

MEETING OF THE PARLIAMENT

Thursday 1 October 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 1 October 2009

Debates

Col.

“EQUAL PAY IN LOCAL GOVERNMENT”	20143
<i>Motion moved—[Duncan McNeil].</i>	
Duncan McNeil (Greenock and Inverclyde) (Lab)	20143
The Cabinet Secretary for Finance and Sustainable Growth (John Swinney)	20148
David Whitton (Strathkelvin and Bearsden) (Lab)	20151
David McLetchie (Edinburgh Pentlands) (Con)	20154
Jim Tolson (Dunfermline West) (LD)	20157
John Wilson (Central Scotland) (SNP)	20160
Sarah Boyack (Edinburgh Central) (Lab)	20162
Margaret Mitchell (Central Scotland) (Con)	20164
Tricia Marwick (Central Fife) (SNP)	20167
Mary Mulligan (Linlithgow) (Lab)	20168
Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)	20171
Michael McMahon (Hamilton North and Bellshill) (Lab)	20173
Bob Doris (Glasgow) (SNP)	20175
Marlyn Glen (North East Scotland) (Lab)	20176
Alison McInnes (North East Scotland) (LD)	20179
Gavin Brown (Lothians) (Con)	20181
David Whitton	20183
John Swinney	20186
Alasdair Allan (Western Isles) (SNP)	20189
QUESTION TIME	20193
FIRST MINISTER’S QUESTION TIME	20201
QUESTION TIME	20213
COLLEGES (ECONOMIC RECOVERY)	20230
<i>Motion moved—[Fiona Hyslop].</i>	
<i>Amendment moved—[Claire Baker].</i>	
<i>Amendment moved—[Murdo Fraser].</i>	
<i>Amendment moved—[Margaret Smith].</i>	
The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop)	20230
Claire Baker (Mid Scotland and Fife) (Lab)	20235
Murdo Fraser (Mid Scotland and Fife) (Con)	20238
Margaret Smith (Edinburgh West) (LD)	20241
Willie Coffey (Kilmarnock and Loudoun) (SNP)	20244
David Stewart (Highlands and Islands) (Lab)	20246
Angela Constance (Livingston) (SNP)	20249
Cathie Craigie (Cumbernauld and Kilsyth) (Lab)	20251
Mary Scanlon (Highlands and Islands) (Con)	20254
Alison McInnes (North East Scotland) (LD)	20256
Kenneth Gibson (Cunninghame North) (SNP)	20259
Karen Whitefield (Airdrie and Shotts) (Lab)	20261
Christopher Harvie (Mid Scotland and Fife) (SNP)	20263
Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)	20265
Elizabeth Smith (Mid Scotland and Fife) (Con)	20267
Ken Macintosh (Eastwood) (Lab)	20270
The Minister for Schools and Skills (Keith Brown)	20273
POINT OF ORDER	20277
DECISION TIME	20279
WORLD PIPE BAND CHAMPIONSHIPS	20281
<i>Motion debated—[Stuart McMillan].</i>	
Stuart McMillan (West of Scotland) (SNP)	20281
Jamie McGrigor (Highlands and Islands) (Con)	20284
Elaine Smith (Coatbridge and Chryston) (Lab)	20285

Anne McLaughlin (Glasgow) (SNP)	20287
The Minister for Culture, External Affairs and the Constitution (Michael Russell)	20289

Oral Answers

Col.

QUESTION TIME

SCOTTISH EXECUTIVE	20193
---------------------------------	-------

GENERAL QUESTIONS	20193
--------------------------------	-------

Abnormal Loads	20197
----------------------	-------

National Health Service Physiotherapy (Waiting Lists)	20196
--	-------

Public Access to Science (Kilmarnock and Loudon)	20193
---	-------

Scottish-Islamic Foundation (Meetings)	20199
--	-------

Strategic Transport Projects Review	20194
---	-------

Voluntary Organisations (Meetings)	20198
--	-------

FIRST MINISTER'S QUESTION TIME	20201
---	-------

Alcohol Misuse.....	20207
---------------------	-------

Cabinet (Meetings)	20205
--------------------------	-------

Engagements.....	20201
------------------	-------

Home Insulation Scheme	20211
------------------------------	-------

School Building Programme (Scottish Futures Trust)	20210
---	-------

Secretary of State for Scotland (Meetings)	20204
--	-------

SCOTTISH EXECUTIVE	20213
---------------------------------	-------

RURAL AFFAIRS AND THE ENVIRONMENT	20213
--	-------

Animal Welfare Groups (Meetings)	20219
--	-------

Fisheries (European Union Talks)	20217
--	-------

Flooding (Moray)	20213
------------------------	-------

Food and Drink Industry (New Markets).....	20215
--	-------

Meat Inspection System (Food Standards Agency).....	20220
--	-------

Power Stations (Environmental Impact)	20213
---	-------

Rural Development (Support)	20216
-----------------------------------	-------

JUSTICE AND LAW OFFICERS	20221
---------------------------------------	-------

Assisted Suicide	20223
------------------------	-------

Extradition (United States of America)	20225
--	-------

Illegal Encampments (Montrose and Bridge of Dun)	20228
---	-------

Knife Crime (Glasgow)	20225
-----------------------------	-------

Licensing (Scotland) Act 2005.....	20226
------------------------------------	-------

Rural Policing Priorities (Lothian and Borders)	20228
---	-------

Sexual Offences (Scotland) Act 2009 (Implementation)	20221
--	-------

Title Conditions (Scotland) Act 2003 (Land Maintenance Companies)	20224
--	-------

Scottish Parliament

Thursday 1 October 2009

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

“Equal Pay in Local Government”

The Presiding Officer (Alex Fergusson): Good morning. The first item of business is a debate on motion S3M-4940, in the name of Duncan McNeil, on the Local Government and Communities Committee’s report on equal pay in local government. We have a small amount of flexibility on timing, but I ask members to stick approximately to the time that they are given.

09:15

Duncan McNeil (Greenock and Inverclyde) (Lab): I welcome the opportunity to open this debate for the Local Government and Communities Committee. However, I regret the fact that we must have such a debate, because it means that equal pay still has not been fully sorted out in local government and that cases for a large number of workers, especially low-paid female workers, remain unresolved.

Councils and unions made an agreement on single status way back in 1999. It is now 2009, but issues have still not been resolved. I do not intend to go through the various delays in implementation of single status—the Finance Committee’s report on the issue in session 2 dealt with that issue well. However, if implementation of single status had not been delayed, we might not be where we are today. The current position is quite concerning. At the time of our inquiry, around 35,000 equal pay cases were lodged with tribunals, with no resolution in sight. We wanted to assess fully the current situation and, crucially, to look at potential solutions.

I thank everyone who gave us oral and written evidence. Thanks are also due to the clerks, the Scottish Parliament information centre and all committee members who worked on the issue.

Our report sets out the background to the current situation, helpfully explains the different types of equal pay claims that might be lodged and makes a number of recommendations that we hope will bring some kind of resolution. Essentially, single status was supposed to be implemented in all local authorities to harmonise terms and conditions and to eradicate discrimination. At the time of our inquiry—10 years down the line—26 of the 32 local authorities had implemented it.

