarify the issue of charging for food preparation from April 2009. That is exactly what we did.

I turn to the response, or lack of response, from COSLA. I am afraid that I cannot take responsibility for COSLA's actions, but I am sure that it will take due regard of David McLetchie's comments. I can say something about our ongoing discussions with COSLA, however. As I said in two replies to parliamentary questions from the

member—the first on 27 July and the second on 27 August—we continue to work with relevant parties including COSLA in considering any impact that the judgment may have on current and future delivery of the free personal and nursing care policy. I assure David McLetchie that the discussions are continuing.

Gil Paterson (West of Scotland) (SNP): It is extremely disappointing that the Scottish Government is forced to fund the £40 million shortfall in its free personal care budget that is caused by Westminster's continued withholding of the attendance allowance. I hope that the minister and her colleague the Cabinet Secretary for Health and Wellbeing will not be put off by that. Will they continue to engage, perhaps with a future Administration at Westminster, to recover the money and put it to good and useful work in Scotland?

Shona Robison: I assure Gil Paterson that we continue to raise concerns on the attendance allowance with the United Kingdom Government. We still believe that the money belongs to Scotland—to our older people—and that it should never have been removed from Scotland. Given that the UK Government has published a green paper on the future of social care and benefits such as the attendance allowance, changes to which will have major implications in Scotland, we will take the opportunity to continue to press it on the issue.

The Presiding Officer (Alex Fergusson): Question 6 is withdrawn.

In Vitro Fertilisation Treatment (Waiting Time Guarantee)

7. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Executive whether in vitro fertilisation treatment will be subject to a waiting time guarantee. (S3O-7904)

The Minister for Public Health and Sport (Shona Robison): It is not currently possible to have a waiting time guarantee for IVF as national health service boards do not report this information to the Information Services Division as the patient data belong to the Human Fertilisation and Embryology Authority. Scottish Government officials are in preliminary discussions with colleagues in the ISD to consider whether it is possible to develop definitions and data to enable the reporting of patient access to infertility services without breaching Human Fertilisation and Embryology Authority guidelines.

Jackie Baillie: I welcome the minister's response and recognise her commitment to tackling waiting times for IVF treatment. However, it remains the case that waiting times are a challenge for many of our constituents. Given that

many couples in the NHS Greater Glasgow and Clyde area still face a wait of at least two years, does she agree that setting a waiting time guarantee would improve matters by focusing attention on the issue? How long will it be before we know whether such a guarantee can be given?

Shona Robison: The issue is a long-standing one. The Government has begun to take action for the first time on waiting times for IVF treatment. I believe that NHS boards are always looking for ways to reduce waiting times in this area. For example, NHS Greater Glasgow and Clyde has reduced the waiting time between referral and the first out-patient appointment from approximately one year to six months. We should welcome that progress. There is more work to be done. We expect that the work that the Infertility Network Scotland is undertaking on behalf of the Government will help to address the complex and long-standing issues that are involved in waiting times for IVF treatment.

Mary Scanlon (Highlands and Islands) (Con): In response to Helen Eadie's recent members' business debate on infertility treatment, the minister stated:

"We would like those who are eligible for NHS infertility treatment, wherever they are in Scotland, to receive timely NHS treatment."—[*Official Report*, 28 May 2009; c 18058.]

At the moment, many people are forced to pay privately for this treatment due to age or time bar. How long is a wait that is deemed to be "timely"?

Shona Robison: I recognise that there is a mixed picture across Scotland. Some boards, including NHS Borders, NHS Dumfries and Galloway and NHS Lanarkshire, have invested to reduce waiting times. In our work with the Infertility Network Scotland, we are focusing on the boards with the longest waiting times in order to ensure that there is a reduction in waiting times in those areas. In response to Jackie Baillie's question, I underlined some of the complexities of developing a waiting time target in future, but we will keep the matter under consideration.

Helen Eadie (Dunfermline East) (Lab): Given that waiting times across health boards in Scotland are two, sometimes three, years, what is the minister's view of couples being required to pay £900 for their drugs prescription because they have been compelled to seek private treatment? Does the denial of such treatment in the NHS constitute a breach of the right to treatment under the European convention on human rights?

Shona Robison: No more than it would have when Helen Eadie's party was in government, I suspect. These are long-standing issues; I am sure that Helen Eadie has raised them over a number of years. However, the Government has begun to make the area a priority for the first time.

I have no evidence to suggest that that was done previously, but I am sure that Helen Eadie will correct me if I am wrong. That cannot be achieved overnight—it will take time—but the measures that we are putting in place, which I outlined in answer to the two previous questions, are the right way forward and will deliver results in Helen Eadie's area and elsewhere.

NHS Fife (General Practitioner Practices)

8. Ted Brocklebank (Mid Scotland and Fife) (Con): To ask the Scottish Executive what recent discussions it has had with NHS Fife regarding GP practices. (S3O-7961)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): We have on-going dialogue with every health board in Scotland, including NHS Fife.

Ted Brocklebank: The cabinet secretary will recall that, before she opened the new St Andrews community hospital on Tuesday, she had to face a demonstration by irate patients of dispensing doctors in Balmullo and Leuchars. They were complaining about the lack of consultation in relation to a planned community pharmacy for Leuchars that could affect the excellent service that they receive from their local dispensing doctors. Given that 60 per cent of the local GPs' remuneration comes from dispensing, will the cabinet secretary intervene with NHS Fife to resolve the dispute, as the new pharmacy application is virtually identical to one that was rejected less than six months ago?

Nicola Sturgeon: My recollection of Tuesday is slightly different from Ted Brocklebank's. I remember having a nice discussion with some nice people from Leuchars and Balmullo and complimenting them—as I am sure all members will—on taking the time to make me aware of the strength of their feelings on the issue. I am grateful to them for doing that. I took the opportunity to explain to them—Ted Brocklebank may be aware of this, because he was listening in at the time—that, as a general rule, the Scottish Government sees it as desirable that, where possible, patients should have access to the wider range of pharmaceutical services that can be delivered through a community pharmacy. Where that is not possible, national health service boards can require GP practices to dispense. However, as a rule, the income from dispensing should be used to cover dispensing and not to cross-subsidise other parts of a GP's service.

I also explained to the campaigners that, as Ted Brocklebank knows, the Scottish Government has no power of intervention in respect of applications for pharmacies to be added to the pharmaceutical list. The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 set out the

framework for dealing with such applications and leave the discretion to determine them with NHS boards. However, as Shona Robison announced recently, we are reviewing the relevant regulations. I hope that some of the concerns that people such as the campaigners whom I met on Tuesday have will be addressed in the course of that review.

Tricia Marwick (Central Fife) (SNP): Is the cabinet secretary aware that Glenwood health centre in Glenrothes was deemed unfit for purpose as far back as 2000? I raised the issue with her last year, when I expressed concern about the timescale for rebuilding Glenwood, and have done so repeatedly with NHS Fife. Is she aware that the timescale has slipped yet again, with building work now not expected to be completed until late 2011? Will she raise the issue with NHS Fife at the earliest opportunity?

Nicola Sturgeon: I commend Tricia Marwick for her attention to the issue on behalf of her constituents; she has raised it on a number of occasions. The member will be aware that, fundamentally, this is a matter for NHS Fife, which receives funding from the Scottish Government to cover various items of expenditure, including primary care premises costs. This year, £7.2 million, including £3.4 million for premises, has been allocated to NHS Fife under that funding stream.

I understand that the chief executive of NHS Fife has written to Tricia Marwick today, and the information that she has relayed to Parliament suggests that she is in receipt of that letter. The matter is one for NHS Fife but, given that Tricia Marwick has raised it again in Parliament, I am more than happy to have a discussion with the board and to encourage it to continue to discuss the issue with Tricia Marwick in order to address her concerns.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): In light of the low rate of response by general practitioners in Fife when it comes to joining the new extended hours contract, which improves access for patients, what further steps is the cabinet secretary taking to ensure equal access by all patients across Scotland?

Nicola Sturgeon: I can tell Richard Simpson and the Parliament that 49 per cent of practices in Fife have signed up to extended hours. That is lower than the Scottish national average of 66 per cent. I encourage GP practices, not just in Fife but throughout Scotland, that have not yet signed up to providing that service to patients to do so, as it is desirable for patients to have flexibility of access to GP services. Where they have it, patients appreciate it. I hope that Richard Simpson and other members will send similar encouraging messages.

The Presiding Officer: Question 9 was withdrawn.

Private Rented Housing (Regulation)

10. Patrick Harvie (Glasgow) (Green): To ask the Scottish Executive what changes it intends to make to the regulation of private rented housing in its forthcoming housing bill. (S3O-7946)

The Minister for Housing and Communities (Alex Neil): The draft housing (Scotland) bill, on which consultation has taken place, deals primarily with social housing issues. We are consulting until 27 September on proposals relating to private housing that might be included in the bill when it is introduced. Four of those relate to possible ways of strengthening landlord registration, and two to the licensing of houses in multiple occupation.

Patrick Harvie: I look forward to seeing the detail when the bill is finally introduced. I ask the minister to go further and to look again at proposals that I lodged and discussed in committee during consideration of the previous Housing (Scotland) Bill in 2005 to introduce stronger enforcement of management standards—landlord standards—so that, in areas such as Govanhill in my region, where a chronic problem has developed, people have better access to the enforcement of basic minimum standards from their landlords, without having to access the courts. Will the minister look at those proposals and maintain an open mind about debating similar options for the forthcoming bill?

Alex Neil: I always maintain an open mind. We will be considering landlord registration in the context of the housing bill, with stronger powers for local authorities in obtaining information, higher maximum fines, more information for the public with regard to the landlord register and the power to charge a fee for adding an unregistered agent to a registration. We also intend to review the operation of the landlord registration scheme in 2010. That will inform us as to any additional powers that we require to take to ensure that rogue landlords are dealt with sufficiently.

National Health Service (Older and Disabled People)

11. Nicol Stephen (Aberdeen South) (LD): To ask the Scottish Executive what action it has taken to support the needs of older and disabled people arriving at hospital and other NHS facilities. (S3O-7958)

The Minister for Public Health and Sport (Shona Robison): NHS Scotland, as a provider of services, is subject to equality legislation, which requires the provision of services that are accessible to everyone. Guidance entitled "Achieving fair access" has been produced for

health boards regarding the implementation of part 3 of the Disability Discrimination Act 1995, which requires service providers to make reasonable adjustments for disabled people in accessing goods, facilities, services and premises.

Nicol Stephen: My concern on the issue follows from a recent constituency case. Does the minister recognise that access to national health service facilities can be challenging for many elderly and disabled people? Does she accept that, particularly when arriving at large hospitals such as Aberdeen royal infirmary—whether by car or by public transport—patients can face a long and difficult walk to the appropriate ward or clinic, especially in poor weather? Does she accept that such problems can be made worse by new hospital traffic management initiatives? Does she agree that access arrangements can be confusing, difficult and, at times, dangerous for a number of patients? Covered walkways, improved signposting and better drop-off areas would make a big difference. Will the minister ask health boards and hospitals to review their arrangements and to do everything possible to make the arrival at hospital of elderly and disabled patients safer and less stressful?

Shona Robison: I understand that brief guidance is issued with out-patient appointment cards, and that the NHS Grampian website provides advice on parking at the Aberdeen royal infirmary site, which includes details of drop-off points and parking for people who have disabilities and provides the telephone number of the hospital concourse reception for anyone who needs advice on access to the hospital by car.

I also understand that there has been extensive public involvement in the Foresterhill master plan and that NHS Grampian is doing work on wayfinding and signage. I am sure that, after the public consultation, the board will come up with measures that take cognisance of the needs of people who have a disability.

Proposed National Centre for Asbestos-related Diseases

12. John Park (Mid Scotland and Fife) (Lab): To ask the Scottish Executive whether it has had any involvement in the plans to develop a national centre for asbestos-related diseases. (S3O-7937)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The Government has not been involved in discussions about the development of a national centre for asbestos-related diseases. However, the Scottish Parliament has passed two groundbreaking pieces of legislation on asbestos-related damages claims, to ensure that individuals can hold to account and seek compensation from

those who have negligently exposed them to asbestos.

John Park: I thank the cabinet secretary for highlighting those pieces of legislation. We are all proud of what the Scottish Parliament achieved on asbestos-related illness, particularly in relation to damages.

A much more proactive approach to proposals to develop a national centre is being taken in Sheffield. Will the cabinet secretary ask her officials to co-operate with United Kingdom Department of Health officials, to ascertain the position on the proposed centre? Given what has happened in Rosyth in my constituency and in various shipyards on the Clyde, Scotland could play a key role. We would be glad to add a lot to the development of the centre.

Nicola Sturgeon: I acknowledge John Park's personal and constituency interest in the issue. I have a constituency shipbuilding interest of my own, so I am well aware of the importance of the issues.

We have had no discussions to date on a national centre. As far as I am aware, no one has approached us to request such discussions. I would be more than happy to enter into discussions, although of course I can give no commitment at this stage about the end result. If John Park wants to approach or write to me on the issue, I will be more than happy to facilitate that.

Audiology Modernisation Programme

13. Tom McCabe (Hamilton South) (Lab): To ask the Scottish Executive what progress is being made in its audiology modernisation programme. (S3O-7927)

The Minister for Public Health and Sport (Shona Robison): The audiology modernisation programme is delivering significant improvements to patients. All national health service boards can now fit digital hearing aids as standard. Central investment, which totals £19 million, has improved the equipment, infrastructure, staffing levels and training of staff throughout Scotland to deliver that service. All NHS boards are working towards meeting the 18-week referral-to-fitting target by 2011 and it is anticipated that they will meet the target. The current status will be published on the Information Services Division website in November 2009.

Tom McCabe: I thank the minister for outlining the progress that has been made. As the minister knows, universal hearing screening for newborns has resulted in hearing loss being diagnosed earlier than ever before. In consequence, there is more pressure on the support services on which deaf children and their families rely.

Will the minister join me in commending the work of the National Deaf Children's Society, which is working with multi-agency professionals to identify best practice and develop quality standards for the delivery of vital services? Will she assure parents and children that the Scottish Government will encourage and support continuous improvement of those vital services?

Shona Robison: I commend the work of the NDCS. Much good work is going on in adult and paediatric audiology and we are reaping the benefits of investment and the hard efforts of people on the front line. I am happy to provide that assurance and to discuss the detail of the issue with the member, if he wants me to do so.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): It may seem obvious, but does the minister share the concerns of constituents of mine who have difficulty accessing the audiology service because of a lack of textphone technology or other aids to allow patients the required clarity of assistance within hospital and in making appointments? What is the Government doing to ensure not only that the services are of the best quality but that patients are able to access the advice and assistance in the first place?

Shona Robison: I understand the point that Jeremy Purvis makes. We hope that health boards and providers of public services in general look to remove any barriers to communication whatever they may be. The NHS has put a lot of effort into doing so, but there is certainly more work to be done. Sometimes, it is simple things, such as putting a bit of thought into appointments and general communication. With a bit of thought, things can be achieved that make it much easier for patients.

Tobacco and Primary Medical Services (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-4807, in the name of Nicola Sturgeon, on stage 1 of the Tobacco and Primary Medical Services (Scotland) Bill.

14:56

The Minister for Public Health and Sport (Shona Robison): I am pleased to open the debate on the general principles of the Tobacco and Primary Medical Services (Scotland) Bill.

Before I turn to the substance of my speech, I have a number of people to thank: the organisations and individuals who helped to shape the legislative proposals; Christine Grahame and the Health and Sport Committee for their careful and robust scrutiny of our proposals and the considered conclusions in the stage 1 report; the many witnesses who provided evidence to the committee; and colleagues on the Finance Committee and the Subordinate Legislation Committee for their considerations.

The bill will reform two areas of health legislation: it will update statutory controls on the sale and display of tobacco and smoking-related products, and it will amend and clarify the eligibility criteria for providers of primary medical services.

I do not need to remind members of the health risks that are associated with tobacco smoking. Suffice to say, the evidence of those risks is clear and irrefutable. Smoking kills and debilitates. Each day, 35 Scots die from smoking-related illnesses—lives are destroyed and families are devastated. Those are the tragic and completely avoidable consequences of illness and disease caused by tobacco.

Significant progress has been made in recent years in reducing the cultural acceptability of smoking, including through the bold and decisive action taken by the Parliament. Everyone in the Parliament should be proud that our actions have made Scotland a world leader in tobacco control. However, there can be no let up, because there is more to be done. Some 15,000 children and young people start to smoke each year in Scotland, and the potential impact on their health is frightening. A child who starts smoking at 15 or younger is three times more likely to die of cancer than someone who starts smoking in their mid-20s.