Equal pay claims can arise for a number of reasons. There may be work rated as equivalent claims, where jobs have already been rated the same. That was the case for manual workers in local authorities, where an evaluation was carried out in 1987 but workers continued to attract different earnings, mainly through the payment of bonuses. Work of equal value claims may arise because an authority has not implemented equal pay or, where it has, because individuals claim that equal pay has not been implemented properly. There may also be claims as a result of recent court judgments, about which I will say more later.

Throughout our inquiry, everyone kept telling us how complex the situation is. We realise that the issues can be complex, but we know that local authorities have not only an obligation but a duty to ensure that there is equal pay for work of equal value. We need to find a way through the problems. The situation has become even more complex because of the legal rulings and case law that have developed. That is not surprising, given the time that it has taken to implement single status.

It became clear to us that it is likely that, of the thousands of cases that have been lodged, a fair number could be considered strong cases. In some of them, the main issue is not whether discrimination occurred but the level of compensation that was offered. Our view on strong cases is the same as that of Philip Barr, the human resources director for the City of Edinburgh Council, who said:

“It is a no-brainer for most councils: we cannot win these cases in court.”—[*Official Report, Local Government and Communities Committee*, 18 March 2009; c 1815.]

Councillor Michael Cook of the Convention of Scottish Local Authorities said:

“it seems to me only common sense that if the cases are persuasive and have strong merit the local authorities will be under pressure to look at settling them.”—[*Official Report, Local Government and Communities Committee*, 22 April 2009; c 1915.]

For all of those fine words, cases are not being settled. To be clear, the committee is not asking local authorities to settle cases that they think have no validity, but surely it serves no one well for strong cases not to be settled. The problem is that no one seems to be prepared to make the first move and that there is no agreement on how to take things forward. Regrettably, this has become a very litigious situation—unions are taking cases against local authorities and no-win, no-fee lawyers are taking cases against unions and local authorities. While all of that is going on, low-paid workers are being denied justice and compensation. Justice delayed is justice denied.

That is why the committee recommended that all parties—local authorities, unions and lawyers—should be brought together to reach an agreement on how to deal with cases in the system that are considered to be strong. They need to be brought together by someone, and we believe that that someone should be the Scottish Government. We are not suggesting that the Scottish Government should look to impose any kind of settlement; we are simply saying that it should facilitate a meeting.

Our recommendation echoes the call by the Finance Committee in session 2 for all parties to enter into discussions, facilitated by the Scottish Executive, to sort out the implementation of single status in all local authorities. The deputy convener of the Finance Committee at that time is now the Cabinet Secretary for Finance and Sustainable Growth. We were disappointed that, in response to our recommendation, he did not offer to facilitate a meeting, saying instead:

"The Scottish Government has encouraged COSLA to find a solution to this point and will continue to encourage COSLA to resolve issues ... quickly".

However, I was pleased that in his response Councillor Michael Cook of COSLA said:

"I will undertake ... to write to all councils suggesting that if there are claims which are particularly meritorious, then early consideration should be given to reaching a settlement."

It continues to concern us that, if the nettle is not grasped now, we will make no progress and will find ourselves in the same position months, if not years, down the line. In the intervening period, there could be another set of court judgments or case law, with the result that, as soon as one set of problems is resolved, another arises, adding to the already extensive costs.

One case has become known as the Bainbridge judgment. Following an evaluation, pay protection was found to favour male employees—another complication—and was considered discriminatory. Although the Bainbridge judgment is not a blanket ruling, and each pay protection scheme should be considered on its merits, it is clear that it will be difficult for local authorities to prove that such schemes are not discriminatory. The judgment could give rise to further claims and costs. Although not all authorities believe that it will, the committee wants to stop the situation becoming more complicated. That is why we have recommended that, if it has not already done so, COSLA should publish comprehensive guidance and advice to local authorities on the implications of the judgment.

We are also asking COSLA to consider putting together a framework agreement, with a payment matrix, and to agree that with the trade unions, to deal with any cases arising from the Bainbridge

ruling. We suggest a payment matrix because we do not want to get into the situation that we are in at moment of cases being taken because the compensation that has been offered is not sufficient. To ensure that there is agreement on the matrix, we say that compensation levels should more accurately reflect the individual's loss, which may not have been the case in the past.

Of course, all of that costs money. We are all aware that there is a major squeeze on public sector spending. However, although we are in tough times, we must remember that many local authority workers have been discriminated against and should be paid compensation. That is why we have recommended that, in the all-party discussions that we have said should take place, consideration should be given to staged payments. That would make it possible to set compensation at a level that is acceptable to individuals and their representatives but in a way that allows authorities to spread payments over a certain time period.

The Scottish Government can also help with funding for equal pay by allowing local authorities to capitalise their assets. In other words, authorities should be allowed to treat new expenditure as capital and not revenue and so fund that expenditure through borrowing or capital receipts. We were pleased to hear that the Scottish Government has begun discussions with COSLA to put in place a capitalisation scheme in Scotland. We ask the Government to produce a timetable for establishing the scheme as soon as possible. In its response to our report, the Government confirmed that a scheme outline had been agreed and that it would be discussed shortly with HM Treasury, which has to give its approval. Perhaps the cabinet secretary can update us on those discussions. We take encouragement from the news over the past couple of days that additional money will be made available in England and Wales through such a mechanism to address the issue.

With all the emphasis on claims for back pay for past discrimination, we must not lose sight of the fact that we have to ensure that we have robust, non-discriminatory pay schemes going into the future. Alex McLuckie of the GMB summed that up neatly when he said:

"Equal pay is about setting the future rate. Believe it or not, that could be more advantageous to female workers than the back money. If someone has 20 or 30 years to work, they will benefit from the higher rate for 20 or 30 years."—[*Official Report, Local Government and Communities Committee*, 11 March 2009; c 1782.]

It is disappointing that there is still disagreement over whether the councils that have implemented single status have eliminated discrimination. The unions assert that discrimination still exists, but

COSLA does not accept the point. As a committee, we will not try to arbitrate on the issue, but we hope that our recommendations go some way to resolving it. We recommended that COSLA should introduce, in conjunction with the unions, an agreed and independent assessment system for new pay and grading arrangements. We also said that Audit Scotland could check whether that had been done as part of its best-value audits.

We also recommended that, if local authorities were not already doing so, they should carry out annual equal pay audits. Finally, we recommended that the Government should have discussions with COSLA on the issue of regular reviews and equality proofing. We welcome the Government's response that it is

"happy to work with local government to improve and advance equality".

That said, I would welcome some detail from the cabinet secretary on what that will mean in practice in relation to equal pay.

This was a deeply frustrating inquiry for the committee to undertake—frustrating because everyone seemed to say, "We recognise that there are issues to be sorted out. We are willing to sort them out," but the issues have not been sorted out. Our committee is the third committee of the Parliament to have looked at the issue of equal pay. If it was frustrating for us, we can only imagine what it is like for the workers who have not yet been properly compensated. Have workers not been compensated because they are low-paid women workers?

In our evidence taking, we heard stories of compensation offers—they could also be called bribes—being dangled in front of low-paid workers just before Christmas, a time when the prospect of a reduced offer may appear better than no offer at all. We heard about low-paid women who had been in the system for nearly six years. Our recommendations give a way forward. I hope that all parties take them on board. As a committee, we want to continue to monitor whether progress has been made. We will do so.

All the unresolved issues create a huge amount of uncertainty in what are already uncertain times. We need to resolve past discrimination, but we also need to ensure that discrimination does not happen again. As our report says:

"That will give the greatest certainty."

I am happy to move the motion on behalf of the Local Government and Communities Committee.

I move,

That the Parliament notes the conclusions and recommendations contained in the Local Government and Communities Committee's 12th Report 2009 (Session 3): *Equal Pay in Local Government* (SP Paper 292).

09:29

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I welcome the opportunity to offer the Scottish Government's response in the debate to the report from the Local Government and Communities Committee, "Equal Pay in Local Government". I thank the committee for the report and the convener for his remarks to the Parliament today.

This is an important issue; one that is directly relevant to the Government's economic strategy and purpose. As a Government, we are committed to working with others to tackle the significant inequalities in Scottish society, including equal pay. The issue is one that the Scottish Government has taken and continues to take very seriously indeed. Over the course of my remarks, I will set out some initiatives that the Government is taking to advance the issue. The Government believes that a fairer distribution of wealth is key to economic growth. Equal pay is an important part of that assessment and consideration.

As the Parliament knows, the issue for local government goes back to the negotiations that COSLA and the trade unions undertook on equal pay and single status that resulted in the 1999 single status agreement. The Scottish Government was not involved in the negotiations, nor has it been directly involved in implementing the agreement since that date. COSLA has always accepted that the issue is one that local authorities should properly address. We have encouraged them to resolve the issue as quickly as possible. Of course, the former Scottish Executive also adopted that position.

I note from the report that the committee shares our concerns—indeed, the convener fully made the point in his remarks today—that the process of implementing single status has taken a great deal longer than any of us would have wished. Like others, I am disappointed at the length of time and cost in achieving progress. That said, we have to acknowledge the indications from COSLA and the local authorities of their willingness and desire to bring the matter to a positive conclusion in as short a time as possible.

It is my understanding that 26 of the 32 councils in Scotland have now implemented agreements and that, of the remaining six, five are on target to do so by the end of this year. The final council is on target to do so early in 2010. I hope that that signals that the end of the process may at last be in sight. As I said, the process is one for local, not national, government. As such, it is not for the Scottish Government to step in and dictate the implementation of agreements where that has not been achieved. Doing that would be inappropriate and counter to the spirit of our relationship with local government.

In its report, the committee made a number of important recommendations that relate to the involvement of the Scottish Government. I will offer some specific comments in relation to the issues. The committee made recommendations around the implementation of a capitalisation scheme that would allow local authorities to borrow to meet the costs of all their equal pay and single status costs. The convener spoke earlier about the importance of such a scheme.

As I stated to the committee in April, the issue was raised by COSLA some months ago. As a result, we have been working jointly with COSLA on the terms of a capitalisation scheme under which councils may apply for consent to borrow to meet the costs of back claims for equal pay. That work is now complete. I can confirm to Parliament today that Her Majesty's Treasury has just consented to the terms of our scheme, which will be welcome news for local authorities. Following a short consultation with them on the details, individual authorities will be invited to submit applications to the scheme, which will be introduced in the current financial year.

The committee also sought clarification on whether there would be sufficient flexibility within any capitalisation scheme to ensure that local authorities could meet all their single status and equal pay liabilities. We all need to recognise that borrowing in itself is not a solution to resolving the financial difficulties. It will assist in dealing with much of the financial strain, but it will not resolve all of the issues.

Mary Mulligan (Linlithgow) (Lab): I welcome the cabinet secretary's announcement on the capitalisation scheme. Is there a limit on the amount that will be made available?

John Swinney: Obviously, as I am sure Mary Mulligan understands, there is never a blank cheque from Her Majesty's Treasury. We will try to accommodate in the scheme as many as possible of the requests for assistance from local authorities. We have a framework in place with Her Majesty's Treasury, which it has provided for us. Once we see the applications from authorities, we will assess whether enough resource—enough consent—has been made available in the scheme to meet all the applications. We will, of course, continue to discuss any remaining issues with Her Majesty's Treasury in the light of submissions.

Duncan McNeil: During the past couple of days it has been indicated that £500 million is available to local authorities in England. How much will be available to local authorities in Scotland?

John Swinney: As I said to Mary Mulligan, the Government has been in discussion with Her Majesty's Treasury. We have a framework in place, and the resources that will be available will

depend on our dialogue with the Treasury. We have given the Treasury an indicative assessment of what we think will be required, and we will await the submissions from local authorities to determine whether that is adequate and appropriate to meet the needs of local authorities in Scotland. I assure Mr McNeil that the scope of the framework is such that what will be available to Scotland will be comparable with the resources that are available to England, on a proportionate basis.

David McLetchie (Edinburgh Pentlands) (Con): The cabinet secretary will recall that the capitalisation scheme that was approved for Aberdeen City Council was in the order of £11 million—if my recollection of the evidence that the committee heard is correct. Can we assume that the Scotland-wide national scheme will be proportionate to that, vis-à-vis other councils? The cabinet secretary is not normally slow to tell us how much he is demanding from HM Treasury, so will he explain why he is so loth to give us a simple figure for the maximum limit that will apply to the scheme?

John Swinney: It is highly unlikely that the resources will be comparable, on a proportionate basis, with those that were available to Aberdeen City Council. I said to Mr McNeil that I thought that the figure that would be available to Scotland would be proportionate to the £500 million figure that is available to England, but the figure's ultimate size will be the subject of discussion with HM Treasury.

Mr McLetchie should know that I am at the most reasonable end of the spectrum on such questions and that I am perfectly happy to have an orderly and open discussion with the Treasury when I have the information about the scale of demand in Scottish local government. I cannot give the Parliament a guarantee that the capitalisation scheme will enable local authorities to meet all their liabilities in relation to equal pay, because in essence that will depend on the strength of the business case from individual local authorities. As I said, there will be a cap on the amount of borrowing that is put in place by HM Treasury to meet equal pay back costs.

The committee recommended that all the relevant parties be brought together to reach an agreement on how to deal with the equal pay claims in the system that are considered to be strong. The committee recommended that the Scottish Government facilitate the discussions. In line with previous Administrations, I reaffirm that I believe that given that councils are independent autonomous bodies, it is for councils to address the matter. The Government does not believe in micromanaging councils, but we think that councils must resolve the position in the interests of

fairness for the staff concerned and the council tax payers of Scotland. Of course, the Government will act where it can, as we have done in relation to the capitalisation scheme. We will work to find solutions where we think that there is a role for the Government to exercise that responsibility.