Of course, we will continue to help smokers to quit but, as Minister for Public Health and Sport, I believe that we have a duty to act decisively to prevent children and young people from starting to

smoke in the first place, so that they and future generations of young Scots might avoid the devastating consequences that have robbed so many people of their loved ones.

The measures in the bill are firmly embedded in our vision for improved public health in Scotland. They form part of the comprehensive programme that was set out in the smoking prevention action plan that I launched in the Parliament in May last year. More specifically, they are aimed at reducing the attractiveness and availability of tobacco by banning the display of cigarettes and other tobacco products at points of sale; updating existing tobacco sales law, including the introduction of a ban on selling cigarettes from vending machines; introducing a new registration scheme for tobacco retailers; and creating a new system of fixed-penalty notices for breaches of the law.

I sensed when I launched the smoking prevention action plan that there was broad agreement within the Parliament for further action to reduce smoking among children and young people. I sense the same feeling now. We might differ, of course, on what form that action should take. I appreciate that there are different views both inside and outside the Parliament. For example, there are those who remain unconvinced about the justification for some of the measures in the bill, particularly the banning of displays and of selling cigarettes from vending machines. However, point-of-sale advertising—which undoubtedly is what displays are—is a powerful marketing tool. I believe that it is totally inappropriate for such a uniquely dangerous product to be promoted in such a way. Similarly, I can see no place in a modern Scotland for cigarette vending machines. The fundamental question is whether tobacco is an appropriate product to sell from a vending machine. The Scottish Government's view is that it is not.

I stress, however, that the decision to legislate on those and other matters in the bill was not taken lightly. We were conscious, from the full regulatory impact assessment that was undertaken, that the legislation would have an impact on business. More specifically, we were aware that the ban on displays would have cost implications for retailers and that the ban on cigarette sales from vending machines might jeopardise the future viability of the 15 companies involved in that sector.

David McLetchie (Edinburgh Pentlands) (Con): I take it that the Minister for Public Health and Sport now accepts that the original figure that the Government published for the number of jobs that would be lost in the vending machine industry is wrong and that the number involved is significantly larger than Parliament was led to

believe when the Government's memorandum was first published.

Shona Robison: The financial memorandum was based on the best available evidence at the time. I assure the member that officials went out of their way to consult the companies involved. They tried on numerous occasions to contact the National Association of Cigarette Machine Operators, without a positive conclusion, and they had discussions with Sinclair Collis. However, only latterly did they manage to have discussions with NACMO, which led to the information that 60 jobs are involved. I assure the member that the provision of that information did not happen without effort on our part.

Of course, any job losses or costs to business are regrettable and not to be taken lightly, but that is also the case for the enormous personal and economic burdens that smoking inflicts on Scotland. As I said at the outset, tobacco kills and debilitates. We have a duty to the Scottish people to act decisively to prevent future generations from suffering the distress that it causes.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Does the minister believe that specialist retailers of cigars, pipes or tobacco products should be treated as a separate case? Some of those retailers are in key tourist areas, but constituents of mine are also affected.

Shona Robison: I think that we have been clear about specialist retailers. There have been many meetings and discussions about such shops. Of course, there is the requirement for 50 per cent of their products to be tobacco products. Discussion has taken place around that, and it will continue.

Further, while wishing to do nothing to undermine our stated policy objectives for the bill, members have my assurance that we will continue to work closely with Scottish companies that are affected to minimise the impact of the legislation through providing, for example, longer lead-in times and diversification opportunities.

It is worth reminding members that forces are at work that perhaps have a vested interest in undermining our tobacco control efforts in order to recruit new smokers and to maintain the numbers of existing ones. For example, I have no doubt that some of the fears about shop closures resulting from the display ban have been driven by those who seek to protect their own business interests—namely, the tobacco companies.

David McLetchie: Will the minister give way?

Shona Robison: I must move on. I have already given way to the member.

My only motive, on the other hand, as Minister for Public Health and Sport is to protect young Scots of today and future generations from the

harmful effects of tobacco. I am therefore pleased that the majority of the Health and Sport Committee agreed with the Scottish Government on these matters and, indeed, with the tobacco provisions in general.

The Health and Sport Committee's stage 1 report highlights a number of matters on which I have been asked to report back to the committee before stage 2, and makes a number of recommendations on amendments for us to consider. I appreciate the rationale for all the points that are raised in the stage 1 report, including those that were flagged up by the Finance Committee and the Subordinate Legislation Committee. Essentially, I have an open mind about anything that might improve the bill, so I am happy to commit to considering carefully and sympathetically each of those points and to reporting back to the Health and Sport Committee with a considered view before stage 2.

However, there is one issue that it might be helpful for me to address more specifically in this debate. The Health and Sport Committee's report emphasises its desire to bring tobacco sales law more into line with that of alcohol, including by introducing new offences on proxy purchases and underage purchases. As I said in my evidence to the committee—and as I reaffirm today—I am happy to consider amending the bill in those respects. I understand that such significant changes would be within the scope of the bill, but I need to be satisfied that they would be otherwise compliant, including from the perspective of the European convention on human rights. We also want to complete the consultations that are under way with key interests, including children and young people.

I turn briefly to the primary medical services provisions in part 2 of the bill, the aims and objectives of which are clear. We wish to ensure that general practice in Scotland continues to be part of a mutual national health service. General practice is, of course, something special. It lies at the heart of the NHS and accounts for the majority of patient contacts. The patient's relationship with their general practitioner is very private and personal. General practice deals with the most important of life's events, so the care and treatment that patients receive from their GP largely determines their confidence in the NHS. Again, we will carefully consider the points that are raised in the committee's stage 1 report. The Cabinet Secretary for Health and Wellbeing is leading on that part of the bill, and when she closes this debate she will no doubt address any issues that members highlight.

I have great pleasure in moving,

That the Parliament agrees to the general principles of the Tobacco and Primary Medical Services (Scotland) Bill.

15:07

Christine Grahame (South of Scotland) (SNP): I rise to speak on behalf of the Health and Sport Committee, therefore my remarks will be somewhat constrained, but happily so—I can assure my deputy convener on that point.

The Tobacco and Primary Medical Services (Scotland) Bill is difficult, in that it is a bill of two halves that are not exactly related to each other. That gave the committee some slight difficulties, so I will rely on our committee members who are medical experts—who are, if I may say so, much more informed about such matters—to deal with the technicalities of part 2. As the Minister for Public Health and Sport described, the purpose of part 1 is to legislate on the sale and display of tobacco and tobacco-related products. Part 2 will reform the National Health Service (Scotland) Act 1978 in relation to GP practices.

Many of the conclusions in the committee's report were agreed unanimously, but many were agreed by majority—I was in a minority of one once. However, when we have our disagreements on the committee, they are dealt with amicably.

As the minister said, the bill will make it an offence to display tobacco and smoking-related products where they are offered for sale. Many committee members felt that such displays are the last vestiges of tobacco advertising. On the issue that Jeremy Purvis raised, I understand that specialist tobacconists and web displays will be exempt from the ban, but shops in which less than 50 per cent of sales are tobacco products are considered to be sub-specialists. My understanding is that the minister is looking into discussions with the few retailers who come into that category—we are all aware that businesses are under threat in the current climate.

The committee's report recognises that the evidence base for banning displays is at an early stage and international evidence is inconclusive. We will submit a bid for some exotic travels to try to determine whether better evidence is available. I hope that other conveners on the Conveners Group will look on that bid with affection—we have not travelled anywhere so far.

The committee accepts that the ban will result in a cost to business from reconfiguring space, but most committee members are not persuaded that the cost will be excessive. Indeed, the tobacco manufacturers might cover the cost. I understand that tobacco displays will need to be hidden by 2011 in large retail outlets and by 2013 in small outlets, so there will be a lead-in time. On balance, the majority of committee members considered that the display of cigarettes at the point of sale constitutes advertising.

The bill restates the existing offence of selling tobacco products to under-18s, but it will give retailers a defence to the offence—this might be described as a reasonableness test—that they believed that the customer was over 18 and were shown acceptable proof of identification. It was argued in oral evidence that the creation of such a defence would be a retrograde step, and the majority of the committee were in favour of removing it from the bill. I am not—I will continue to pursue the inclusion of a reasonableness defence. I was substantially outvoted, not for the first time.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Is the member comfortable with the fact that if the reasonableness defence is not removed from the bill, those who take part in test purchasing will have to appear in court?

Christine Grahame: I accept that there are issues to address, which will be developed in the course of the debate. At this point, I am constrained in what I can say.

Under the Licensing (Scotland) Act 2005, it is an offence for a person under the age of 18 to buy or attempt to buy alcohol for himself or herself. The committee believed that there needed to be a similar balance of responsibility between retailers and underage purchasers of tobacco, and called on the minister to consider whether the responsibility of minors with regard to the purchase of tobacco should be brought into line with the provisions on the purchase of alcohol.

Another major aim of the bill is the prohibition on the use of vending machines to sell tobacco products. The bill will create a new offence of having a vending machine for the sale of such products. The person who commits the offence will be the person who manages or controls the premises on which a vending machine is available for use.

The committee noted the argument that a ban on cigarette vending machines may have an economic impact on the licensed trade, as David McLetchie said, but recognised the opposing view that the impact may be marginal, which was among the minister's arguments. We know that she is holding discussions on the issue.

The committee remained to be convinced that the radio-controlled system proposed by the industry, which would be based on age verification by bar staff in licensed premises, would work in practice.

Jackson Carlaw (West of Scotland) (Con): Did committee members not hold that view because they had been unable to see the system tested in practice? Would it not be sensible to see it tested in practice before making a judgment about it?

Christine Grahame: The decision about whether to have a demonstration was a committee decision. We took the view that, at the time, sufficient evidence was not available. The committee was not convinced. That was a majority view, which I know was not supported by the Conservatives.

The committee recognised that the proposals would inevitably have a cost for cigarette vending machine businesses, but noted the minister's assurances that she would hold discussions with the industry.

The provisions on a register of tobacco retailers are of particular interest to me. The bill will establish a national register of all tobacco retailers. A retailer who is the subject of three or more tobacco enforcements against specified premises could face a ban on selling tobacco in those premises for up to 12 months. There are issues to do with the operation of such a system, which we have raised with the minister. The committee welcomed the proposal and the minister's agreement that she would reflect on our discussion about operators of multiple premises and report back to us.

I will not discuss enforcement and fixed penalties so that I can move on to part 2, which seeks to amend legislation on the eligibility criteria for persons who contract or enter into arrangements with health boards for the provision of primary medical services. The bill intends to ensure that any person who contracts with a health board must, among other things, regularly perform or be

"engaged in the day to day provision of, primary medical services".

The current situation is that a commercial operator is eligible to bid for contracts to provide primary medical services. That will change to avoid a repeat of the situation that arose in 2007, when Serco bid for a vacant GP practice in Harthill that was tendered by NHS Lanarkshire.

Under the bill, boards will be able to make such arrangements only with medical practitioners, health care professionals, qualifying partnerships, limited liability partnerships and companies. The majority of the written evidence that we received was in favour of the change. The sentiment of supporters of the bill is encapsulated by the view expressed by NHS Tayside, which said that the bill will

"prevent the creation of 'corporate GP contracts' by commercial companies which would permit them to take over vacant GP Practice."

There were sceptical voices. Community Pharmacy Scotland and the Confederation of British Industry were sceptical. Two members of the committee—Mary Scanlon and Helen Eadie—

went to Canary Wharf and Tower Hamlets to see two practices that are run by commercial providers. I am sure that they will go into more detail about what they saw, but it is fair to say that they were impressed by the level of patient service. I think that it is fair to say that those ladies are not easily impressed.

The committee grappled with the extent to which GP practices, typically under the general medical services contract, can be differentiated from the commercial operations in some parts of England. The British Medical Association was keen to stress that doctors in Scotland were part of an “independent sector” and that that was preferable to a “commercial sector”. *[Laughter.]* Mr McLetchie anticipates my point. The subtleties of that distinction were lost somewhat on some members of the committee.

What did the committee think of part 2 of the bill? It is fair to say that there was a range of views. A majority of members were in favour of the general principles, albeit that they wanted to re-examine matters at stage 2.

The bill is relatively unusual in that it is a comparatively small bill that covers two very different areas of health policy. The majority of committee members consider that there is merit, in principle, in both parts, although some committee members have concerns about various aspects of part 1 and some members—not always the same ones—have reservations about the rationale behind part 2. Those matters can be debated at stage 2. However, a majority of committee members agreed to recommend to the Parliament that the general principles of the bill be agreed to.

15:16

Dr Richard Simpson (Mid Scotland and Fife) (Lab): This Parliament has demonstrated its acute awareness of the unsatisfactory state of Scottish public health in respect to smoking. It introduced the smoking ban, which came on top of the United Kingdom’s ban on advertising, and it introduced test purchasing. I understand that recent research shows that since the ban, the number of heart attacks in Scotland has gone down by almost 30 per cent. Our joint commitment to improving health is not in question, but it remains a fact that 12 per cent of boys—or perhaps slightly more—and certainly more girls still take up smoking by the age of 15. Indeed, approximately 80 per cent of smokers start smoking when they are under the age of 19 and, as the minister has indicated, they face correspondingly higher risks.

The bill proposes to end the display of tobacco in shops, to ban vending machines, to register tobacco outlets and to tackle enforcement. Three questions need to be asked about the display

element, which I think the committee has asked. Is display a form of advertising? Is there evidence that banning display would have an effect? Are the actions proportionate?

The advertising ban that came in in 2002 resulted in the tobacco industry’s classic response to any attempt to control it: companies multiplied the number of brand variations, with all sorts of justifications, and the effect was to double or triple the display area within shops. A question that I regularly ask pupils in primary 6 and 7 when they visit the Parliament is, “What do you see when you go into your local convenience store?” They refer to three things: sweets, alcohol and tobacco. I promise members that tobacco is always mentioned. There can be no doubt that display is a form of advertising. New types of colourful packaging, slide packs, ultra-slims, new products for young women and terms such as “cool”, “smooth” and “chill” are all being used by the industry to try to deliver the new generation of smokers who are necessary for their profits. The advertising issue is clear: the industry would not spend the money that it does on it if it was not successful in achieving advertising and delivering the new generation of smokers.

Would a display ban work? Professor Gerard Hastings from the University of Stirling suggested in his evidence that it would in the long term contribute to a reduction in children taking up smoking. Surveys indicate that 83 per cent of children are very aware of smoking and feel that it is more likely to lead to them taking up smoking. The campaign by Cancer Research UK entitled out of sight, out of mind aims not just to denormalise tobacco displays but to ensure that those who try to give up smoking are not confronted with rows and rows of display when they go into shops.

Is the banning of display proportionate? Is the cost of the ban to the small retailer, whom we all want to support, particularly in the economic climate, proportionate? Given that the evidence is still equivocal from Canada—I believe that the evidence will come only in the long term—that is difficult to determine, but the Irish and Canadian experiences give us some insight. First, in Ireland, shops are using cupboards for tobacco, so it is not kept underneath the counter. Shopkeepers raised the issue that having tobacco underneath the counter would cause difficulties, because they would have to bend and would not have sight of the shop. Those cupboards appear to be inexpensive.

Secondly, the evidence from Japan Tobacco International was the most equivocal that I have heard in a committee. It said, “We don’t think we’ll support tobacco retailers.” The evidence in Canada and from the Gallaher Group, which is

part of JTI in Ireland, is that if the sales are sufficiently large, it will install £10,000 dispensing machines. The historical evidence is strong that the tobacco industry will do everything that it can to support such retailers.

Jackson Carlaw: Was that a guarantee from the Labour Party that if the tobacco industry does not invest that £10,000 the Labour Party in government will, or are small retailers just to trust that that might happen, and if it does not just go out of business?

Dr Simpson: Jackson Carlaw was not listening to me. I said that we need proportionate measures. The cupboards that are used in Ireland are very cheap. We need to see what discussions take place with the Government to determine the precise terms of the display ban. Once we know those, we will decide whether the ban is proportionate and we can support it. Not all small retailers will get the £10,000 machines. We need to know whether the transition arrangements are satisfactory. We must await the outcome of the discussions on that.

Our party is much clearer on the fact that vending machines must be banned. Thirteen per cent of 13-year-olds start smoking by buying from tobacco vending machines. I recently heard from a significant pub owner in Scotland—it owns 600 pubs—that one of its pubs, in Oban, was the subject of test purchasing. Of the 25 pubs that were tested, 23 failed on vending machine purchase. That is a level of test purchasing that I had not heard of before, and it indicates strongly that the vending machine ban is a small but necessary measure. The transition arrangements will be important to protect jobs. We will see what happens on that.

We will support registration and the committee's views on the changes to enforcement.

I am sorry that I do not have time to deal with part 2, about which we have considerable doubts. We would rather have seen it as a separate bill. We do not believe that the bill does what it says on the tin, and we believe that it will have unintended consequences. We will therefore be looking for a lot of clarity at stage 2.