We have consistently encouraged councils to resolve the issues as quickly as possible, to remove the uncertainty for local government finances and for council employees who are involved. To assist in that process, under the arrangements that are in place for financing local government through the concordat, the Government has provided local government with much greater freedom and flexibility to utilise resources through the relaxation of ring fencing and the ability to retain efficiency savings. We have also halted the budget share decline that took place under the previous Administration: we are providing local government with a rising share of the Scottish budget in the 2008 to 2011 spending review period. Those measures, taken together, are supporting an improvement in local authorities' ability to manage the equal pay issue and other financial pressures that they face. As Duncan McNeil acknowledged, we are moving into a tight period for public finance, so it is essential that local authorities resolve the issue satisfactorily.

The committee recommended that the Scottish Government enter into discussions with COSLA on regular reviews and equality proofing in the future, and that we give advice and support where we can. Local government has responsibilities in relation to equality and is under an obligation to undertake equality assessments on policy interventions. That obligation must be met as part of the orderly undertaking of the business of individual local authorities.

Alison McInnes (North East Scotland) (LD): Will the cabinet secretary give way?

John Swinney: I am drawing to a close.

Equal pay is a significant issue. I welcome the committee's input into discussions on the matter, which I hope will, along with the capitalisation scheme, provide the impetus to help to resolve the issue on behalf of many low-paid workers in Scotland and to give certainty to the execution of local government finance in Scotland, which is a priority for everyone in local and national Government.

09:41

David Whitton (Strathkelvin and Bearsden) (Lab): I am pleased to respond on behalf of the Labour Party. I congratulate the Local Government and Communities Committee on picking up the topic and I thank witnesses, committee clerks and everyone who took part in the inquiry.

As the committee's convener Duncan McNeil said, this is the third time that a committee of the Parliament has considered the issue. I share his regret that even after 10 years of devolution the matter has not been sorted out. The result of that failure is that for many thousands of low-paid, mainly women workers in local government and the health service, the issue of equal pay remains unresolved.

The right to equal pay was enshrined in the Equal Pay Act 1970, but almost 40 years later a gap remains between what is paid to male workers and what is paid to female workers—and not just in traditional jobs. In some cases, the difference is more than 20 per cent, which cannot be right. As Mr McNeil said, the 1970 act refers to individuals who do work of

"the same or a broadly similar nature".

Ten years ago, the trade unions and local authorities reached an agreement on single status, in an attempt to harmonise the terms and conditions of manual workers, who were mainly male, with those of administrative, professional, technical and clerical workers in local government, a large number of whom were female. The single status agreement involved examination of a number of issues: pay, grading, working hours, annual leave, sick leave and negotiating mechanisms. There was also an attempt to deal with the thorny issue of bonus payments, which were paid in some jobs and not in others.

As an aside, I mention that bonuses on a different level were exercising the minds of members of the Economy, Energy and Tourism Committee yesterday. Indeed, those bonuses featured in news bulletins last night and today. It looks like there is some progress from the bankers after all this time. Reluctance to give up bonuses is not restricted to bank executives.

The driving force behind single status was the need to have harmonised and non-discriminatory pay scales. The issue of equal pay has always been linked with that stated objective. It was always recognised that there would be winners and losers in the exercise, but an element of pay protection was a cushion for people whose job evaluation went down.

As members know, the original deal was signed in 1999. At the time, it was hoped that single status would be fully implemented by 2002, three years later. That proved to be a false hope, and unions and local authorities extended the deadline by a further two years. That deadline also came and went. We know from reading the committee's report that by 2006, when the Finance Committee carried out the most recent parliamentary inquiry into the implications of the single status agreement, only one local authority had

implemented single status. The delay led to a number of equal pay claims being presented to industrial tribunals. As we know, 35,000 or so claims are still to be decided. It is obvious that settlement of such a large number of claims will come with a price tag, which is a major cause of concern to our local authorities.

As Mr McNeil said, Mr Swinney was deputy convener of the Finance Committee when it published its inquiry report in 2006. During that inquiry, Mr Swinney had a spirited exchange on the matter with Tom McCabe, who was then Minister for Finance and Public Service Reform, with responsibility for the matter. Mr Swinney said then:

“There is ... a problem that must be resolved and from the evidence that we have received, it looks to be no closer to resolution today than it was a number of years ago. I am interested in whether the Executive is considering offering arrangements to local authorities subject to certain conditions”

to resolve the single status agreement.

“Is that the subject of negotiation with local authorities?”—
[*Official Report, Finance Committee*, 21 February 2006; c 3420.]

Mr Swinney now finds himself in the position of having to answer the question. He has just let us know his preference.

John Swinney: I am always delighted to engage in historical discussions with Mr Whitton. Does he acknowledge—he must do from what he said a moment ago—that significant progress has been made since that exchange with Mr McCabe, because 26 of the 32 local authorities now have an agreement in place? From his gesticulation, I assume that I have predicted the course of his speech. I can see the future as well as understand the past.

David Whitton: Indeed the cabinet secretary has predicted the course of my speech. I will carry on because, if he waits a minute, we will get to the point.

Having sparred with Mr Swinney in his former committee, I fear that his was a rhetorical question and, indeed, it proved to be such. However, in an exchange with Mr McNeil on 29 April, the cabinet secretary gave a clue to his thinking. Mr McNeil pursued a similar line of questioning to Mr Swinney’s against Mr McCabe. Specifically, he wanted to know whether the Scottish National Party Government had held any talks on whether local government had enough money to settle equal pay deals. The cabinet secretary replied in a refrain that has become all too familiar: it is all a matter for COSLA; the local authorities already have the money and it is not ring fenced. However, he confirmed that there were discussions about capitalisation. Today, we heard

from him that those discussions with the Treasury have been brought to some conclusion. I am pleased to hear that, although the cabinet secretary demonstrates a certain reluctance to tell us exactly how much money will be made available.

Earlier this week, the United Kingdom Secretary of State for Communities and Local Government, John Denham, announced that he was giving 37 councils in England and Wales the authority to raise another £500 million to end “years of unfairness” for thousands of low-paid women workers, as he put it. The announcement was warmly welcomed not only by those who will benefit but by their trade unions and the employers. That method of raising finance has existed since 2006, and so far £1.6 billion has been raised for the purpose in England and Wales. As Mr McLetchie said in his intervention, in Scotland, it has been used only once so far: to let cash-strapped Aberdeen City Council raise just over £11 million to settle its single status agreement. Treasury consent has to be received, and I wish Mr Swinney well in his negotiations on that, but I hope that, if he is summing up the debate, he will give us the figure that he seemed reluctant to provide in his earlier exchanges.

Even today, 10 years on, not all of our 32 local authorities have signed a single status agreement. Although the situation is complex, we must ask ourselves why that is. How much will it all cost? Time will tell, but I welcome the report and express the Labour Party’s hope that the Government will take on board all the recommendations and implement them in full.

09:48

David McLetchie (Edinburgh Pentlands)
(Con): As David Whitton just reminded us, the Finance Committee report of 2006 is instructive because the Cabinet Secretary for Finance and Sustainable Growth was then a member of the committee and was vexed about the financial implications that single status and equal pay claims would have for local authorities. Indeed, Mr Swinney complained to Tom McCabe, the then Minister for Finance and Public Service Reform, that

“hundreds of millions of pounds in contingent liabilities on equal pay are not even making it on to the balance sheet”

of local authorities, and that

“That seems to be an absurd position for us to be in.”—
[*Official Report, Finance Committee*, 21 February 2006; c 3427.]