15:22

Mary Scanlon (Highlands and Islands) (Con): I will start by addressing part 2 and primary medical services. The Health and Sport Committee's stage 1 report confirms that all members of the committee considered that

"there is no guarantee that the existing model of general practice will survive in the long term."

Against that background, it would be wise for all MSPs to maintain as much flexibility and as many

options for the future as possible rather than create and sustain a monopoly.

In 2003, the SNP supported the proposals that it seeks to abolish today. Shona Robison stated:

"I do not subscribe to the conspiracy theory that the SSP promotes that somehow the entire bill has been engineered to open the door to a mass influx of the private sector into the health service".

She accused the Scottish Socialist Party of paranoia. I agree with Ms Robison that the bill has not opened the door to a mass influx of the private sector—the bill never opened the door to a single private provider. Even the wise Stewart Stevenson confirmed:

"The key thing is that we have private contractors in primary medical services ... We are now in crisis".—*[Official Report, 18 December 2003; c 4390, 4392.]*

As there are no commercial providers in Scotland, Helen Eadie and I visited a GP practice in Tower Hamlets and a walk-in centre at Canary Wharf. Both are run by Atos Healthcare and neither could operate in Scotland if the bill were passed. NHS London holds the contract for the walk-in centre at Canary Wharf, which gives 80,000 workers in the area—as well as locals and visitors—simple access to primary medical services without disruption to their working life. There are now plans for seven walk-in centres in London, reflecting local needs and reducing the pressure on accident and emergency departments.

Ian McKee (Lothians) (SNP): Will the member give way?

Mary Scanlon: No, sorry.

Similar services do not exist in Scotland. The local primary care trust discontinued the GP contract at Tower Hamlets, as it did not achieve the key performance indicators. The five-year contract was given to Atos, which now employs five GPs and staff. They told us of the better information that they receive from Atos in detailed monthly reports. The patient experience indicator was also linked to incentives in that practice in what is a deprived area of London, where more than 80 per cent of the population are Bengali. That health centre, which is run by a commercial provider, now has lower staff turnover, better continuity of care, more stability, better compliance with chronic disease management and an immunisation catch-up campaign. It takes patients from other practices and is now meeting all its targets for screening and health checks. It also runs seven clinics a week and is open from 8 am to 8 pm during the week, and 9 to 5 on Saturdays.

Dr Simpson: Will the member give way?

Mary Scanlon: No, I have only a short time.

If that company does not deliver for the population, the primary care trust will not renew its contract.

That is an example of a first-class, groundbreaking service, which could be available in future in a modern NHS in Scotland, whether in community pharmacies, walk-in centres or GP practices. For those reasons, and the examples that I have given and that my colleagues will give, we will not support part 2 of the bill.

We can all agree on the destructive effects of smoking on the health and lives of smokers—the premature deaths, the lung cancer and the coronary heart disease. However, the decision that we face today is whether the proposed measures will reduce the number of youth smokers. We support the strengthening of enforcement measures and the register for retailers. We also fully support the Health and Sport Committee's recommendation that the legal position on the proxy purchasing of tobacco be brought into line with the legal position on the proxy purchasing of alcohol. However, that measure was not only supported by small and large retailers, it was proposed by them. If the Government had listened to the evidence from Scotland's retailers prior to producing the bill, that measure would have been in the bill instead of having to be introduced at stage 2. The measure is evidence based. It is a fact that 87 per cent of young smokers obtain cigarettes from family and friends.

However, an evidential base like the one for proxy purchasing is not available for the proposed ban on the display of tobacco products. From all the evidence that has been given, it is clear that there is no conclusive causal relationship between the banning of tobacco displays and the prevalence of youth smoking. The Health and Sport Committee recognised in its report

"that the evidence base for this proposal is at an early stage and that the international evidence to date is inconclusive"

and noted that the minister said that the ban would lead to more evidence—in other words, "We have no evidence to say that the ban will stop young smokers, but we will give it a try in an attempt to find the evidence." That is hardly an empirical base for legislation.

Shona Robison: Will the member give way?

Mary Scanlon: I am in my last seconds.

Much of the evidence that is used to justify the display ban comes from before the Tobacco Advertising and Promotion Act 2002, the restrictions on point-of-sale advertising that were introduced in 2004 and the ban on brand sharing and sponsorship in 2005, which Richard Simpson mentioned.

The Canadian province of Saskatchewan has had a tobacco display ban since 2002. Youth smoking has declined there by 18 per cent. The trouble is that the rate of decline for the rest of Canada, which had no display ban, was 32 per cent. The New Zealand Prime Minister, a sensible man, recently rejected the introduction of a display ban for cigarettes because his Government did not find conclusive evidence that that is the most effective strategy for tackling youth smoking.

The display ban would also undoubtedly place a huge financial burden on small shops, estimated by the Scottish Grocers Federation as £5,000 per store. As we all know, many of those stores are already struggling to cope with the imposition of thousands of pounds-worth of alcohol licensing.

Scottish Conservatives will support a modern, flexible health service in Scotland that is focused on patient needs. We will not support a display ban on cigarettes, given that there is no credible evidence that it will reduce the number of young people smoking.

For those reasons, we will not support the general principles of the bill.

15:30

Ross Finnie (West of Scotland) (LD): It is extraordinarily difficult to get our heads round this bill. We talk about general principles. We would not suggest, as a general principle, that we are in any sense in favour of maintaining tobacco smoking at its current levels; indeed, we might say that as a general principle, denormalising—a horrible word—tobacco smoking might be a good thing. Likewise, the sense of a massive intrusion of private practice into the health service is something that we—certainly on the Liberal Democrat side—are instinctively unhappy about. The difficulty lies in trying to translate those overarching objectives into the provisions in parts 1 and 2 of the bill.

I begin with part 2. In passing, I note, and slightly deprecate, the habit—which has been enunciated in this debate—of a closing speech by the minister being the only Government speech to address particular material; in this case, the issue surrounding part 2. I do not regard the introduction of new material in the final speech as conducive to the good conduct of a debate, and the Presiding Officer might want to reflect on that. It is not a personal criticism, but it has happened in the past and it makes the conduct of debate more difficult.

The conclusions in paragraphs 138 to 146 of the Health and Sport Committee's stage 1 report are a very serious critique of the bill. The committee was unable collectively to believe that the bill as drafted was articulating and enunciating in a statutory form the intended provisions. In some

cases, we were left with the impression that the target had been missed and that the bill was taking a blanket approach to a situation that had not arisen in Scotland. In other cases, the bill seemed to seek to impose a degree of rigidity, which—as Mary Scanlon pointed out—might be wholly inappropriate as circumstances regarding the provision of health services change. Those are very serious criticisms, and, although Liberal Democrats are content in some senses with the proposals, I am bound to say that the scrutiny of part 2 will be very rigorous indeed. We need to hear the Government's response, not only at the conclusion of this debate, but well in advance of stage 2, so that members can properly consider whether further amendments might be required.

I now turn to part 1. With regard to advertising, it may be asked whether a trading standards officer will be prancing around the shop to check whether my can of soup complies with the provisions of the advertising legislation, but I will not go there. There are difficulties around that issue, and I understand perfectly that some people are not concerned whether there is a body of evidence. The evidence is very mixed, and it is certainly not helpful, at this stage, to start pitting one state of Canada against another, because the nature of the evidence—

David McLetchie: Province, not state.

Ross Finnie: Province—I apologise.

I do not accept that if we enact the bill there will be no difficulties for small retailers. The fact that we do not know what we are expecting them to do makes it all the more difficult, and we need a clear steer on that so that we can separate the process from the principles. That would be helpful for the small stores, of which I have visited many in my area. Indeed, I had the misfortune of standing in a queue to observe behavioural patterns and when I got to the front and was asked what I wanted to purchase my attempted plea in mitigation that I was only observing behavioural patterns was not welcomed by the local storekeeper.

There are fundamental difficulties in that regard—we could give those stores a year, two years, three years or five years, but the configuration of the shop will not work if we require them not to make use of their existing counters. There must be further clarification on that, without muddying the detail of the bill. That is an important issue. I am not persuaded that those shopkeepers get any money at all from tobacco companies. By golly, the age and state of some of the advertising in their shops suggests that it could be condemned on other grounds.

The other provisions on tobacco are important. However, it would be a retrograde step to provide a defence to a charge of selling tobacco to an

underage person that no reasonable person could have suspected that they were under 18. If we are trying to ensure that proof of age is the issue, that should be the test. If a person does not attempt to see proof of age, they will not have acted reasonably. The question of responsibility of the under-18s requires further consideration if we are saying that tobacco is to be regarded as a far more dangerous product than alcohol. I will be disappointed if the minister suggests that there are legal reasons for saying that tobacco cannot be treated in the same way as alcohol is under the licensing provisions.

The evidence on vending machines was much more persuasive than that on displays. We heard about the abuse of vending machines and the difficulties of a satisfactory approach across a range of outlets. Notwithstanding the enormous difficulties that the bill will produce for manufacturers of vending machines, a ban on those machines is justified.

In broad terms, the stiffening of the regulation and the provision of a national register are helpful in regulating tobacco sales. However, we must separate out the issues of principle and process. At this late stage, given all the genuine questions that have been raised, it is not helpful that we still await information on how the legislation will be implemented. A very large number of questions will have to be dealt with in detail at stage 2. I appeal to the business managers to ensure that adequate time is allocated for stage 2 to allow us to address properly the considerable number of outstanding issues.

15:37

Kenneth Gibson (Cunninghame North) (SNP):

I speak as the chair of the cross-party group in the Scottish Parliament on tobacco control. I pay tribute to the work of that group and in particular to Richard Simpson, who has made a vital contribution to it in the first session of Parliament and in the present one. In 2000, I lodged a proposal for a member's bill, which called for a ban on smoking in places where food is served. That helped to pave the way for the even more ambitious Smoking, Health and Social Care (Scotland) Act 2005, which has proved such a tremendous success since it came into force in 2006. Towards the end of last year, I called for the sale of cigarettes by vending machine to be banned in a motion that gained the support of 23 members of four political parties. I am therefore delighted that we intend to take further action to resolve the negative impact that smoking has on our nation by banning tobacco displays and vending machines.

The Parliament has done an outstanding job in tackling Scotland's not insignificant smoking

problem, but much work remains to be done if the incidence of smoking is to diminish and, ultimately, fewer lives are to be lost to that vile habit. The bans on tobacco advertising and smoking in public places have had positive and direct effects on the health and wellbeing of our nation. Notwithstanding the Tories, we are right to be proud of that. According to the *New England Journal of Medicine*, in the year following the ban in 2006, the number of patients who were admitted to hospital for heart attacks fell by 17 per cent, with the figure increasing to 36 per cent after three years. It is widely accepted that that is a direct result of the 2006 ban.

The bill is supported by the Scottish coalition on tobacco, which involves organisations such as ASH Scotland, the British Heart Foundation Scotland, the British Medical Association Scotland, Cancer Research UK, Chest, Heart and Stroke Scotland, Macmillan Cancer Support, the Royal College of Nursing Scotland, the Roy Castle Lung Cancer Foundation, the Royal College of Physicians of Edinburgh and the Royal Environmental Health Institute of Scotland. On the vending machine ban, 22 European countries already have such a ban, and the World Health Organization supports extending that to as many countries as possible.

There are still 1.1 million smokers in Scotland and 13,000 Scots die every single year as a direct result of smoking. Those are disturbing figures, but the tobacco industry encourages more young Scots to take up smoking through its advertising and, as Richard Simpson eloquently set out, in not-so-subtle ways involving display and packaging. The measures that we can take through the bill will save the lives of future generations from the scourge of tobacco.

Point-of-sale displays have steadily become a loophole that tobacco companies exploit ruthlessly to advertise their lethal wares and maximise their profits. That is particularly evident when we consider the growth in the number and size of tobacco displays in many premises—for example, the use of clocks, back lighting, non-standard shelving and specially designed towers to highlight specific brands. As we heard from Richard Simpson, brand families are expanding to such a point that 300 brands are now on sale in the United Kingdom.

Research shows that point-of-sale display has a direct impact on young people's smoking. In 2006, 46 per cent of UK teenagers were aware of tobacco displays and those professing an intention to smoke were far more likely to recall brands that they had seen at the point of sale. That is why, for example, BMA Scotland welcomes attempts to crack down on the promotion of tobacco products to young people and believes that the measures

included in the bill will help to make tobacco less accessible to young people and prevent illegal sales of tobacco.

Research in Australia and the United States has shown that point-of-sale display normalises tobacco use for children and creates a perception that tobacco is easily obtainable and a social normality. Sadly, we heard Mary Scanlon, who has made so many positive contributions to health debates, almost support the status quo. She should reflect with her colleagues that the Tories were wrong when they opposed the smoking ban and they are wrong today to oppose the measures proposed in the bill.

What Mary Scanlon did not point out about Saskatchewan was that measures applied there have had no impact on retailers, which have not had to close. It is sad that JTI and other tobacco companies are putting scaremongering adverts into magazines such as the one that I am holding up to warn retailers that their livelihoods will be threatened by the measures in this positive bill that will improve the health of the Scottish people.

Jurisdictions that have enforced tobacco bans at the point of sale have seen a marked decrease in smoking prevalence among young people. As the BMA pointed out, there has been a marked decrease in Iceland, for example, from 17 per cent to 10 per cent in only five years.

Recent research has shown that 13 per cent of 13-year-olds and 10 per cent of 15-year-olds purchase cigarettes illegally from vending machines. It is a disgrace that cigarette vending machines have been commonplace for so long and it is irresponsible to allow them when we would not allow vending machines that sold other deadly products such as knives or fireworks. It seems that a ban, which incidentally is supported by 56 per cent of the population, is the only way to curb such illegal purchases. Other systems such as tokens and proof-of-age cards have been found wanting and many youngsters have found it only too easy to cheat them. It is therefore essential that we follow many of our European neighbours.

It is our moral duty to press forward with any and all measures that reduce the number of smokers and smoking-related deaths in Scotland. No one chooses to become addicted to smoking, but innocent and misguided experimentation is only a short step from an early grave. It is essential that we protect future generations so that the huge number of people who die every year from smoking is reduced in the future.

15:43

Rhoda Grant (Highlands and Islands) (Lab): I will highlight several issues, the first of which is the provision of a new defence for selling tobacco to

underage people, which is that no reasonable person could have suspected that they were underage. The committee's evidence suggested that that would be a retrograde step, especially for test purchasing. Young people grow up quickly, but the due process of the law takes time. A young person who takes part in a test purchase will look a great deal older when the case comes to court. The defence would allow the unscrupulous to challenge test-purchasing cases.

The committee noted that it was not an offence for a person under 18 to buy or possess tobacco products. That is clearly out of step with the alcohol legislation and the balance needs to be redressed for the protection of both retailers and the young people involved.

Shona Robison: The member says that the law on tobacco is out of balance with alcohol legislation. Does she accept that the defence that it is reasonable to think that someone is over 18 is exactly the same provision as in the licensing laws? To be consistent, surely the member would want both laws to be the same.

Rhoda Grant: There are still test-purchasing issues. If the Government were to create that new defence the young person would be asked to turn up at court. We might need to look at that. I would be interested to see how that situation might be avoided in cases of test-purchasing of alcohol because I can foresee the same people making the same defence. The committee was in broad agreement on that issue.

I want to focus on more contentious issues. First, I differed from the majority of the committee and from my colleagues on cigarette vending machines. I believe that the Scottish ministers should take powers to ban such machines through subordinate legislation if the new restrictions do not work. That would give the licensed trade the opportunity to pilot new machines and to make them more secure. Radio-controlled operation has been piloted in England, but it has not been properly evaluated.

We heard in evidence that, although vending machines would be banned, licensees could sell tobacco from behind the bar as long as it was not on public display. Witnesses said that that would create a security problem. If customers and staff were able freely to access cigarettes behind the bar, that would lead to increased theft. More worrying would be the situation in a family-run pub, where children would have free access to those products and could take them for themselves or even be bullied into taking them for other children.

Secondly, a large number of jobs will be at risk if the bill goes through and that cannot be ignored. The information given to the committee when we

started our scrutiny of the bill was that a minimal number of jobs would be lost, but we were given evidence that many more would be lost.

Thirdly, for those who live in rural areas the local pub can often be the only source of tobacco products. If it is unworkable to sell tobacco products behind the bar, rural areas would not have the same access to them, which would make the legislation unworkable there. For those reasons, I differed from other members of the committee.

I turn to part 2 of the bill. There was general agreement to back the RCN's call to give the Scottish ministers the power to extend the range of medical practitioners who are able to bid for a GMS contract. It was felt that the original consultation had not been sufficient to allow the Government to make that change in the bill. Giving ministers the power to do that would allow for further consultation prior to implementation. If that consultation showed that the RCN's members were able to deliver these contracts, it would be a retrograde step if we had to wait for further primary legislation. The committee backed the RCN's plea and I hope that the minister will lodge the necessary amendment at stage 2.