He was absolutely right: it was an absurd position for us to be in. The Finance Committee estimated the equal pay liabilities of councils to be anywhere between £310 million and £560 million

and said that implementation of single status and the retrospective compensatory payments that it would entail was the biggest financial challenge that local government in Scotland faced.

I am sorry to say that, three years later, it remains the biggest financial challenge facing local government in Scotland. The bill has become no smaller. Indeed, the upper-end estimate of £560 million from 2006 has been confirmed and validated in 2009 by the level of payments that have had to be made in the intervening period. It does not end there, because further and as yet unquantified liabilities have emerged in the light of the Bainbridge court decision of 2008, and other claims are pending involving local authority administrative, professional, technical and clerical staff, which will also have enormous financial implications if they go against the council employers.

It is true that 26 out of 32 councils have put in place single status pay structures that will, it is to be hoped, cap future equal pay claims by finally establishing non-discriminatory pay regimes. However, the fact remains that 10 years after the conclusion of a national single status agreement between COSLA and the trade unions, the issue has still not been resolved. In that context, it is instructive to consider the concordat arrangements that have been made between the Government and COSLA, in so far as they relate to equal pay claims. Members should bear in mind that when they agreed the concordat, Mr Swinney, on behalf of the Government, and COSLA, on behalf of its member councils, knew well that there were substantial contingent, but unquantified, liabilities in respect of the claims, and that those liabilities would run into hundreds of millions of pounds. Notwithstanding that, COSLA reached an agreement with the Government on funding support for local authorities in which the liabilities were acknowledged to be historic in origin and, therefore, covered within the settlement that was reached.

Members may well wonder how councils could, in negotiations with their principal funder, accept responsibility for unquantified liabilities on that scale, and make no specific reference to equal pay claims and their costs as being one of the exceptional funding pressures, for which provision is made in the concordat, that could be a justification for re-examining funding levels. It is clear that the matter will be covered in the continuing dialogue between COSLA and the Government, but members should not expect to read any reports about that dialogue in public print because the review meetings between ministers and COSLA take place in private. No agendas, papers or minutes are published; they are all state secrets. That says everything about both parties' transparency and their accountability for the

historic concordat.

However, I give the Government credit for its willingness to discuss with local authorities a capitalisation scheme to assist them in funding at least some equal pay claims. As we have heard, such a scheme has already been put in place for Aberdeen City Council. I welcome Mr Swinney's announcement and the further information that he gave Parliament on extending the arrangements to other councils, even if he was remarkably coy about the figures. I am indebted to Mr Whitton for pointing out the £500 million of approved funding that the UK Government announced this week for 37 councils in Edinburgh—I beg members' pardon: in England. We would welcome it in Edinburgh.

John Swinney: Ah yes, some of Mr McLetchie's decisions in Edinburgh—

David McLetchie: Mr Swinney should wait just a minute and not jump on such slips of the tongue too quickly.

The £500 million for 37 councils in England is part of a package of £1.6 billion of capitalisation funding that has been approved. Mr Swinney talks about a proportionate amount for Scotland, but it would be interesting to know whether he means a sum that would be proportionate to £500 million or to £1.6 billion. If it is proportionate to the latter, the proportions for the 31 other councils in Scotland would be much more comparable to the amount that was approved for Aberdeen City Council. I urge Mr Swinney to tell us the sums on which he is working.

We should not forget that "capitalisation" is simply a fancy word for more borrowing. Borrowing must be serviced and financed over a period of years and, if we borrow to meet equal pay claims, we inevitably constrain our ability to borrow for other purposes, such as building schools.

The Equal Pay Act 1970 came into force in 1975. Would the parliamentarians of that period have believed that, 34 years later, the issues would remain unresolved for millions of workers across the United Kingdom, and that the persons who are mainly responsible for such a failure are not big businesses or private companies but public bodies—namely, councils in Scotland and elsewhere in the UK?

As I have mentioned, a single status agreement was concluded 10 years ago, in 1999, although six councils still do not have non-discriminatory pay scales. Thousands of claims are pending before industrial tribunals, and refuse collectors in Edinburgh are taking industrial action because of their dissatisfaction with how single status, or "modernising pay", as it gets called, is being implemented in this city. The bin dispute has exposed some extraordinary Spanish practices in

terms of the way in which such workers have been remunerated over the years, but it is nonetheless the case that those men are not highly paid. They are naturally aggrieved that, for them, pay protection will run out after three years, and their incomes will not only be frozen in the interim, but could fall thereafter. However, we cannot pay them more for a longer period, because that would give rise to substantial claims by thousands of other council employees. In that respect, councils are stuck between a rock and a hard place.

Dither and delay have characterised the whole saga over the past 10 years, for which Government, councils and trade unions must take responsibility. When the sun was shining on the public finances, they failed to resolve the problem and continued to treat their women workers unfairly. Well, the sun ain't going to shine any more on the public finances, and the situation could not have come to a head at a worse time.

The settling of historic pay claims could well result in jobs being lost and front-line services being affected, which is why the Government must get involved in trying to resolve the matter. Leaving it all to the councils and the trade unions is what got us into this mess in the first place.

09:57

Jim Tolson (Dunfermline West) (LD): The Local Government and Communities Committee's "Equal Pay in Local Government" report has been long awaited. As a member of that committee, I welcome the report and note the large volume of work that was done by the clerks, the Scottish Parliament information centre, the convener and other members. As members are well aware, the single status agreement was reached in 1999 between the local authorities and the unions to harmonise manual and non-manual workers' terms and conditions. Each local authority was to implement it individually, but 10 years later, the agreement has still not been implemented in every local authority.

In the intervening period, a number of legal rulings have impacted on equal pay. They, together with delays, have led to a large number of individuals lodging equal pay cases with employment tribunals. Many of the current problems could have been avoided through earlier resolution. The current litigious situation is most regrettable, and is creating caution among all parties. That serves no one well, least of all the claimants, who are mostly low-paid female workers.

The matter was debated in the chamber in November 2006. George Lyon—now an MEP—was Deputy Minister for Finance, Public Service Reform and Parliamentary Business at the time.

He said:

"There have been many advances for women in the workplace since the Equal Pay Act 1970 and the Sex Discrimination Act 1975. Despite those advances, however, we know that a pay gap still exists, and in the 21st century it is not acceptable that women are paid less, on average, than men for doing the same work or work of equal value."—[*Official Report*, 9 November 2006; c 29147.]

The issue has been on-going for many years, and it really does need to be dealt with sooner rather than later.

The Local Government and Communities Committee expressed deep concern about the current number of equal pay cases that have been lodged with tribunals, but which have no resolution in sight. There are 35,000 cases, and counting.

The delays in implementing the single status agreement across the country are unacceptable, and they might have led to low-paid women workers losing out. They could have been entitled to upgrading and backdated compensation but, as a result of the delays, many of them have left or retired without being aware that they could have made a claim—and they might not have received sufficient compensation for years of unequal treatment because of the five-year time limit.

The "Equal Pay in Local Government" report urges all parties to seek a negotiated settlement where possible, and to ease the bottleneck of cases. Local authorities, trade unions and lawyers need to hold urgent discussions on how to deal with equal pay in local government.