That leads me to the thorny issue of the GMS contracts and the commercial sector. I want to be clear: GPs are private contractors. Paragraph 124 of the stage 1 report states:

"Around 88% of primary medical services are delivered through a GMS contract; 9% through a section 17C contract and 3% through salaried staff working directly for health boards."

That means that 88 per cent of GPs are private contractors. In evidence, no one was able to show a clear difference between a private contractor and a commercial organisation. The BMA tried: apparently, a medical training makes someone a better person and better able to put patients above profit. That would appear to suggest that a GP employed by a commercial contractor was a lesser being—an assertion with which the BMA was equally uncomfortable. The BMA's evidence was poor; it smacked of a group of people who were keen to secure their monopoly. I suppose that, as a representative organisation, it was keen to protect the commercial interests of the majority of its members. However, I have a real difficulty in putting in place legislation that gives one profit-making organisation a commercial advantage over another.

David McLetchie: Hear, hear.

Rhoda Grant: My preference would be that everyone who works for the NHS delivering front-line patient care should be employed by the NHS. *[Interruption.]* I see that my colleagues in the

Conservative party are perhaps not so happy with that proposition.

The negotiations over the swine flu vaccine should be testament to the fact that the GP contract is crippling the NHS. That is what happens when we give one commercial group a monopoly with no checks and balances. The cabinet secretary refused to give me a hearing on that in the committee, so I am trying again today to make the point.

The committee was united in saying that, if the general principles of the bill were agreed, it would need significant amendment to allow social enterprises and community organisations to hold those contracts, too, especially in areas such as the Highlands and Islands, where recruitment is an issue. Removing solutions from our communities would be wrong.

In conclusion, I want to bring home the points that I made quite fairly. Tobacco products should be subject to the same purchase controls as alcohol. Vending machines in pubs should have a stay of execution until systems have been piloted and assessed. Ministers should be able to use secondary legislation to allow nurses to hold GMS contracts. I look forward to stage 2 amendments that will deal with those important issues.

15:49

Michael Matheson (Falkirk West) (SNP): I will focus on the tobacco control aspects of the bill.

When the Parliament legislated to ban smoking in public places, it took a significant step in tackling the 13,000 deaths that occur each year as a result of smoking-related illnesses. Many of the scare stories that were peddled when the Smoking, Health and Social Care (Scotland) Bill was being considered have never been realised. The accepted norm now is that pubs and other public places are smoke free.

The ban on smoking in public places was not simply about the practicalities of banning people from smoking in public places; it was also about changing public perceptions about what smoking is. For too long, smoking was perceived as the social norm, despite the strong evidence that demonstrated its serious health consequences. Banning smoking in public places has significantly changed the public perception of smoking in our society.

I accept that the individual has a right to choose to smoke or to take up smoking, but, given the health consequences of smoking and their impact on our health service, society has a responsibility to take action to address those consequences in such a way as to indicate that smoking is not the acceptable norm. Policies should reflect that. The

steps relating to tobacco control that the bill proposes represent another opportunity to take further action to change tobacco's position in our society, particularly in the eyes of young people.

The tobacco industry has strongly opposed banning the display of tobacco in shops. It was dismissive of the proposal; indeed, at times, it sneered at it in its oral and written evidence to the committee. I confess that I was rather suspicious of its motives, given that it was so ferocious in its opposition to the idea. I recognise that it must be able to recruit new smokers to replace the 300 people a day who die in the United Kingdom as a result of smoking-related illnesses, but if we accept its view that tobacco displays merely let smokers know what is available for purchase in shops, it will have absolutely no objection to the displays being removed and shops having A4 pieces of paper on which are listed all the tobacco products that are available in them. Those pieces of paper will serve exactly the same purpose as, according to the industry, the displays currently serve.

That begs a question. Why have displays grown considerably in size in recent years? Brand variants come out on almost a monthly basis. If tobacco displays have no impact on whether young people take up smoking to replace those who die from smoking, the industry will have no objection to displays being banned.

Even if we accept, despite the evidence from Saskatchewan and Iceland, that there is limited evidence on the possible benefits of a ban on displaying cigarettes, I believe that the evidence that demonstrates the benefits that will come from a ban will become stronger in time. It may take a generation for that body of evidence to become substantial enough to support the overwhelming case for a ban, but I would much prefer to be part of a generation that is prepared to make a decision on that than wait to allow the tobacco industry to reap more misery on people in 30 years' time as a result of their taking up smoking. We should make a decision now and not wait for others to die of tobacco-related illnesses over the next 20 or 30 years.

The Conservatives are very wrong about vending machines. The committee's position on the matter was not reached on the basis that we were unable to witness a practical demonstration of a remotely-controlled vending machine but because we were not persuaded that that would make any difference whatever.

I welcome the announcement that the minister is looking into the issue of proxy purchasing and how to address it. That will be welcomed universally, not only across the industry—including retailers—but in the Parliament.

My father is fighting lung cancer. It will probably take his life. We should take steps to ensure that other families in Scotland are not exposed to the misery that smoking can cause. The bill goes a significant way towards helping to ensure that that will happen.

15:56

Helen Eadie (Dunfermline East) (Lab):

Smoking is the most important preventable cause of ill health and premature death in Scotland where, every year, there are more than 13,500 smoking-related deaths. I am sorry to hear of Michael Matheson's situation, which is distressing for all of us. Our sympathies go out to him. When we embarked on this work in committee, I had no particular view one way or another on point-of-sale advertising and the associated matters in the bill; now, I support the bill's proposals on tobacco.

However, I remain to be persuaded about the GMS elements. During our stage 1 consideration, I asked the Cabinet Secretary for Health and Wellbeing for assurances on the matter. She responded that she would consider the issues I had raised and respond at a later stage. In turn, I, too, will respond at a later stage to that element of the bill.

There are a number of reasons for my support for the tobacco proposals in the bill. First, second-hand smoke represents a substantial public health hazard. Each year in Scotland, as many as 1,500 to 2,000 deaths among lifelong non-smokers and ex-smokers may relate to exposure to environmental tobacco smoke. Point-of-sale displays are already banned in Iceland, Thailand and nearly all the Canadian provinces. In Ireland, they have been banned from July this year and, in Norway, a ban is due to come into effect in January 2010. A number of Australian states will commence such a ban in 2011.

A large part of the debate on point-of-sale displays is around whether they encourage young people to take up smoking and to continue smoking; and whether they make it more difficult for young people to give up smoking. Both sides refer to the significant body of evidence that supports their argument. Other areas of debate include the evidence from countries such as Canada that have instituted a ban, and what it shows; the economic effect that the ban would have on retailers, particularly smaller retailers; whether a ban would increase the illicit trade in tobacco; and the effect on competitiveness and consumer choice.

Secondly, we know that 15 per cent of 15-year-olds are regular smokers and that 82 per cent of 15-year-olds who are regular smokers report buying cigarettes from a shop. Children who

smoke face years of tobacco addiction that can lead to life-threatening diseases and premature death. In reaction to the restrictions on advertising, tobacco companies have become ever more creative with their branding in order to catch the eye of smokers while they are at the shop counter.

In the USA, tobacco companies are known to pay retailers to achieve dominant display of company brands. Having displays at the point of sale normalises tobacco use, making cigarettes appear like an innocent commodity such as milk or bread. That is particularly the case given that tobacco products are placed next to everyday items such as sweets.

Thirdly, international evidence suggests that adolescent exposure to tobacco brands could be reduced by as much as 83 per cent if packs were removed from sight at the point of sale. As other members have said, the first Canadian province to legislate to remove retail tobacco displays was Saskatchewan. Its Tobacco Control Act was passed in 2001. The campaign against the legislation made three key claims: removing point-of-sale displays would not affect the rate of youth smoking; the legislation would drive small shops out of business; and retail businesses would see a reduction in safety and an increase in robbery.

When the law came into force, the prevalence of smoking among Saskatchewan's 15 to 19-year-olds was 29 per cent. The latest smoking rate for 15 to 19-year-olds in Saskatchewan is just 22 per cent. I heard the comments of Jackson Carlaw and Mary Scanlon, who spoke about the wider position, but I was not persuaded by the points that they made, given the expansion of point-of-sale display advertising in other countries across the world. Why would all the other countries that I have mentioned have banned point-of-sale displays if they had not been persuaded of the case for doing so?

The reductions that have been recorded are wholly consistent with a number of academic studies showing that young people are disproportionately influenced by tobacco marketing activities, including in-shop displays. There is no evidence from Saskatchewan or any other jurisdiction that has outlawed retail tobacco displays that any shops have gone out of business as a result of the policy.

Jackson Carlaw: Is the member not aware that in Thailand, where the ban has been implemented, 10,000 shops have gone out of business? According to the Canadian Convenience Stores Association, since 31 May 2008, 23 convenience stores have closed permanently every week in Ontario and 12 stores have closed permanently every week in Quebec. Surely that is evidence of stores going out of business.

Helen Eadie: One needs to have knowledge of what has happened to Thailand's economy in the meantime. We need to think about the issue in a broader context. The closures to which the member refers are not attributable solely to tobacco legislation. Equally, there is no evidence of increased theft from shops that have removed tobacco displays; indeed, there is evidence to the contrary.

Another aspect of the bill that has proved contentious is the proposed ban on vending machines. Those in favour of the ban have pointed to survey evidence that underage smokers are purchasing cigarettes from vending machines together. They make a number of other arguments: first, that no other restricted goods are sold in this way; secondly, that there is no effective way of monitoring vending machines; and thirdly, that age-restrictive measures can be overcome. Those against the ban question the evidence that significant numbers of underage smokers are using vending machines. In addition, they contend that, even accepting the survey data, past surveys indicate that the number of young smokers using vending machines has been falling without a ban; that the increase in the minimum age to 18 makes it easier for licensed premises owners to check age; that better methods of age verification are available; and that a ban would have a significant economic impact on vending machine operators.

It is estimated that there are 6,500 vending machines in Scotland, selling an estimated 36 million to 39 million cigarettes. Richard Simpson was right to say that the Labour Party opposes vending machines. I was not persuaded by the argument that technology would allow vending machines to be controlled by bar or hotel staff. In my view, that simply would not work. However, I am sympathetic to the points that have been made about jobs and will listen carefully to the discussions that will continue on the matter. My colleague Rhoda Grant has fought valiantly in committee on the jobs issue.

I agree with everything that Rhoda Grant said about GMS contracts. As I said at the outset, I remain to be persuaded on a number of issues relating to the primary medical services element of the bill. Only nine of the responses to the committee's call for evidence gave a view on the proposals. That is worrying because, in effect, the proposals will create a monopoly for general practitioners, many of whom are private sector members of the CBI. The cabinet secretary has rejected the request by the Royal College of Nursing that the bill be amended to allow future regulation to permit nurses to hold general medical services contracts. Mary Scanlon described well what we found on our visit to London, and I will not repeat what she said. Suffice it to say that the operation that we saw was impressive. More care

and attention needs to be paid to the current contractual arrangements for delivering primary care services.

I would not want to sit down without mentioning community co-operatives, which are close to our hearts. If the cabinet secretary truly thinks about the word "mutual", she will understand its importance in the social enterprise dictionary.

16:04

David McLetchie (Edinburgh Pentlands)
(Con): The most powerful and effective trade union in Britain today is not Unite, Unison, the Communication Workers Union, the National Union of Rail, Maritime and Transport Workers or the GMB, but the British Medical Association. The fingerprints of that organisation and its interests are all over part 2 of the Tobacco and Primary Medical Services (Scotland) Bill. I should say at the outset that that is not a criticism of the BMA, but a compliment—it is a compliment to a union that it achieves good results on behalf of its members and plays an influential role in the determination of Government policy. However, we MSPs should not be seduced into thinking that self-interest and public interest are one and the same thing in this case, as the BMA would have us believe. That is most certainly not the experience of the past five years regarding the provision of primary medical services.

To put that in perspective, the cost of providing those services in Scotland in 2003-04 was £488 million; by the following year, when the new GP contract—negotiated by the BMA and the Government—had been implemented, the cost had soared to £628 million. The last available figure, for 2007-08, is £699 million. In other words, the cost of the service has risen by more than £200 million in four years; that has correspondingly impacted on the net income of GPs, which has increased by 40 per cent over the same period.

I mention that because, in considering part 2 of the bill, it is important to understand and appreciate that the Primary Medical Services (Scotland) Act 2004, which the bill seeks to amend, was an integral part of a bargain that was made between the BMA and the Government at the time relative to the provision and funding of general medical services. Just as part of that bargain entailed a substantial increase in GP incomes, so it also made it possible for health boards to contract out the provision of primary medical services to commercial bodies.

That might not have happened in Scotland yet, but the practice is used much more extensively south of the border. I congratulate Mary Scanlon and Helen Eadie on the open minds that they

displayed in observing, on behalf of the Health and Sport Committee, what can be done in practice when such an approach is taken. Although the mechanism is not being used in Scotland, it was nonetheless an integral part of the deal that was made. Moreover, the very existence of such a capability provides a measure of competition and choice, which operate to keep down overall costs and to provide an alternative model, which might be better suited to the provision of GP services in some parts of our country in the future.

Those arrangements are not a legal loophole or an oversight, as the SNP now likes to pretend. The bargain, or deal, was made in an act that was supported by every party that is now represented in the Parliament, including the SNP. Members will recall fondly our former colleague Carolyn Leckie of the Scottish Socialist Party, who suggested that the 2004 act would open the door to a mass influx of the private sector into the NHS. At the time, Shona Robison, speaking for the SNP, dismissed that. She said:

"The paranoia exhibited by Carolyn Leckie is staggering even by SSP standards."—[*Official Report*, 18 December 2003; c 4390.]

Shona Robison, along with the rest of the SNP, voted for the Primary Medical Services (Scotland) Bill. However, that same paranoia is now being exhibited by Nicola Sturgeon and Shona Robison who, as ministers, are trying to elevate the modest change that was made in the 2004 act into some great issue of principle about the nature of the NHS. That hypocrisy is staggering even by SNP standards.

The BMA, as befits any good trade union, just wants to reinstate a restrictive practice that will help to sustain the income of its members. If we think about it from its perspective, who can blame the BMA for that?

We should not fall for the ludicrous argument that only traditional GP practices can provide an appropriate standard of patient care and that salaried GPs who are employed by commercial bodies will not; and that somehow GPs' standards will be corrupted by the profit motive—unlike the selfless angels in GP practices whose motives are, of course, wholly altruistic. That is ludicrous, for two reasons. First, GP practices, like all other businesses, will shortly turn their attention to the submission of their tax returns for 2008-09. When all the figures are crunched, there will be a surplus—a sizeable one, in many cases. That surplus will be taxed under schedule D case 1, on the profits of a trade, profession or vocation. The blunt truth is that GPs make profits out of the NHS and always have done since its inception in 1948. We must ask why profits made by a traditional GP partnership are somehow morally superior to

profits made by a commercial body. The distinction defeats me.

Secondly, the most insulting part of the argument is the suggestion that salaried GPs, many of whom are of course members of the BMA, somehow care less about their patients and will provide a poorer service simply because they are employed by commercial bodies, compared with GPs who are self-employed and in private practice on their own account. That is offensive nonsense.

For those reasons, Conservatives will be consistent with our position in 2004. We trust that other parties, including the former Government parties who negotiated the contract in the first place, will likewise continue to honour all aspects of the agreement that was struck at that time. It has cost the taxpayer enough as it is, and given the current state of the public finances we should not take any step that could make the provision of such services even more expensive.

16:11

Robert Brown (Glasgow) (LD): I am grateful to the Health and Sport Committee for its work to analyse the implications of the proposals in the bill. I return to part 1.

The ban on smoking in public places is one of the big successes of recent years. It was totemic and effective and it confounded many critics. I am glad that the Scottish Liberal Democrat party was the first political party to support a ban and I am glad that I could play a part in arguing for a ban, because I was policy convener of the party at the time. It is clear that predictions of a noticeable reduction not just in overall smoking levels but, more important, in the percentage of young people who start smoking, have been realised. The smoking ban has saved lives and reduced illness and will do so for many years to come.

A key to the success of the smoking ban was the strong change in public mood, which swung strongly behind it. Smoking is no longer quite as cool among young people as it used to be—I never quite understood why it was regarded as cool—and has been banished much more to the fringes of many social activities. Smoke-free environments have become much more the norm than they were before the ban came into effect, as Michael Matheson was right to say.

However, it could easily have gone the other way. In our consideration of the bill, we must approach the issues with a sense of cultural and practical realism. I make no bones about the fact that I detest tobacco and all its works. I detest the damage that it wreaks on so many lives. I am with James VI, who regarded it as a foul, noxious, stinking weed. Sir Walter Raleigh should have

been left in the Americas or barred from entry to the United Kingdom on his return. There is something particularly insidious about an industry that tries to attract young people and facilitate them in starting smoking, with all the lifelong addiction and illness problems that that will bring.

The bill is important, not least in Glasgow, where smoking levels are high in the more deprived areas and issues of health inequality are very much to the fore. It is right to denormalise cigarettes to a degree. However, there is a real risk, which is underplayed by worthy organisations such as ASH and the BMA—if I dare mention the BMA after the previous speech—that we will cross a line and make cigarettes a forbidden fruit that young people will seek out as a right of passage, in an act of rebellion against parents whom they regard as staid and restrictive.

There are also issues to do with the viability of our high streets, where many shops operate at marginal levels of profitability, and to do with the future of firms that supply the tobacco trade in other ways.

I strongly support the banning of cigarette vending machines, which will reduce sales to young people and perhaps to other people to some extent. However I want to lay before members the representations that I have had from a constituent who runs a long-established business that supplies cigarette vending machines. He has 12 employees, whose jobs are in jeopardy. It is true that the business supplies other types of vending machine, which sell confectionary, snacks and canned drinks. However, until recently tobacco accounted for 90 per cent of the business. The smoking ban hit the business badly, with a 50 per cent drop in turnover. That was evidence of the ban's success on the one hand and the scale of the challenge to my constituent on the other. The company faces the loss of its cigarette trade and the liability of having to recover 500 vending machines, bearing the cost of scrapping them under European waste electrical regulations and redundancy payments to the staff. My constituent is attempting to diversify his business but he cannot do so just like that. He is likely to lose business even before the vending machine ban formally comes into place.

Shona Robison: I accept that we would not want or expect businesses to diversify just like that. Is that not an argument to discuss the lead-in times that are required? Indeed, we have been keen to discuss those with businesses and to encourage them to diversify. For example, we have discussed the potential for changing a vending machine to a dispensing machine behind the bar, which would perhaps deal with some of the security issues that other people have raised.

Robert Brown: The minister makes a good point and I accept the Government's good will in that regard. However, the matter must be gone through and considered carefully with the trade. My constituent has run an entirely legitimate business since 1963 and it is not his fault that social norms—and, now, legislation—are changing. The minister needs to consider carefully the support that the Government will provide to the company and its employees. I am not sure whether compensation comes into that.

The more difficult point-of-sale ban raises a somewhat similar issue, although it is not quite the same. I rather doubt the suggestion in the Cancer Research UK submission that point-of-sale advertising

“is a greater risk factor than even parental smoking.”

The statistics are difficult to interpret and we must be careful not to draw the wrong conclusions and adopt the wrong priorities.

The committee supported on balance the contribution of a point-of-sale ban and I am prepared to go along with that, but the Government must consider carefully the position of small retailers. If the ban achieves nothing, as some people—usually its opponents—suggest, there is no problem. On the other hand, if it reduces sales, which is probably its main purpose, careful consideration must be given to how it is phased in, how it applies to small corner shops and whether other support is needed to help traders to cope with the change.

I will say a word on underage and proxy purchasing. The wider range of powers, including fixed-penalty notices, is welcome. The proposals to ban proxy purchasing are vital but must, furthermore, be accompanied by a ban on underage purchases and be fully enforced. We can learn lessons from alcohol legislation on that. We must also have an eye on smuggling, which has various evil consequences, in the background.

There is a sense that we are on the cusp of a historic opportunity. Cigarettes and tobacco now appear old fashioned, unattractive and uncool; the substantial health dangers are understood, and starting smoking or experimenting with smoking has stopped being the norm for teenagers. The bill deserves support at stage 1. Cultural fashions can change, and change quickly, but the Government must get the balance right and support the parts of Scottish society that are affected adversely and commercially by the proposed bans.

I support the motion.

16:18

Ian McKee (Lothians) (SNP): The evidence that the Health and Sport Committee heard was

contradictory. How could it be otherwise when witnesses came from such diverse sources as the tobacco industry and Action on Smoking and Health? I am, however, convinced that the case was made that tobacco displays that are situated prominently in shops that young people patronise serve an advertising function that can attract them. For that reason, I support the section of the bill that will prohibit such displays. I am aware that retailers complain about the potential cost of rearranging their shops to cope with such a prohibition, but I would be surprised if the tobacco industry did not provide some form of support when the bill comes into force, as it has done in other countries. Above all, we must consider the health and cost to society and individuals when young people are persuaded to take up the cigarette habit. The prohibition is a step in the right direction.

There is also the issue of vending machines. I would be more impressed with the measures that the industry has suggested to prevent abuse—such as electronic control—if it had shown any concern for potential misuse of such machines before now. However, all over Scotland, one can see cigarette machines that are located out of the sight of bar staff. The hotel in which the Health and Sport Committee held its most recent away day is a prime example. There are many outlets for cigarette sales already; vending machines are an unnecessary risk and should be removed.

I will concentrate the rest of my speech on part 2 of the bill, which concerns primary care services. There is agreement around the chamber that what we aim for in Scotland is a mutual health service in which the public are not just customers but owners. For that to be achieved, the NHS must remain firmly in the public sector. That does not mean that a relationship between it and the private sector has no place: it would, for example, be inappropriately dogmatic not to make use of surplus capacity in the private sector for waiting list initiatives. However, it would be difficult to square the commitment to mutuality with the sort of purchaser-provider split that has caused so much anguish south of the border.

A strength of primary care in this country in the past has been the link between general practice and patient, which provides continuity of care and a medical records base that is the envy of the world. I appreciate that events over the past few years have combined to weaken that position—no one regrets that more than I do. I am a former salaried general practitioner—David McLetchie might be surprised to hear that I agree with much of what he said about the commercial aspect. However, I regard that as a reason to repair the damage rather than to weaken the system further. Practices that are run by international commercial companies will inevitably mean less continuity and

more fragmentation. In addition, as they are run for the profit of remote shareholders, they will ultimately drain money away from front-line services.

It has been said that such developments may be necessary if health boards find it difficult to attract GPs to work in certain areas. The answer to that is that boards already have at their disposal an array of mechanisms with which to plug such gaps, including the ability to employ GPs directly under terms that will attract suitable applicants, which is how I was recruited. That position is little different from that of a commercial company, but it is without the drawbacks that I have mentioned.

My concern has been expressed by witnesses; namely, that the bill does not go far enough. Under its terms, a commercial partnership can provide primary care services as long as all the parties to the agreement have sufficient involvement in primary care and at least one share is owned by a medical practitioner or other health care professional. It was agreed in evidence to the Health and Sport Committee that a person working for one day a week in NHS primary care would satisfy that criterion. Under the terms of the bill, it would therefore be possible for a GP or nurse working one day a week in Edinburgh, for example, to set up a company to run practices in Glasgow, Aberdeen or Inverness. That is not a hypothetical situation: the firm ChilversMcCrea Healthcare was set up by a doctor and nurse in Chelmsford in Essex in 2003, and it now manages about 35 practices all over England. I appreciate that, until now at least, the Cabinet Secretary for Health and Wellbeing has been happy with the proposal that I have described, on the ground that the people running such a company will have sufficient clinical experience. However, I assure members that general practice in Edinburgh is very different from one in Elgin or Eigg. It is difficult to see how health care professionals running such a company could offer a service miles away from where they work professionally that would be in any way different from the commercial service that the bill seeks to outlaw. I therefore hope very much that the Government will relent and seek to remedy that situation in stage 2 by making clinical work in an individual practice a necessary pre-condition.

I do not necessarily disagree with Rhoda Grant that it might be a great benefit one day to have all general practitioners in the health service working as salaried employees. We should remember that all employees in the health service make a profit out of it. I do not know of anyone who, when they fill in their tax returns, records that they have not made any money out of working for the health service.

I hope, too, that the Government will amend the bill to leave the door open for nurses to hold general medical services contracts without the need for further primary legislation, as that ability may be considered necessary in the future, if not now.

Overall, however, this is a much-needed bill, and I strongly support it.

16:24

James Kelly (Glasgow Rutherglen) (Lab): I welcome the opportunity to take part in this important debate. There is no doubt that the bill is significant and that it will make an important contribution to the health and wellbeing of Scotland. All members will have received a number of submissions from different organisations, which shows the level of debate over the bill. The substantive part of the bill is obviously part 1, the main driver of which is to reduce smoking rates, which is an important policy driver in Scotland.

Although significant progress has been made in recent years—the percentage of people who smoke has dropped from 45 to 25 per cent—and the smoking ban has clearly been a success, Michael Matheson was right to point out that 13,000 deaths each year can be attributed to smoking, as can the high prevalence of heart and lung disease.

Smoking also results in significant costs, which one briefing reckons amount to £409 million for the NHS and £837 million for the economy. At a time when we are struggling through an economic downturn, those are costs that we can ill afford.

As Robert Brown pointed out, smoking is also a health inequality issue. Smoking prevalence runs at 43 per cent in poorer areas but at only 12 per cent in more affluent areas. In terms of how people spend their money, the poorest 10 per cent of households spend 2.43 per cent of their income on smoking, whereas the equivalent figure for more affluent households is only 0.52 per cent.

From that point of view, the provisions in part 1 are important because they seek to reduce the incidence of smoking, particularly among young people, by introducing a number of different measures. The first of those is the ban on the display of tobacco products, which has been the subject of some discussion in this afternoon's debate. My feeling, which is backed up by evidence, is that tobacco advertising displays have an influence on young people. One study indicates that young people are 38 per cent more likely to purchase cigarettes if they have been exposed to tobacco advertising. In addition, the statistics from Iceland show that the proportion of 15-year-olds who smoke has dropped from 18 to 11 per cent

over an eight-year period. That evidence weighs in favour of those who argue for a ban on tobacco displays. I know that some members, for example Ross Finnie, have cited the practical difficulties involved in such a ban, but I am sympathetic to the Government's proposal. I hope that the minister can work at stage 2 to address some of the concerns that have been raised.

On vending machines, Kenny Gibson was right to point out that 10 per cent of 15-year-olds and 13 per cent of 13-year-olds are able to purchase cigarettes from vending machines. The ban on cigarette vending machines will curtail the ability of young people to purchase cigarettes and to take up smoking. Evidence shows that, in some council areas in England, 100 per cent of young people were able to purchase cigarettes from vending machines. Those statistics are very concerning. Although concerns have been raised about job losses, I hope that appropriate discussions will take place to address the concerns that constituency members have raised.

I support the requirement to draw up a register of retailers, which will help to identify where sales of cigarettes take place. That will contribute to the success of schemes such as the enhanced tobacco sales enforcement programme, which aims to reduce the sale of tobacco to under-18s by 50 per cent by 2011. Information on the incidence of sales and on where tobacco retailers are located will help the targeting of test purchases and visits by trading standards officers.

The fixed penalty notices and tobacco retailing banning orders that the bill will introduce will also help because consistent breaches will result in a ban.

I will touch briefly on part 2. I have concerns about the ability of community co-operatives and social enterprises to enter into contracts for medical services if part 2 is agreed to.

However, in summing up, let me return to part 1. There is no doubt that smoking kills. Eighty per cent of smokers take up smoking before they reach the age of 19, 41 people start smoking every day, and 35 people die every day as a result of tobacco use. Those are chilling statistics, which should focus the minds of the ministers on putting in place a bill that can be supported by all parties at stages 2 and 3.

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

16:30

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): It has been an extremely worthy debate. The last two speeches, by James

Kelly and Dr Ian McKee, showed the amount of work that members have put in on the subject.

It is a pleasure to speak in the debate because hitherto, as Shona Robison hinted at, I have had to stick to my role as convener of the Subordinate Legislation Committee, in which capacity I must consider the powers in the bill rather than its policy intent. I will enjoy the freedom. I thank Shona Robison for her generous acknowledgement of the contribution that my committee has made to consideration of the bill at stage 1.

The minister gave us a good account of the background to why we are where we are. She talked about the health risks of young people starting to smoke and raised many of the themes that others have touched on. Christine Grahame gave us an extremely workmanlike account—

Members: Workmanlike?

Jamie Stone: She gave us a workwomanlike account of the work of the Health and Sport Committee thus far. I am extremely impressed by the amount of work that her workwomanlike committee has put in and by the fair-minded way in which she has chaired it.

Dr Simpson got to the heart of the matter with his three questions—on display advertising, whether a ban would work and whether it is a proportionate measure. Those are the issues that lie before us. Later in the debate, Robert Brown mentioned his constituent who would lose business as a result of the bill and who might even be in serious trouble. I will return to that theme.

Mary Scanlon fairly and openly said that she would concentrate on part 2 of the bill. My colleague Ross Finnie quite correctly pointed out that it is a difficult bill, to say the very least. He noted that paragraphs 138 to 146 of the committee's report are a critique of the bill, in which the committee raises a number of questions. He said that the work will be done at stage 2. Every member probably agrees that today's debate flags up the fact that there are unanswered questions. Good work has been done so far, but more will have to be done in the future.

I will be categorical: at stage 1, it is my party's position to support the general principles of the bill. I stand by that. I also stand by the remarks of my colleague Ross Finnie on vending machines.

Kenny Gibson made one of the debate's most impassioned speeches. It is quite clear that he feels extremely strongly. Rhoda Grant—who is no longer in the chamber—brought to bear her knowledge and posed a difficult question, which I trust will be addressed at stage 2. She said that, in her opinion, the ban on vending machines would best be dealt with through subordinate legislation. My view is that the ban is a pretty draconian

measure to be dealt with through subordinate legislation and that it should be on the face of the bill, given the strength of the power that it will give to ministers. I do not understand how Rhoda Grant's view on that issue sits with her belief that rural pubs and whatnot should be able to supply tobacco. She has to square that circle. She may well have a solution, but we need to hear more.

I take slight issue with Michael Matheson's assertion that smoking is no longer the social norm. I hope that that is the case and that it is not just how we in the chattering classes view the situation. If one goes to a dance in a town or a city anywhere in Scotland on a Saturday night and looks at what happens outside in the wee small hours, one will see people smoking in very great numbers. Let us not kid ourselves—we face a challenge. However, we are taking steps in the right direction. Michael Matheson flew the flag for a ban on smoking in public places at an early stage. He was courageous in doing so and has every right to be proud of that.

David McLetchie's speech was impassioned, to say the very least, and was worth waiting for. I trust that the British Medical Association will read it with great interest. He said nothing less than the truth, in that the BMA is, indeed, a trade union for its members that is delivering the goods for those members. As ever with a speech from David McLetchie, it is advisable to allow some hours to elapse after the speech before deciding whether he is right or wrong. I sometimes feel that it is like playing dice. It is very easy to be charmed by Mr McLetchie, but in 10 years I have developed some experience in this matter.

As colleagues know, until five years ago I was to be seen out behind the bike shed, so to speak, of the Parliament, puffing away. Members may say that it is typical of a Liberal Democrat that I started smoking when I was kidded by a school friend into smoking rolled up lettuce leaves—I assure members that they were perfectly disgusting.

The point that Rhoda Grant made is valid—a small rural shop can depend on the trade in tobacco. Where there is no shop, people must go to the hotel or the pub. It is not so easy for many to give up smoking. It is, tragically, well nigh impossible for many—as was the case with my father, who died of lung cancer. We must remember what Rhoda Grant said, because it is true, about outlets in the most rural locations.

It is right to make it harder to sell cigarettes, but in the case of small, remote rural shops we must think more widely about other ways in which we can support such shops and not let this rightful action, which is being taken for the highest of motives, be the straw that breaks the camel's back. It is about retaining rural post offices and it is about encouraging and supporting small retail

outlets not to sell fags but to survive and prosper in other ways. That is the message that I am getting very clearly from my constituents. I support from the bottom of my heart, for personal reasons, the general principles of the bill and I look forward to stage 2.

16:36

Jackson Carlaw (West of Scotland) (Con): As many have observed, the primary medical services provisions in the bill are unnecessary, prejudicial and short-sighted. Parliament must do better than seeking to find legislative solutions for which there are no known problems. What might come next? A bill to preclude triple-decker buses? A new civil aviation (Scotland) bill providing against the possible use of Princes Street by airliners? Part 2 of the bill, the necessity for which appears to be validated only by the standing ovations that have been conferred upon the cabinet secretary by the doctors' trade union, to which part 2 seeks to extend an absolute monopoly, is not needed and not wanted and is typical of the vanity projects in which this minority Government is inclined to specialise.