In evidence to the committee, all parties expressed willingness for the issues to be resolved, but so far no agreement has been reached on how to take things forward. There are, in the system, strong cases in which, as the committee convener said earlier, the main issue is not whether discrimination has occurred but the level of compensation that was offered. Those cases should be settled now—there should be no more delays.

In a litigious situation, all sides are understandably cautious, which makes it more difficult to reach a negotiated settlement. Joe Di Paola from COSLA commented:

"A series of judgments have meant that everybody takes every single part of an agreement back to their lawyers to have it checked out."—[*Official Report, Local Government and Communities Committee*, 22 April 2009; c 1939.]

That situation is not satisfactory, least of all to the claimants, as I said earlier.

The committee has recommended that all the relevant parties enter discussions to resolve the issues, and that those discussions be facilitated by the Scottish Government. Negotiated settlements would be ideal. They would give certainty to claimants about the level of compensation, and

certainty to local authorities over costs. They would also, I hope, improve the relationship between the parties.

How do we prevent what has happened from happening again? We need not only to resolve past discrimination, but to ensure that no more cases arise in the future. The way forward could be through independent assessment of local authority pay and grading and annual equal pay audits. Those would certainly be steps in the right direction.

Public bodies have a gender equality duty. They must seek to eliminate unlawful sex discrimination and harassment and to promote equality. Public bodies that have more than 150 full-time equivalent staff—in other words, every local authority—are required to publish an equal pay policy statement and to report on it every three years. The Equality and Human Rights Commission can and will investigate gender equality issues. That is a serious matter for all local authorities.

According to COSLA, most authorities have carried out an equality impact assessment on their new pay and grading structures. However, it was not clear whether such assessments had been carried out by the local authority or by a third party. The introduction of an independent assessment system would ensure consistency across Scotland. It is imperative that assessment is conducted independently. Independent equality proofing of new pay and grading arrangements in local authorities will not prevent equal pay claims from being lodged, but it will provide assurance to all concerned, and it can be used as a defence of the system. As part of any agreement, local authorities should act on recommendations that have been made in the independent assessment, and make the necessary adjustments to their schemes.

According to last week's letter to the committee convener, signed off by Councillor Michael Cook of COSLA,

"to date 26 of 32 councils have now implemented the agreement with the remaining six on target to complete the process in 2009."

Interestingly, it seems that COSLA is not convinced of the need to take a national approach. That is rather disappointing—all the more so because its doing so was one of the key recommendations of the Local Government and Communities Committee.

The time that the whole process has taken has greatly increased the cost to local authorities. Funding will be an issue, and the committee has sought clarification from the Government on whether there will be enough flexibility in any scheme to ensure that local authorities will be able

to meet their future liabilities in relation to single status and equal pay. We welcome the cabinet secretary's announcement on the matter this morning.

We need to get the issue sorted out as soon as possible and ensure that measures are in place so that we do not find ourselves in a similar position in another 10 years. I hope that the Government will agree to the committee's recommendations in full.

10:04

John Wilson (Central Scotland) (SNP): I had some pleasure serving on the Local Government and Communities Committee during its inquiry on equal pay. It is important, when evaluating the committee's report, to acknowledge that the committee spent a significant amount of time examining the issue. As other members have stated—it is worth reinforcing—the committee concentrated its scrutiny on equal pay in local government, although there are, no doubt, many wider issues for other employers and sectors of employment.

The committee held evidence-gathering meetings on four separate occasions.

Before discussing the detailed findings of the committee's report, it is important to look carefully at the origins of the problem with equal pay in local government. As other members have stated, the Equal Pay Act was passed in 1970. However, anyone with even a modest knowledge of the matter will know that equal pay is a complex issue, especially for local government.

A key issue that is identified and recognised in the committee's findings—this was highlighted during the evidence sessions—is the lack of significant progress on the issue, especially given that single status should have been implemented by April 2002. That date was not met and, according to COSLA, single status is still to be implemented by six local authorities—10 years after the original agreement. I am sure that the local government lobby has made, and will continue to make, representations on why that situation was allowed to happen.

Of course, the supreme irony is not lost on those of us who have experience in local government: local authority chief officers received a 14 per cent pay increase in the blink of an eye in 2002-03, on the back of the McIntosh report. Meanwhile, many lower-paid female workers are still waiting for their claims to be assessed. That is, perhaps, a question of priorities.

The failure to settle early has led to many legal aspects, including a number of legal rulings that have had an impact on equal pay and single

status. That is particularly true of the July 2008 ruling on Redcar and Cleveland Borough Council v Bainbridge and Others, which centred on whether pay protection arrangements that favour male employees could be justified. In that case, the Court of Appeal ruled that such pay protection could not be justified, but it stated that the verdict was not a blanket ruling. In that context, it is no surprise that the committee report comments that

“there appears to be no end in sight and that as soon as one set of problems is resolved, another set arises.”

Therefore, the committee report recommends that

“a payment matrix could be put together with the trade unions to deal with Bainbridge issues.”

There was also a great deal of discussion in the committee on the need to equality-proof single status. That is also reflected in the report.

As the report details, the committee is concerned about the costs to local authorities arising from equal pay settlements. The committee wrote to all 32 councils to ask them a number of questions, including about their current position, but not all the local authorities responded. Many seemed to be reluctant to provide detailed information on key questions, in particular on the number of equal pay cases that have been settled and on the number that are outstanding.

I am satisfied that one of the committee's key recommendations is that all the relevant parties be brought together to discuss the settlement of claims at the earliest opportunity. It is worth noting that the Bainbridge judgment throws up potential cost implications for all local authorities. That said, there is a need for better planning by local authorities: for example, East Renfrewshire Council has made no provision for Bainbridge, whereas the City of Edinburgh Council confirmed that it has set aside between £15 million and £20 million over the next three years to meet the cost of Bainbridge claims.

In gathering evidence, the committee spent a considerable amount of time questioning witnesses. That was a useful exercise in drawing out some of the important points that needed to be scrutinised.

The conclusions in the committee's report highlight the committee's concern that—as Jim Tolson mentioned—

“these delays may have led to low-paid women workers losing out. These workers ..., as a result of the delays in settling, may have left or retired without being aware that they could make a claim”.

There has been a wider debate both inside and outside the Parliament on equal pay. The report's recommendations seek further action to end discrimination. In getting to the heart of the matter to ensure that the issue moves forward, I am

pleased that the committee emphasises the need to restore trust between all parties in the process. Once trust is lost, it is very hard to regain. Therefore, the landscape of equal pay in local government is difficult terrain. However, while the debate continues, the meter continues to tick. Every hour that goes by adds another potential hour of additional cost to equal pay settlements.

I welcome the general principles in the Local Government and Communities Committee's report. I thank the committee members, clerks and those who, by providing evidence, tried to ensure that the committee held a meaningful inquiry on equal pay in Scottish local government. I look forward to an early settlement for all concerned and I commend the report to the Parliament.

10:10

Sarah Boyack (Edinburgh Central) (Lab): I share Duncan McNeil's disappointment at the need for today's debate, although I congratulate the committee on producing a well-written report.