As David McLetchie detailed, we remain pragmatic. Even as ministers issue briefing papers detailing the extraordinary challenges and demands that face the NHS in the decade ahead, they seek to close down possible solutions to those challenges via a centralised diktat. Even as politicians and the public wake up to the reality of the demographic changes that face the national health service and GP practices, and which arise from an ageing population, the Government moves to foreclose any ability for the independent sector potentially to assist in as yet unforeseen circumstances. Even as we appreciate the challenge of approximately 20 per cent of GPs retiring in the next five years, ministers bury their heads in the sands of ideological prejudice. Part 2 of the bill is the latest in a long line of examples of the minority SNP Administration being more concerned about ideological purity than it is about what delivers the best care for Scottish patients. We hope that together with others we can make a common cause and remove part 2 at the earliest opportunity.

Turning to part 1, I am happy to admit to being a lifelong non-smoker. Is that because the displays in small retail shops were not sufficiently eye-catching when I was a teenager? Get real. Perhaps I was aware of the inherent dangers of smoking. I was, in fact, far less aware of them than teenagers today are. According to the Scottish schools adolescent lifestyle and substance abuse survey, among those aged 13 to 15 approximately 89 per cent are fully aware that smoking can cause heart disease, approximately 96 per cent

are fully aware that smoking can cause lung cancer, and approximately 91 per cent are fully aware that other people's smoking can harm the health of non-smokers. Despite that, it is depressing that too many young teenagers start smoking.

In my case, I just did not care for it. As someone who can remember needing a knife and fork to cut through the smoke when sitting on the old bench seats on the top deck of the bus home from school and who can remember when, from the back row in the cinema, while pursuing altogether more healthy pursuits, I—

Ross Finnie: Like smoking lettuce.

Jackson Carlaw: Certainly not that—we could afford better in Newton Mearns.

From the back row of the cinema, I watched the beam of the projector cut a swathe through the acrid smoke, so I welcome the joys of smoke-free public places.

Let us be clear that the Scottish Conservatives are in no doubt that the Government is right to continue to focus on measures to reduce smoking and, in particular, to dissuade teenagers, whom I mentioned a moment ago and at whom the measures in the bill are specifically aimed.

As a spokesman on public health in the Parliament, I find myself in the anomalous position of proposing that we remove a central measure from the bill that, superficially, appears to be aimed at the betterment of public health. However, the proposal to ban the display of tobacco on retail premises is misconceived. I believe that the measures that we introduce should not be other than firmly evidence based, likely to be effective and properly enforced once they are implemented.

As Mary Scanlon, David McLetchie and others have demonstrated, the evidence just does not pass muster. In nearly all cases, the authors of reports cited in evidence clearly state that the claims of causation between the displaying of tobacco and people starting smoking should be made with great care. For a number of technical reasons, including the fact that display bans have been part of a range of interventions, it is not possible definitively to claim causation. I share that view, which was expressed in those very words—reluctantly and recently—by ASH, although it does not appear in any briefing that MSPs received ahead of the debate and has since been deleted from the ASH website.

Kenny Gibson referred to brand awareness evidence, by which I presume he means the 2006 Wakefield/Henriksen research. That research was based on the old parlour game of remembering items on a cloth-covered tray. Teenagers were shown photographs and then asked which ones

they could remember. Being bright and willing to impress, they did. However, no evidence was subsequently produced to show that that encouraged them to go out and buy the things that they could remember. Indeed, having heard all the evidence, the best that the Health and Sport Committee could say in its report was that

“On balance”—

only on balance, mind—

“the majority of Committee members consider that the display of cigarettes at the point of sale constitutes advertisement and ... recognises that the evidence base for this proposal is at an early stage and that the international evidence to date is inconclusive.”

That is hardly a ringing endorsement.

In its report, the Health and Sport Committee accepted that it had not witnessed trials of radio frequency-controlled cigarette vending machines by organisations such as the National Association of Cigarette Machine Operators. It was an extraordinary admission by Christine Grahame—emphasised by Michael Matheson with pride bursting from his pores—that the committee would rather not see those machines operate in case they work. Richard Simpson’s concerns about pre-radio-controlled machines is shared by the industry, hence its investment in the new technology to address the matter. Rhoda Grant’s comments, by contrast, were much more constructive and worth while.

The Government insists that the bill will not prove to be a burden of any consequence to small businesses. With due respect to the ministers concerned, I point out that they have not owned or run small businesses themselves. Small retailers regard themselves as the Government’s partners in preventing young people from getting hold of cigarettes. They support enforcement actions and, like us, they support the new licensing proposals. They also expect the Government to respond to the Health and Sport Committee’s view that proxy purchasing should be tackled—that the deliberate falsification of documents to obtain cigarettes from responsible retailers should lead to punishment not just for those who are deceived; those who are doing the deceiving should face consequences, as well.

This afternoon, we have seen writ large before us that we have a minister for wishful thinking and a cabinet secretary for fantasy politics. Consequently, although we will support the measures in the bill that we believe will be effective, we will oppose the bill at stage 1 in the hope that part 2 will attract insufficient support as the bill progresses, and in the expectation that the final measures that are presented to Parliament to tackle and reduce youth smoking—which we will support—will be effective, evidence based and

inclusive of the recommendations that have, so far, been ignored by the Government.

16:43

Dr Simpson: I should declare an interest as a member of the BMA, although whether I will still be a member at the end of this process is another matter. I am also a member of the Royal College of General Practitioners.

I hope that Ross Finnie will forgive me, but I will concentrate on part 2 in my summing up.

As other members have said, David McLetchie’s speech needs to be read carefully before we can come to a conclusion. There is no doubt that, if the bill was successful and did what it purports to do, it would entrench in primary legislation one model of general medical services. That is the basic flaw in the bill, as we have no idea exactly what we will need in four or five years’ time. At that point, if we need something different we will have to go back and amend the primary legislation. I am unhappy about that.

I am also unhappy because, in practice, there has been only one attempt by a commercial company to intervene in primary care, and that ended up not progressing. That might be because the remuneration offered to that company was inadequate. There is some evidence from England that Atos and other companies are being unduly promoted by primary care trusts by being given extra rewards beyond those given to general practices. That approach would not therefore fulfil the criteria, which David McLetchie quite correctly set out, for the sort of competition that pushes prices down. In England, it might be that, in order to have competition, primary care trusts are actually paying considerably more.

A lot more remains to be done on the bill. The Labour Party will be considering its position, depending on amendments that are lodged at stage 2. First, there needs to be an amendment to clarify the position with regard to future competition from other groups, such as nurses, that might provide general medical services. There also needs to be clarity on whether other groups might come into being, such as co-operatives, social enterprises and new models of community-owned practices, which might indeed be profit-distributing organisations.

A number of speakers have made the point that general practice is a profit-making business. As a GP, I can tell them that that is absolutely the case. Profit, in this case, is not a dirty word—indeed, I do not think that it is ever a dirty word—but there is no doubt that the income that is obtained by general practice partners, on which they are taxed, is the surplus income that exists at the end of the year, once all the costs are met. To be frank, there

are bad GPs who will skimp on staff and premises and do the absolute minimum in order to maximise their profits. That is rare in Scotland, but I tell ministers that they are about to be confronted with a serious problem the likes of which we have not seen since the 1960s. Since the Primary Medical Services (Scotland) Act 2004 came into force, the number of partners is dropping—that is very evident in England—and the number of salaried doctors who are employed by those partners is increasing. The result is that there are now doctors who earn £150,000 or £250,000. I received an e-mail from a doctor who moved from England to Scotland in which she complained bitterly that her income, as a salaried doctor employed by a partnership, is less than half what she was earning in England, and is less than a registrar's income.

We talked about exploitation this morning in relation to teachers, but exploitation of doctors is now beginning to occur. Substantial numbers of qualified general practitioners are having to queue up as locums in order to try to get work.

The bill is not flexible, so we need to think seriously about part 2.

Already, communities such as Rannoch are facing particular problems. The other day, Lindsay Roy told me about a community in Fife that was having problems attracting GPs. GPs are closing down branch surgeries because they are no longer profitable or sustainable, which means that some people are now faced with having to travel considerable distances to get GP services.

Part 2 is seriously flawed. Although the Labour Party will agree to the general principles of the bill when we vote tonight, we have serious concerns about the bill.

I addressed the provisions on tobacco in detail earlier, but I will deal with them again briefly.

The Conservatives opposed the ban on smoking in public places because they felt that the evidence was not clear and that that ban would be an unnecessary restriction on individuals. Now that we can see that the outcome was a 30 per cent reduction in heart attacks and an undoubted improvement in people's health, as well as the fact that Scotland has a higher standing because it led on the issue in the UK, will the Conservatives reflect on whether their opposition to that ban was appropriate? We did not hear today whether they now feel that the smoking ban was a good thing and that they were mistaken in their opposition to it.

I raise that issue because it reminds me of the Conservatives' position on a ban on tobacco displays. There has been an increase in the number of brands that are displayed and the volume that there is in a particular area. The first thing that a shopper sees when they go into a

supermarket is a vast array of tobacco. There is no doubt in my mind that the tobacco industry is using that as a loophole to get around the ban on advertising.

As the only party that has adopted a stance of total opposition to a ban on tobacco displays, the Conservatives ask, "Will it work? Is there evidence that it will work?" There is partial evidence that it will, and the committee made clear that it felt, on balance, that the evidence was there. If so, the ban is worth pursuing.

The fact that we do not have all the evidence is not a reason not to have such a ban. I promise members that if we always wait for the evidence, the tobacco industry—this is particularly the case with that industry—will use every means in its power to get around every piece of legislation that every country passes. When Judith Mackay, an Edinburgh graduate who was given the *British Medical Journal* award for her work on tobacco control in Asia, worked in Thailand, there was massive opposition to the controls on tobacco, and she was vilified and personally threatened by tobacco companies for her actions in that country.

If 10,000 shops have closed in Thailand, that may simply reflect a change in economic circumstances. The number of businesses such as convenience stores in Canada that have closed since the ban there is no greater than the number that closed due to changes in purchasing patterns before the ban was introduced. There is no evidence whatsoever that a single retailer in Canada has closed because of the ban alone.

Having said that, we need to ensure that what is being proposed is proportionate. Ross Finnie stated clearly that we do not know exactly what the Government is proposing in parts of the bill, and we need to be totally clear about that before we can support without amendment any of the bill at stage 2. Small retailers are entitled to measures that are proportionate, and interim measures—such as cupboards or covers at first, pending a longer-term ban—should be examined carefully.

The same applies to vending machines—

The Deputy Presiding Officer: You should finish now, Dr Simpson.

Dr Simpson: The results of the radio-controlled vending machine pilot—which we now have but did not when the committee produced its report—indicate a massive increase in control of sales, but it still stands at only slightly more than 80 per cent.

The test purchasing in Oban that I mentioned—

The Deputy Presiding Officer: I am sorry, Dr Simpson, but you should finish now.

Dr Simpson: The illustration that I gave indicates that we must ban vending machines. *[Applause.]*

16:52

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I have not even started yet—I thank members for the applause.

This has been a good debate, of the high quality that I have come to expect from any debate that involves the health fraternity in the Parliament. At the outset, Christine Grahame eloquently outlined—in a completely non-workmanlike way—the key points in what I think is an excellent committee report, to which the Government will pay close attention as we progress through the later stages of the bill.

I will deal with the first two parts of the bill, beginning with part 1. The provisions in part 1 that relate to tobacco build on the good work that has already been done by the Parliament. In his opening speech, Richard Simpson was right to point to the evidence that suggests that the ban on smoking in public places is already leading to a reduction in heart attacks. Listening to Mary Scanlon and Jackson Carlaw, I found that many of their arguments were reminiscent of the arguments that the Tories made against the ban on smoking in public places. The Tories were wrong then, and they are wrong now in the objections that they are making to part 1.

I believe that the provisions in the bill are a proportionate and appropriate response to the scale of the problem, which we should not forget. Shona Robison was right to say that the implications of the bill for retailers or for vending machine companies, which the Parliament has a duty to consider, must be weighed against the immense social and economic costs that are associated with smoking.

The bill makes provision to end point-of-sale displays in shops, and Richard Simpson rightly asked whether such displays are a form of advertising. I agree with him that they are, and I think that that assertion is evidenced by the effort that tobacco companies put into such displays. It is not only a form of advertising, but an extremely powerful marketing and advertising tool.

I also agree with Richard Simpson that, based on the compelling evidence of Gerard Hastings and others, the ban will be effective in the long term.

Ross Finnie fairly and legitimately raised the question whether retailers know what will be expected of them in complying with the bill. We are in discussions with retailers about simple and

cost-effective ways of keeping tobacco out of sight, which is what they will be asked to do. The bill will not give ministers the power to tell retailers that they must keep tobacco under the counter. The bill will not impede retailers from modifying existing gantries in a way that keeps tobacco out of sight. We will continue to have discussions with retailers so that they have the clarity that Ross Finnie talked about.

Christine Grahame, Rhoda Grant and other members expressed concern about retailers' defence to a charge of selling tobacco to an underage person that it was reasonable to believe that the person was over 18. It is important to stress that that provision will bring the law on tobacco into line with the law on the sale of alcohol. However, we will consider carefully the points that have been made. I am sure that the issue will crop up again at stage 2.

I have not heard any good argument that we should allow cigarettes to be sold in vending machines, with the easy access that that provides for young people—the very people whom we are trying to discourage from smoking in the first place. The Government has suggested to the companies concerned that vending machines could well be turned into dispensing machines. It is for the industry to take forward that suggestion.

I have heard considerable support for the registration scheme for tobacco retailers, notwithstanding the points that the Tories have made. I am sure that the details of that will occupy us at stage 2.

I turn to part 2, on primary medical services. As Ian McKee said, the provisions in part 2 build on the Government's strong commitment to a mutual NHS—one that is in the public sector and run in the public interest. Our objective is absolutely clear. Some members pointed out that GPs are already independent contractors. Of course they are, but they are also directly involved in the front-line delivery of health care. The problem with the existing law is that it leaves it open to a health board to award a contract to a body in which none of the individuals is a registered medical practitioner or health care professional.

David McLetchie: Would the member therefore care to tell us why she voted for the existing law?

Nicola Sturgeon: I am coming to that, if David McLetchie cares to be patient.

A contract can be awarded to a body in which no party is a medical practitioner. Of course, that body would employ staff to provide health services. To respond to an earlier point that David McLetchie made, I do not think that doctors who are employed in that way care any less about their patients than other GPs do, but the fact remains that they are employed by organisations whose

only interest in the NHS is its potential to make profit for them.

I believe that that is wrong. I do not agree with Jamie Stone that David McLetchie's speech was charming in any way, shape or form, but it was a powerful speech. He said that the law that we are trying to amend was part of a deal surrounding the negotiation of the GP contract, although I think that, if he checks, he will find that the contract does not cost less in England than it does in Scotland, even though commercialisation is much more prevalent in England. If I had been party to that negotiation, I would not have been party to a deal that paved the way for the commercialisation of general practice. The fact that Shona Robison did not think that the entire Primary Medical Services (Scotland) Bill was a conspiracy does not mean that we share David McLetchie's analysis of the situation.

I appreciate that there is a point of principle, certainly for the Tories. Jackson Carlaw's pragmatism is perhaps better described as the Tories' passion for privatisation, which appears to know no bounds whatever. I accept that the Tories are much more positive about the sort of commercial involvement in GP services that the bill seeks to prevent. That is an honest disagreement and I respect that position. However, I was a wee bit surprised to hear members on the Labour benches make the Tory argument perhaps more effectively than the Tories did.

Helen Eadie: Will the cabinet secretary give way?

Nicola Sturgeon: No—I am in my last minute. However, I am about to address the member's comments.

I do not think that the difference of principle that exists between the Government and the Tories exists between the Government and members on the Labour benches. A number of reasonable points that have been raised in the report and again in this debate deserve our full consideration as we go through the bill's later stages.

The committee raised three main issues: first, the position of co-operatives and social enterprises; secondly, the amount of time that a practitioner would have to spend in a practice to meet the minimum commitment requirement, which is the point that Ian McKee highlighted; and thirdly, the ability of nurses to hold GMS contracts. Although the bill does not change the status quo around nurses, the committee has asked for an amendment to allow future changes to be made by regulation rather than through primary legislation. I assure members that we will consider that point—and indeed the other points of detail—very

carefully, and I look forward to discussing them further at stage 2.

Tobacco and Primary Medical Services (Scotland) Bill: Financial Memorandum

17:01

The Presiding Officer (Alex Fergusson): The next item of business is consideration of motion S3M-4467, in the name of John Swinney, on the financial resolution for the Tobacco and Primary Medical Services (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Tobacco and Primary Medical Services (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.—[*Nicola Sturgeon.*]

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

Decision Time

17:01

The Presiding Officer (Alex Fergusson): There are 10 questions to be put as a result of today's business. I remind members that, in relation to the debate on teacher numbers, if the amendment in the name of Keith Brown is agreed to, the amendment in the name of Margaret Smith falls.