It is clear from the evidence to the committee that not only is equal pay in local government incredibly complex but—as John Wilson has just commented—the longer it takes, the more complex and more difficult it will become to resolve. We need political will to ensure that a sensible resolution is achieved. We need leadership from the Scottish Government, which should not impose but should send a clear message that faster progress in working towards a resolution is needed. As Duncan McNeil outlined, and as the committee's report advocates, we need to think through a strategy that enables us to work through the different categories in the tens of thousands of cases, so that progress can be made.

The report suggests a way forward. Its key recommendation, which I believe should be focused on, is on the need for pay audits to check the outcomes of the whole process. There is a danger that smoke and mirrors might be used, so we need to inject some political urgency into the issue.

Delivery of the ambition of equal pay should not be a holy grail but a realisable political goal. Why should women be paid lower wages when they do work that is of equal value and which requires similar skills or training? The situation is completely unfair and unacceptable. Women have lost out because of the slow rate of progress on the issue: they have missed out not only on past pay but on future opportunities. The whole process has treated them like second-class citizens. It is scandalous that the issue has not been resolved. The principal issue is not just about problems in the past, because we are not in a standstill

position. For those women workers, things are getting worse.

Just this week, the Liberal-SNP administration of the City of Edinburgh Council decided to investigate outsourcing a fifth of its staff, its clear objective being to cut the salary bill. That will solve the council's single status problem because, once low-paid women workers are transferred to the private sector, their pay will be a private matter that will be hidden by commercial confidentiality. We will lose accountability on quality of service provision, so any gains that are made through job re-evaluation will be lost.

A couple of weeks ago, I attended a City of Edinburgh Council briefing on home care services, which are predominantly provided by women workers. Some innovative redesign work and investment will free up resources to provide improved quality for those who need support. However, buried in the backdrop to that work and hidden in the statistics was an admission that the council plans to outsource—that is, to privatise—its home care services. The council plans to shift the proportion of in-house provision from 55 per cent to 25 per cent. The council freely admits that it wants to cut costs and to bring down its wages bill. Any savings will be paid for by the lowest-paid workers, who are predominantly women. The cuts in their salaries will be paid to private directors, so there will be no equality of treatment.

Has nothing been learned from the cost of privatising services in the national health service, where services had to be brought back in-house? I am already receiving complaints about the quality of care provision by private companies, which have cut hours, provide unreliable services and have a huge turnover in staff. The last thing that vulnerable clients need is to lose out, and women will lose out twice. The vulnerable clients are predominantly women and the hard-working care staff on lower pay are predominantly women. The costs will come in their pay. We know that demographic shifts will mean that we will all live longer and we will have fewer young people entering the labour market. How will we make local authority caring jobs—jobs that are held predominantly by women—attractive to young people in the future if we are cutting back on terms and conditions, on their hours and, in particular, on part-time workers?

This is not a standstill debate—the legacy of inaction over the past few years has meant that some women have already lost out, but they will lose out doubly in the future.

John Wilson: Does Sarah Boyack agree that the problem has not arisen only in the past few years but has been around for the past 10 years, and that inaction by local authorities throughout Scotland, including Labour-led local authorities, has exacerbated the problem?

Sarah Boyack: Absolutely. That is why I fully agree with Duncan McNeil that it is a tragedy that the problem has not been solved. Although it is a complex issue, political will is required. The problem is that we have now got to the point at which the situation is getting worse. Local authorities are not adopting the right solutions. For example, my local authority, the City of Edinburgh Council, is considering shifting 20 per cent of existing council staff from in-house service provision to private sector service provision. That is the wrong solution. Councils need to sit down with the unions and COSLA—

Shirley-Anne Somerville (Lothians) (SNP): Will the member give way?

Sarah Boyack: No, thank you. I have just taken an intervention.

Rather than getting into a blame game, we need constructive action. We have debated the issue in the past. If Shirley-Anne Somerville had been here in previous sessions, she would know how passionate members of all the political parties in Parliament have been about the need to build momentum to resolve the issue. I hope that today's debate will result in the building of momentum that will lead to a solution.

Some job re-evaluations are widening the pay gap. What is happening with home care services in Edinburgh, where the pay and prospects of some of our most poorly paid women workers is to get worse, even though Edinburgh has some of the highest living costs in Scotland, is making the situation worse. What does that say about our capital city? That cannot be right. We need action now.

I hope that the tenor of the debate, together with the committee's specific recommendations and the fact that, in the past, the cabinet secretary has been involved in the debate on the issue, will mean that we see cross-party action. When I say "cross-party", I am not talking just about the political parties; I am referring to the involvement of COSLA, the councils, the trade unions and the Scottish Government, which I hope will add a sense of urgency to the debate so that in three years' time, whoever sits in Parliament will not be once again debating the issue because thousands of women workers have lost out and their job prospects, and the services for the people for whom they care, have been made worse. That would be unacceptable—we cannot let it happen.

10:17

Margaret Mitchell (Central Scotland) (Con): It seems that, like death and taxes, the issue of equal pay is always with us, so the recommendations in the Local Government and Communities Committee's report on equal pay in

local government, which represent an attempt to rectify the present state of affairs, are most certainly to be welcomed.

The difficulties that are associated with putting those recommendations into practice cannot be underestimated. For example, one of the report's key recommendations is that

"all the relevant parties should be brought together to come to an agreement on how to deal with those cases in the system which are considered to be strong and that these discussions should be facilitated by the Scottish Government."

Although that sounds, and is, eminently sensible, it has not yet happened, 10 years after the 1999 agreement on single status.

Why is that? I believe that the answer lies in the evidence that was collected by the Equal Opportunities Committee when it focused on equal pay in local government during its scrutiny of last year's budget. The committee's subsequent report to the Finance Committee highlighted not only the extent of the equal pay problem, which has been described as the

"greatest destabilising force in the history of local government finance",

but the complexities and significant costs that are associated with managing unequal pay. Sadly, it appears to be the case that all the efforts of the key players, including Audit Scotland, COSLA, the local authorities and even the Scottish Government, have gone into managing unequal pay, at a huge cost to the public purse.

I will explore that issue further by looking at the role of each player in turn, beginning with the local authorities, which, according to the Scottish Trades Union Congress, have spent at least £1.6 million of taxpayers' money on opposing thousands of equal pay cases against them. They have used council tax payers' money to fund substantial legal bills in order to block equal pay claims in the tribunal system. According to an employment lawyer from one firm of solicitors, that has resulted in the excessive costs that are associated with prolonged litigation. The litigation is predicted to continue for at least the next decade, so the legal costs alone for councils will continue to be colossal.

In those circumstances, surely Audit Scotland, which audits local authorities and public bodies, and the remit of which includes auditing them on whether finances are being managed to the highest possible standards and, crucially, on whether they are achieving the best possible value for public money, would have something to say about such blatant squandering of public funds. Not so—instead, Audit Scotland appears to be interested only in verifying that the figures in the financial statement are correct and in highlighting

the fact that it has done a risk assessment by identifying the number of cases and appeals that are likely to succeed in tribunal. After that, it is content to record that as a contingent liability and, having stated the blindingly obvious, it appears to consider that it has fulfilled its scrutiny obligations.