The first question is, that amendment S3M-4910.3, in the name of Keith Brown, which seeks to amend motion S3M-4910, in the name of Rhona Brankin, on teacher numbers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)

Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 46, Against 73, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S3M-4910.1, in the name of Murdo Fraser, which seeks to amend motion S3M-4910, in the name of Rhona Brankin, on teacher numbers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West)

(LD)

Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 70, Against 49, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The third question is, that amendment S3M-4910.2, in the name of Margaret Smith, which seeks to amend motion S3M-4910, in the name of Rhona Brankin, on teacher numbers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)

Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 73, Against 46, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The fourth question is, that motion S3M-4910, as amended, in the name of Rhona Brankin, on teacher numbers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

ABSTENTIONS

Smith, Elaine (Coatbridge and Chryston) (Lab)

The Presiding Officer: The result of the division is: For 70, Against 48, Abstentions 1.

Motion, as amended, agreed to,

That the Parliament notes the most recent reduction in the number of teachers employed in Scotland revealed by the September 2009 public sector employment figures; further notes that this follows on from the Teachers in

Scotland 2008 census, which showed that the number of teachers fell by nearly 1,000 on the previous year, and asks how this can be reconciled with the SNP's manifesto pledge and concordat commitment to maintain teacher numbers in the face of falling school rolls in order to cut class sizes; raises concern about the implementation of the Curriculum for Excellence in the face of falling teacher numbers; acknowledges that the previous administration increased the number of teachers by 4,600 between 1999 and 2007; notes the continued reduction in the number of full-time equivalent nursery teachers as shown in the Scottish Government's *Pre-school and Childcare Statistics 2009*; highlights with concern the *Times Educational Supplement Scotland* survey, published in August 2009, suggesting that only 15% of this year's newly qualified teachers had secured full-time permanent work at the start of the school term as well as the General Teaching Council Scotland follow up survey suggesting that, even half way through the 2008-09 school year, only around a third of the previous year's probationary teachers had found full-time permanent posts; believes that the Scottish Government has precipitated a teacher jobs crisis, forcing many of the most qualified new teachers in Scotland's history to look elsewhere in the United Kingdom or beyond for suitable employment; believes that this represents an appalling loss of talent to Scotland's education system and a gross betrayal of those enticed to train as teachers as well as those who voted SNP due to its election pledges on schools, and therefore calls on the SNP government to publish detailed plans of how it will deliver on its manifesto and concordat commitments on teacher numbers; considers that the universal provision of free school meals in P1 to P3 will impact on the ability of councils to recruit and retain teachers, and believes that head teachers should have much greater say in the recruitment of teachers and other staff in their schools.

The Presiding Officer: The next question is, that amendment S3M-4911.2.1, in the name of Robert Brown, which seeks to amend amendment S3M-4911.2, in the name of Adam Ingram, on child protection, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-4911.2, in the name of Adam Ingram, as amended, which seeks to amend motion S3M-4911, in the name of Karen Whitefield, on child protection, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 58, Against 43, Abstentions 18.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-4911.1, in the name of Elizabeth Smith, which seeks to amend motion S3M-4911, in the name of Karen Whitefield, on child protection, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-4911, in the name of Karen Whitefield, as amended, on child protection, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)

Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)

Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Presiding Officer: The result of the division is: For 74, Against 43, Abstentions 2.

Motion, as amended, agreed to,

That the Parliament notes with concern the 23% of local authority child protection services in Scotland that scored weak or unsatisfactory in at least one of the reference quality indicators, reported in the *Summary of Indicative Quality Indicator Results from HMIE Inspections*, published on 17 September 2009; welcomes the fact that 77% of authorities have achieved positive child protection reports; recognises the immensely valuable contribution made by those professionals working in frontline child protection services; recognises that further improvement is necessary and will be informed by the second round of inspections now underway; looks forward to HMIE's summary report that will provide the most comprehensive national picture of child protection that Scotland has ever had, which, taken together with the findings of the recent significant case review into the death of Brandon Muir, will feed into the national review of child protection guidance; encourages measures to address the increasing prevalence of substance misuse and its impact on children within the framework of Road to Recovery; encourages the promotion of the *Getting it Right for Every Child* approach, and looks forward to public consultation on the review of national child protection guidance that will address assessment of risk and information sharing for all children, including those

suffering from parental substance misuse, domestic abuse and other risks to their safety and wellbeing; recognises the initiative taken by the previous administration in tackling this problem by bringing together a series of actions contained in the Hidden Harm report; calls on the Scottish Government to take effective action to identify and focus on those children who are at risk, particularly as a result of living with parents or carers who are alcohol or substance abusers; calls on the Scottish Government to report to the Parliament within three months and thereafter periodically on the progress made on this, in building on the recommendations of Hidden Harm and in the follow-up inspection work by HMIE, and looks for a child-centred approach to child protection that has the welfare and best interests of children at its heart, and further calls on the Scottish Government to acknowledge the concern about the growing number of parents in society who lack the necessary skills to bring up their children responsibly and to address this issue as a matter of urgency.

The Presiding Officer: The next question is, that motion S3M-4807, in the name of Nicola Sturgeon, on the Tobacco and Primary Medical Services (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)

Ingram, Adam (South of Scotland) (SNP)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)

Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

ABSTENTIONS

Munro, John Farquhar (Ross, Skye and Inverness West)
 (LD)

The Presiding Officer: The result of the division is: For 102, Against 16, Abstentions 1.

Motion agreed to,

That the Parliament agrees to the general principles of the Tobacco and Primary Medical Services (Scotland) Bill.

The Presiding Officer: The final question is, that motion S3M-4467, in the name of John Swinney, on the financial resolution to the Tobacco and Primary Medical Services (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Tobacco and Primary Medical Services (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b)(iii) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.

Blood Donation

The Deputy Presiding Officer (Alasdair Morgan): The final item of business is a members' business debate on motion S3M-4282, in the name of Rhoda Grant, on giving blood, giving the gift of life. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with concern the decline in the number of blood donors in Scotland, a number that has decreased by 30,000 in the last decade; further notes that in the Highlands alone, the service requires 23,000 donors to give blood in 2009; supports the appeal by the Scottish National Blood Transfusion Service for donors to give blood at least once in 2009 to reverse the decline in the donor base; believes that there would be benefit in employers giving their staff paid time off to donate blood, and hopes that Scots who have not already done so will register to give blood and give the gift of life.

17:10

Rhoda Grant (Highlands and Islands) (Lab): I am grateful to members who signed my motion. In doing so, they have allowed the debate to take place.

On behalf of the Parliament, I thank Thomas Bradley, who has made 600 blood donations since he started to donate in 1967. *[Applause.]* The Scottish National Blood Transfusion Service has told me:

"There has hardly been a time in his life when Thomas has not been donating regularly—he still continues to donate platelets every three weeks.

He says that he has been very lucky with his health, with only one bad spell back in 1971.

Thomas is a motorbike fanatic, and after a serious accident he needed emergency surgery and, ironically, a life saving blood transfusion. Thomas was aware that someone else had donated the blood that he needed, and now sees his donations as a way to return the favour.

Thomas has made a fantastic contribution, and has saved hundreds of lives, both directly and by allowing patients to undergo vital treatment. We cannot thank him enough!"

Thomas's contribution is humbling. I am envious of it—my donation record is considerably smaller than his. However, each donation can save a life.

The decision to give blood was difficult for me because I am terrified of needles. I reflected on that when I was preparing for the debate. I thought that not a lot had changed since I first gave blood, but that is not strictly true. I did not sleep at all the night before I first gave blood because I was absolutely petrified. Things are better now. I sleep the night before; the fear does not really kick in until I am lying on the bed. I still get scared, but being scared is not an excuse. If I can donate blood, anyone can. Of course, that fear pales into

insignificance compared with that which families face when their loved ones are lying seriously ill waiting for a blood transfusion.

On one occasion when I was giving blood, I was beside somebody who worked for a major high street chemist. My fellow donor commented to the nurse that she would have to work late that night to make up the time she had spent giving blood. I was shocked. It occurred to me that if she had been unable to work late due to a family commitment or travel arrangements she could not have donated, and I wondered how many others are in the same position.

My plea is simple: people should be allowed paid time off to give blood. Employers should give people paid time off to do a range of things. They give people paid time off to keep medical and dental appointments, for example. Many go further and invite the transfusion service to come to their workplace with a donor vehicle or for smaller boardroom donor sessions if they do not have the critical mass of workers to justify the use of a donor vehicle. I pay tribute to those employers for going that extra step. Lives are at stake if people do not donate. Employers should therefore give people paid time off for our collective health care as they do in order that our individual health care needs can be met. I hope that, in her summing up, the minister will emphasise the need for donors and add her voice to my plea.

The issue is even more important because experts are warning of a rise in swine flu cases in the autumn: if a rise occurs, donors will be affected just like everyone else, and if they contract swine flu they will not be allowed to donate blood until they are clear of the virus. I think that that will also be the case for people who have been in close contact with someone with swine flu. There is therefore a real possibility that supplies of blood could be hit. More donors would ensure a secure transfusion service.

I am sure that many employers will say that, in a time of economic downturn, they cannot countenance what I want. It presents a challenge, but I am not suggesting that people travel long distances to give blood. Giving blood should take no longer than keeping a doctor's appointment. The Scottish National Blood Transfusion Service encourages three donations per person per year. That does not add up to a huge time commitment for individuals or employers, but the contribution to society is immense. On a more serious note, employers need to consider how they would feel if their loved ones needed a blood donation.

David Stewart, Peter Peacock and I have implemented a policy whereby our staff are allowed paid time off to donate blood. As a result, we have four new donors in our team and more than 50 per cent of our workforce now donates.

Some had given blood previously but been turned away because they were on medication, but the medication criteria have changed and some people who were unable to donate can now do so. I urge anyone who has been turned away owing to a medical condition or because they were taking medication to check whether they now fall into the category of those who are allowed to give blood.

This week, the Public Petitions Committee heard a petition that asked for blood donors to be paid for their donations. I want to make it clear that that is not what I am asking for; people should act selflessly in donating blood—but they should not face financial detriment. Although I do not agree with the terms of the petition, I was heartened to see young people highlight the issue and take part in this important debate. It is great that our young people see the importance of donation and I am glad that they are looking for ways to increase our donor base.

I was recently made aware of the Richard Titmus book "The Gift Relationship: From Human Blood to Social Policy". Titmus argues that voluntary blood donation is an example of genuine socialism; that people who gift blood to strangers do so in a truly altruistic action. He goes on to argue that, although giving blood might make us feel a bit queasy for a short while—or a longer time, for some of us—it may also make us feel more human and content with ourselves and others.

The argument is relevant to today's debate. Collective action by Government, employers and others is needed to support the gift relationship. People need to be given a real opportunity to donate blood; we need to make it convenient for them to do so. If they were given that opportunity, many more people would choose to give blood, not only for the purely practical reason of increasing the amount of blood that flows through the transfusion service but as an expression of their fellowship with other people and of the intrinsically social nature of their humanity.

17:17

Maureen Watt (North East Scotland) (SNP): I congratulate Rhoda Grant on securing a debate that highlights the decline in the number of blood donors in Scotland. Debating the issue gives the Parliament the opportunity to highlight the reasons and set out what can be done to reverse the decline.

I well remember the first time I gave blood. I went with my father to the blood donor bus on one of its visits to Keith. It was Sunday 22 June 19—whatever, one day short of my 17th birthday. As the bus came to Keith only twice a year, I was keen to donate and not wait for another six

months. I was accepted despite not being 17 and the procedure was over in a short time. Meanwhile, my father's donation was turning into a bit of a struggle—they could not get the blood to run into the bag. I think he stopped donating from then on; another family member was doing their bit.

In the four years that I spent at university, I gave blood only once, when the blood transfusion service came to the university. I do not recollect giving blood while I worked in England, but I started to donate again when I worked in Aberdeen, during my lunch times. I was asked to give platelets—the hereditary clotting property that led to the painfully slow process of giving blood for my father came good in my blood donations—as part of the supply for haemophiliacs. At that time, one platelet donation was worth two normal blood donations. My donation count rose rapidly as a result: I got my bronze, silver and gold pins and silver quaiach.

People have to take time out from donating following childbirth and, as Rhoda Grant said, after certain illnesses or periods on medication. I say that to highlight the everyday interruptions that can interrupt donation even for those who want to give regularly. I would like every 17-year-old to be as keen to give blood as they are to obtain a driving licence. Some sixth year pupils at Banchory Academy looked into getting together enough peers and staff to justify the donor bus visiting the school, as it does the offices of some large companies.

The donor bus is important in rural areas, where volunteers do not live near a donor centre. The rurality of Scotland is an issue. I am against payment for blood donation, but young people and students could be reimbursed the cost of the bus or train fare for attending a donor centre.

Getting people through the door for that first donation is key. If people are on the books, they can be reminded by text or phone call to make a repeat appointment in three or four months' time; once on the books, they can be cajoled into coming again or be persuaded to become platelet donors. Anyone who can give platelets should say yes. It takes longer, but donations can be made more frequently—every four to six weeks. In our busy lives, it can be a bit like time at the hairdresser; for me, it is a welcome opportunity to relax completely and read magazines that I would not normally buy or give the time of day to.

There could be more flexibility on the times of day and the days when donor centres are open or buses come to visit, and there could be more eye-catching and innovative ways of catching blood donors. In the end, it is nae sair and is certainly life giving.

17:21

Michael McMahon (Hamilton North and Bellshill) (Lab): I, too, congratulate Rhoda Grant on securing this important debate. Like many others who are present this evening, I have made blood donations and know how vital the service is. I encourage any company that is thinking of supporting blood donation to do so.

I saw the service in action when I worked as a welder for 17 years at Terex in Newhouse. During that time, I was able to give blood regularly because the Scottish National Blood Transfusion Service came to the factory and we were all given time off from our daily routine to do so. It was then very easy—much easier than it is now—to find the time to make blood donations. I welcome the opportunity to support Rhoda Grant's call for workplace donations.

When preparing for the debate, I was shocked to learn that the Scottish National Blood Transfusion Service requires 1,000 donations every day to meet demand from patients. Some patients have other needs. In October last year, my constituents Robert and Jessie Colson submitted a petition to the Parliament's Public Petitions Committee on behalf of their son Richard, who at that time needed a bone marrow transplant because he suffers from severe aplastic anaemia. Thankfully, Richard received a transplant earlier this year and is making progress back towards good health.

However, Richard's parents' petition remains under consideration. They are still calling on the Scottish Government to recognise and promote the life-saving impacts that bone marrow testing and donation can have on people who have life-threatening illnesses. For that possibility to be expanded, the Government must provide adequate funding for the Scottish National Blood Transfusion Service to support bone marrow services and to encourage more donors. That can be done only by getting more blood donations.

As we know, the Scottish Government funds the SNBTS, which recently announced that it was entering into a collaboration with the Anthony Nolan Trust to improve recruitment of potential bone marrow donors. Again, that must follow additional blood donations. The criteria for joining the Anthony Nolan Trust register are similar to those used by the SNBTS, of which ScotBlood is a part. The only difference is in the age of donors. The age range for the Anthony Nolan Trust is 18 to 40, whereas that for the SNBTS is 18 to 50.

Earlier this year, ScotBlood and the Anthony Nolan Trust released a statement in which they said that they were joining forces to encourage more Scottish blood donors to join the Anthony Nolan Trust register. As was mentioned in the two previous speeches, we must find ways of

encouraging people to give blood. It has been suggested that people be paid to do that. Recently, I accompanied Robert Colson to a meeting with officials from the Anthony Nolan Trust, ScotBlood and the Scottish Government, at which we learned that in Germany people who make blood donations are asked to pay to be added to the bone marrow donor register. The idea is that, having invested in getting on to the register, they will remain committed to bone marrow donation. Rather than being paid to get on to the register, people are invited to pay to do so, and the system works very effectively.

I am sure that members will be aware of ScotBlood's recent initiative, which involves asking people who give blood whether they wish to put their names forward as potential bone marrow donors. People are only asked and encouraged to join the Anthony Nolan Trust register in that initiative—there is no commitment on collection.

The Anthony Nolan Trust recruits donors at their workplaces. I know that Rhoda Grant has been championing the idea of getting more blood donations at the workplace, and the benefits are obvious. Members may be aware of the links that the trust has developed with firms such as Virgin Media, which has a facility in my constituency, and which organises similar visits to those that allowed me to give donations at my former workplace. I hope that such links can be developed over the coming months and years.

I thank Rhoda Grant for bringing the issue to Parliament today. It has allowed me to inform others of the hard work of the Colsons and of others who have done so much to develop a relationship between blood donation and bone marrow donation. I thank her for this opportunity.

17:25

Nanette Milne (North East Scotland) (Con): I am pleased to take part in this debate, and I, too, congratulate Rhoda Grant on bringing the important issue of blood donation to the attention of Parliament.

The debate is timely. On Monday this week I was in Rhoda Grant's region, at Alness academy, where—as Rhoda has told us—the Public Petitions Committee heard a new petition on the need for attracting more blood donors. It was presented by Andrew Danet, a pupil at the academy, who was supported by his colleagues Ben Jones and Aidan MacKenzie. I undertook to bring the petition to the minister's attention during this debate, and I will go into a little more detail about it later in my speech.

The Scottish National Blood Transfusion Service has pointed out that it is important to build up the donor base in the face of potential future

challenges, such as the impact of a pandemic flu or the availability of a test for variant CJD, which could significantly reduce the number of donors in the future, over and above the reduction that has occurred in the past decade.

There has been a long-standing tradition in this country that blood should be given freely by donors, whose reward is knowing that they have helped to save the lives of their fellow citizens. Their continuing generosity is acknowledged in annual donor award ceremonies, and the pleasure of giving can clearly be seen on the faces of those who receive their bronze, silver and gold awards. As the Scottish National Blood Transfusion Service nears its 70th anniversary, I see no need to break that proud tradition. That approach is supported by the World Health Organization, which describes the altruistic principle of voluntary, unpaid donation as

“the cornerstone of blood safety”.

Blood safety has to be paramount, of course. It is furthermore accepted that the definition of “payment” should be extended to any other incentive to give blood. That is why I have not signed Rhoda Grant's motion. It seeks to incentivise donors by encouraging employers to give staff paid time off to donate blood. That is also why the Public Petitions Committee did not agree with Andrew Danet's proposal for a scheme to pay blood donors.

Rhoda Grant: I take issue with the member's interpretation of the motion. I do not believe that giving someone paid time off is an incentive; I believe that it is the removal of a barrier that might stop people from donating. The granting of paid time off to go to the doctor certainly does not incentivise me to go to the doctor, for instance.

Nanette Milne: I accept what Rhoda Grant says, but we clearly see the issue from a different point of view.

There are other ways to encourage donation, as we have seen from the success of the transfusion service's new strategy, which has resulted in the recruitment of nearly 70,000 new donors since it was launched last year.

The pupils at Alness, in preparation for presenting their petition, had looked at how some other countries attract donors. Although the petition sought payment for donors, it became obvious during our discussion that the main intention of the pupils was to raise awareness of the need for donors and of how to go about giving blood. One suggestion was for Scotland to reduce the minimum age for giving blood from 17 to 16, as it is in Northern Ireland. That could sensibly be considered. Physically, there is generally little difference between a 16-year-old and a 17-year-old, and I can think of no real drawback to

reducing the qualifying age by a year. A further suggestion from Andrew Danet, of holding donor sessions in high schools, might get donors into the habit of giving blood before they leave school, and could result in a long-term commitment to blood donation.

Countries such as France and Belgium were cited as having higher-profile awareness campaigns than we do, with widespread posters and numerous television advertisements. In France, there is apparently a very effective e-mail and text alerting system, which lets people know that they can give blood at a particular place on a particular date at a particular time. There are also opportunities to donate in offices, shopping centres and schools. The SNBTS might already be considering such ideas, but if it is not doing so, I suggest that they are worthy of consideration.

I commend the pupils of Alness academy for studying practice in countries in which donation rates are higher than rates in Scotland. I cannot support proposals for financial or similar inducements to give blood, but a number of other avenues are worth exploring in the effort to increase blood donation and I hope that some of our petitioners' suggestions will be followed up.

17:30

Jim Hume (South of Scotland) (LD): Tonight's debate is on an issue that has resonance for many people in Scotland. I congratulate Rhoda Grant on securing the debate. I support her motion.

I declare an interest. My youngest child, Julia, was given a blood change as a newborn baby, which undeniably saved her life. Her blood, like mine, is rhesus positive, whereas my wife's blood is rhesus negative. As a result, there was a large build-up of antibodies in my daughter's blood. My wife had to be induced a month early and the antibodies had to be flushed out with donor blood. That was nearly 16 years ago, and the doctor said that it was the first time that the procedure had been carried out in the Borders.

Since then, I have given blood. I am proud to say that my blood is like my attitude to life—B positive. That will not come as a surprise to members. I cannot quite match Thomas Bradley's record on blood donation, although like him I have a motorbike, which I will use to get home tonight. I hope that I will never need a blood transfusion myself—touch wood.

I know from my own experience, from the experience of friends and family who have received transfusions and from listening to the fantastic appeals of the Scottish National Blood Transfusion Service that giving blood is vital. I give blood as often as possible. It is always worth taking an hour out of one's day to give blood,

whether we do it at our local hospital or through the mobile service that travels around Scotland.

I hope that employers will be proactive in allowing staff time off to donate blood, as the motion calls for, because I am sure that some people do not give blood simply because they cannot find the time to do so. The ability to take an hour off from work would encourage people to give blood, and the mobile service makes it easier than it has ever been to do so, because it tries to fit in with people's busy lives.

We have all received the e-mails that come through the Parliament's system when the mobile donation service is in Holyrood park. Such e-mails are an excellent way of reminding people to give blood if they can. I hope that other employers can do that. If there is more flexibility for staff to give blood in work hours, blood stores should increase, which is much needed. I always remind my staff that they are free to take time out to donate blood, and they do so. It is sensible that employers everywhere should play a big role in helping the SNBTS. They might need blood or a blood product one day.

I congratulate the SNBTS on the campaign that it launched last year, which I understand has recruited an extra 10,000 donors. The campaign will continue and I hope that through advertising and other ways of reaching the public the service will go on to recruit another 10,000 people. New donors are needed. As the motion says, there are 30,000 fewer donors than there were a decade ago, which is a problem not just in the Highlands but in the south of Scotland. Indeed, it is a problem throughout Scotland and the United Kingdom.

We should not exclude certain sectors of our society. Healthy gay men should not be excluded, given that testing of blood has progressed so much. I hope that the UK Advisory Committee on the Safety of Blood, Tissues and Organs will reconsider the position. I would be interested to hear the minister's view on that.

I offer the SNBTS whatever assistance I can give to its campaign in the South of Scotland region. It is not possible for everyone to give blood, but I assure the people who can that the experience is painless and they will even get a free cup of tea and a choccy biscuit. Giving blood is certainly worth while when we consider the benefit that it brings to people's lives—not least the life of my daughter Julia. I hope that the debate goes some way towards helping the SNBTS campaign.

17:34

Dr Richard Simpson (Mid Scotland and Fife (Lab)): I join others in congratulating Rhoda Grant on securing this members' business debate.

Blood transfusion in humans was another first for Scottish bioscience, with the early work of Leacock on animals at the veterinary school in Edinburgh followed by Blundell's work in humans about 190 years ago.

The national transfusion service, as Nanette Milne indicated, has supported patients for more than 65 years and is approaching its 70th anniversary. It has met the changing needs of patients and the NHS, faced challenges and remained at the forefront of blood transfusion, punching well above its weight in research and innovation. Despite recent concerns about HIV, new variant CJD and the screening that might be needed, and the concerns about hepatitis C, the Scottish National Blood Transfusion Service has always been at the forefront of delivering the safest service.

I was involved—as I think Shona Robison was—in the Health and Community Care Committee's investigation into hepatitis C in the first session of the Parliament. I understand that there will be a further inquiry into the matter, but it was the committee's view that the transfusion service was well ahead of the other services in the United Kingdom in introducing the necessary exclusions to deal with the virus once it had been identified as hepatitis C, not simply non-A, non-B hepatitis.

The service faces and will continue to face many challenges. I have referred to some of the reasons for exclusions, but others need to be reviewed and examined. Rhoda Grant referred to medical exclusions. I have been a donor, albeit intermittently, over the years. Because I was a general practitioner partner, I could give myself paid time off work without any difficulty, but I did not always take the opportunity because of work pressures, which I regret. I believe that, now that I am taking some medication, I am excluded but, after Rhoda Grant's timely reminder, I will go back and ask whether the medication excludes me, as I hope to become a donor again.

Jim Hume referred to the exclusion on grounds of homosexuality. It is appropriate that the advisory committee should keep that under review. Given the major concerns that relate to hepatitis C and new variant CJD, the advisory committee is not particularly keen to take risks. It feels that, if something were to happen, the result would be more petitions and more demands for public inquiries, which would make life difficult. If the exclusion is lifted, it will have to be done carefully to ensure that the quality of blood is safeguarded.

We may face further exclusions in the future—we simply do not know—so campaigns to encourage young people to become involved in donating blood early on are important. The transfusion service may also need to consider going beyond its current pain relief measures. We heard Rhoda Grant's cringing tale of being awake all night the first time that she donated, and others have suggested that donating is not entirely painless. Perhaps more measures could be adopted to ensure that donors can be guaranteed a pain-free donation if that is what they want.

Michael McMahon referred to the Anthony Nolan Trust. My practice was one of the first to invite patients to come for a blood test to determine whether they might be suitable bone marrow donors, which is how the Anthony Nolan Trust started back in the 1970s. Within two years, one of my patients ended up being recalled from holiday in the Western Isles to give bone marrow. The whole community, as well as the donor, felt good about that. Community feeling about the donating experience is crucial and must not be lost.

Platelets have been mentioned. We also need to examine closely the recapture of salvaged blood. Scotland is not performing as well as England in that respect, and I hope that the minister will examine the situation. Although something is being done, health boards are not incentivised enough to manage supplies of blood cautiously. The use of blood has been improved, with substantial reductions being made, but more could be done not only to recapture salvaged blood but to encourage patients having elective operations to give blood beforehand. Their blood might not be given back to them—although that is the best way because it is the safest—but at least it would be available to others.

I recommend that we encourage progress in those two areas.

17:40

The Minister for Public Health and Sport (Shona Robison): I thank Rhoda Grant for bringing an important motion to Parliament. I, too, congratulate Mr Thomas Bradley from Renfrewshire, who has been nominated for a *Sunday Mail* "Great Scot" unsung hero award. As Rhoda Grant said, he has donated blood 600 times in 40 years and is currently Scotland's top active donor. I think that he sets a wonderful example.

The core business of the Scottish National Blood Transfusion Service is to meet the transfusion needs of patients in Scotland. In order to ensure an adequate supply of blood to the NHS, it is essential that voluntary donations be kept at a level that will allow that. People lead busy lives, so

it is a constant challenge to the service to consider ways in which to transform the donation experience in order to make it more accessible and satisfying. The SNBTS strategy is to build into the blood donor base sufficient resilience to reverse the downward trend in blood donation, which Rhoda Grant identified, and to cope with the introduction of increasingly more donor exclusion criteria for safety reasons, to which Richard Simpson alluded.

Some of the actions that are being undertaken in that regard include reaching out to new donors by a combination of very good publicity campaigns and marketing, using traditional and new media; adopting new computer systems that allows the SNBTS to interact better with existing donors; reviewing the locations of existing static donor centres to ensure that they are readily accessible and visible for donors; transforming the donation process by giving donors more choice about where, when and how they can donate blood, which is an issue that members have raised during the debate; considering whether additional fixed or semi-permanent donation centres across Scotland would be beneficial; significantly improving the donation experience by, for example, streamlining the donation process to minimise queuing and making better use of modern technology, such as e-mailing donors before sessions, and data handling during sessions to speed up the process; and exploring the potential to increase the opportunity to donate in the workplace.

On the workplace, I note Rhoda Grant's wish that consideration be given by employers to giving staff paid time off to donate blood. I appreciate that her suggestion is well intentioned, but I think that we must be very cautious. We must be careful that we do not undermine the concept of voluntary donation as the main source of the safest blood supply. The World Health Organization identifies the need for blood donation to be based on the altruistic principle of voluntary unpaid donation, and describes that as

"the cornerstone of blood safety."

It is generally accepted that the definition of payment should be extended to any other incentive to give blood. The concerns that Nanette Milne outlined about giving staff paid time off are well founded. It is for that reason that any tokens of appreciation to blood donors by the SNBTS are of nominal value. The SNBTS has a proud history of voluntary donation, which will be celebrated during the service's 70th anniversary in 2010. Evidence suggests that that is the best and safest method of blood collection. That is certainly our and the SNBTS's view.

In June 2008, the service launched a new integrated marketing and communications strategy. Many members will have seen the

powerful advertisements on television or heard them on radio. I think that the radio ones are sometimes the most effective—they put across a very powerful message. Recent figures from the SNBTS indicate that the strategy's impact has been very effective—it has led to an increase of 70,000 new donors and the return of over 40,000 lapsed donors. In the Highlands, more than 4,000 new donors have been recruited, with more than 3,000 returning donors. Last year in the Highland Council region, 23,714 donors attended to give blood, which was an increase of 4 per cent on the previous year.

The SNBTS is working closely with employers to encourage them to allow the SNBTS to undertake collections at or near the workplace. A number of employers are willing to shuttle staff to and from sessions at mobile centres near their location. Indeed, only recently, the mobile unit visited St Andrew's house, as it does regularly, and 63 donations were collected.

The SNBTS is working with management in the private and public sector to investigate opportunities to form partnerships and to develop new blood donating opportunities within the workplace. Although early gains are likely, the service is aware of the need for a long-term approach to donation. It recognises that, during these difficult economic times, it will need to minimise any financial impact on employers who allow the service to visit company premises. The SNBTS and I ask for employers' continued support and endorsement of blood donation.

The SNBTS is considering moving some donation centres from hospitals to city centres. The success of the Glasgow centre relocation in increasing donations shows the importance of footfall and the effect of a more convenient location. I am aware that some donor sessions in remote, rural and island communities have been discontinued over the years as attendance numbers fell below viable levels. The SNBTS is actively working with those communities to assess the possibility of organising or reintroducing such sessions in the future.

The SNBTS has done a lot of work through its energy challenge in Aberdeen, which encouraged more than 400 organisations in the energy sector to support their staff in giving blood. I am sure that similar initiatives might be adopted in other sectors. The service is also exploring options to work more flexibly with smaller donor staff teams to make collection from smaller workforces viable.

As members will be aware, the safety of the blood supply is of primary concern, so it is sometimes necessary to defer donors. That can lead to frustrations, especially when donors have waited patiently in a queue. The service is exploring options such as using e-mail or the web

to provide donors with information about reasons for deferral prior to donation, so that they can self-defer, which will save their own time and reduce queuing time for others. The service is also looking at how donors might be sent their donor session records to complete at home, in order to reduce queuing. Donors might also be allowed to book in via text messaging. All those developments will be important.

We should not forget the excellent work that has been undertaken to reduce the demand for blood through SNBTS-led education initiatives, such as the effective use of blood group, the better blood transfusion programme and the blood express project, which have reduced the demand from 45 per 1,000 of the population to 38 per 1,000. On the point that Richard Simpson asked about, in our discussions on the SNBTS as part of the annual review of NHS National Services Scotland, the issue of salvaged blood was raised and we were assured that the service is considering ways of addressing that.

In the longer term, the SNBTS plans to continue to build the donor base. The service estimates that it will need approximately 194,000 blood donors to secure enough blood for patients into the future. I am aware that 95 per cent of Scotland's population do not currently donate. We also face issues such as demographic change—there will be fewer donors to meet the needs of an ageing population with increased transfusion needs—and increased safety measures as science progresses.

In the shorter term, we also face the possibility that the H1N1 virus will have an effect on the donor base. Therefore, I ask members to do all that they can within their constituencies to underpin the message from the SNBTS about encouraging volunteers to give blood. If that message comes out from tonight's debate, it will certainly have been a worthwhile debate.

Meeting closed at 17:48.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

Members who wish to suggest corrections for the archive edition should mark them clearly in the report or send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP.

The deadline for corrections to this edition is:

Thursday 1 October 2009

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Published in Edinburgh by RR Donnelley and available from:

Blackwell's Bookshop

**53 South Bridge
Edinburgh EH1 1YS
0131 622 8222**

Blackwell's Bookshops:

243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

And through other good booksellers

Blackwell's Scottish Parliament Documentation

Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries

**0131 622 8283 or
0131 622 8258**

Fax orders

0131 557 8149

E-mail orders, Subscriptions and standing orders

business.edinburgh@blackwell.co.uk

Scottish Parliament

**All documents are available on the
Scottish Parliament website at:**

www.scottish.parliament.co.uk

For more information on the Parliament, or if you have an inquiry about information in languages other than English or in alternative formats (for example, Braille; large print or audio), please contact:

Public Information Service

The Scottish Parliament
Edinburgh EH99 1SP

Telephone: 0131 348 5000

Fòn: 0131 348 5395 (Gàidhlig)

Textphone users may contact us on
0800 092 7100

We also welcome calls using the RNID
Typetalk service.

Fax: 0131 348 5601

E-mail: sp.info@scottish.parliament.uk

We welcome written correspondence in any language.