To date, best value and the practice that some local authorities adopt of prolonging cases and spending vast sums of taxpayers' money on legal advice to do so do not appear to have concerned Scotland's auditor of public bodies in the slightest. Frankly, the complacency evidenced by Audit Scotland's approach is truly breathtaking.

Meanwhile, at a time of council tax freezes and tight local government settlements, rather than actively encourage mediation, COSLA, the representative voice of Scottish local government which acts as the employers association on behalf of all the Scottish councils, has made no attempt to intervene. Instead, it has preferred to sit back and watch council tax payers' money be diverted from front-line services to fund legal challenges to legitimate claims.

I turn to the final key player: the Scottish Government. As the Equality and Human Rights Commission pointed out,

"Scottish ministers are obliged to report on progress and to propose action to address any gaps. The pay gap is ... of great concern in relation to the implementation of the equality duty, so it is of direct relevance to the Government in looking at overall progress towards equality."—[*Official Report, Equal Opportunities Committee*, 30 September 2008; c 606.]

In his reply, which would do Pontius Pilate credit, the Cabinet Secretary for Finance and Sustainable Growth told the Equal Opportunities Committee that, despite the fact that costs could escalate if the equal pay issues were not resolved immediately, he rejected any suggestion that the Scottish Government should enter into negotiations with the relevant agencies to reach a permanent solution. He stated:

"It would be completely inappropriate ... to 'take responsibility for' this issue ... because it is within the exclusive competence of individual local authorities as self-governing organisations."

Nor is the cabinet secretary inclined to use any of the special powers that he has

"to intervene in certain circumstances in which local authority finances are not being operated effectively."—[*Official Report, Equal Opportunities Committee*, 7 October 2008; c 647, 645.]

The approach that has been adopted by each of the key players to the vexing issue of local government equal pay is profoundly depressing. There are significant issues of fairness operating on a number of levels, from the claims of individuals—who are predominantly, but not exclusively, women—that could and should have

been settled, to the diversion of precious council tax money from essential front-line services. There is therefore a desperate need to ensure that the budget, local government pay and the continuing implementation of single status agreements are, to use the jargon, equality proofed. It is to be hoped that mechanisms are put in place to address the issue and the costs that it has for the public purse, which, by extension, adversely impact on the wider Scottish economy.

10:24

Tricia Marwick (Central Fife) (SNP): The behaviour of the local authorities and the unions on equal pay has been unacceptable, and I welcome the Local Government and Communities Committee's report. It is clear that the poorest of the most poorly paid workers have been exploited as a result of the failure to settle the matter and implement the single status agreement.

Other members have spoken about the delays. Many of the women concerned are now retired and have never received settlement. I do not think that anybody—the unions, COSLA, local government, the Scottish Government or the Scottish Executive prior to it—has come out of things particularly well.

Duncan McNeil highlighted the litigious nature of the matter and mentioned no-win, no-fee lawyers. I want to concentrate on them.

At the end of 2007, when 97 per cent of all the Fife claims had been settled, a group of constituents came to see me at my surgery. Fife Council had settled, but those constituents had not received a settlement because they were being represented by a firm called Stefan Cross Solicitors, which is based in Newcastle upon Tyne. They had been signed up by that firm through its agent in Scotland, Mark Irvine. They had signed up on the basis of a badly photocopied leaflet that had been distributed through their workforces. It urged them to get in touch with Mark Irvine by phone or by e-mail and boasted:

"Action 4 Equality Scotland can help you to pursue a claim on a NO WIN, NO FEE basis."

Many of my constituents got in touch with Mark Irvine. The next communication that they received was a contingency agreement from Stefan Cross Solicitors. The women had already signed that agreement by the time they came to see me. Many wanted to accept the Fife Council award that their colleagues were being given, but they could not do so because they were represented by Stefan Cross Solicitors. If they had withdrawn from the agreement with that firm at that point, they would have had to pay £500 for every six months that it had represented them. I am using the word "represented" very loosely; I will come back to that

in a moment. By the time the women came to see me, withdrawing from the agreement with Stefan Cross Solicitors would have cost them more than £3,000. That was two years ago; they are now in for another £5,000. It is hardly surprising that the litigation is on-going. The women simply cannot afford to withdraw from the agreement.

In January 2008, the women would have had to settle for almost £3,000, despite the fact that the level of representation from the solicitors was a disgrace. In February 2008, they finally received a letter from Stefan Cross Solicitors in which the firm apologised to them for not having provided an update before, despite the fact that it had represented them for three years. The letter to the women—members should bear in mind that it is from a solicitor—finishes by saying:

"If you want to keep up to date with developments then visit the [action4equality blog](http://www.action4equalityscotland.blogspot.com) at www.action4equalityscotland.blogspot.com. This is the best source of information. Because of the sheer volume of cases we would not recommend ringing"

the solicitors office

"as it is often very difficult to get through and the admin staff are unlikely to have any additional information that is not on the website."

I have found the actions of the no-win, no-fee lawyers to be despicable. They have exploited those women just as much as the councils or anybody else. The Government should carefully consider the activities of Action 4 Equality Scotland and Stefan Cross Solicitors. Many people know that miners in my constituency were represented by solicitors in compensation claims cases. The solicitors took so much money from the system that the Government and the courts ordered them to pay back millions of pounds.

It is time that somebody looked at the activities of lawyers such as Stefan Cross from Newcastle, and we need to consider carefully the activities of people such as Mark Irvine and Action 4 Equality Scotland. Just how much Stefan Cross and similar solicitors are ripping off such women needs to be investigated. We should not be surprised that the issue is being caught up in the courts, because the longer it is, the more money there will be for pariahs such as the company in question.

10:30

Mary Mulligan (Linlithgow) (Lab): It is usual for MSPs to say how pleased they are to take part in a debate. Unfortunately, however, today's debate comes with a certain amount of shame. The fact that there are still a substantial number of outstanding claims relating to equal pay, single status and compensation for what has happened is nothing less than a disgrace. Many people—people in local authorities and trade unions, and

locally and nationally elected members—must accept some responsibility for that. Members have mentioned them all. Some of us need to reflect on our responsibilities.

It is a disgrace that women were ever paid less than men who do the same or similar jobs. The fact that the issue was not resolved after the introduction of the Equal Pay Act 1970 compounds the offence. In 1987, there was a job evaluation of manual workers in which the unfair and inconsistent use of bonuses was particularly considered, but the problem was still not resolved. The issue was further considered in 1997, but local authorities were given a two-year breathing space. Later, that was extended by two and then three years—and here we are.

Why did that happen? Members will be aware that, in 1997, local authorities had just gone through the reorganisation process to bring about single-tier local government. That was a difficult time for councils, some of which were bringing together staff from two or more former district councils and staff from the regional councils. I accept that that was not an easy time, but a lot of hard work resulted in solutions to provide staff who had different terms and conditions with a level employment scheme. Why was such effort not put into resolving the equal pay issue and introducing the principle of single status?

There are only two possible conclusions. Either the local authorities and trade unions thought that the issue was too difficult to resolve—given what I have just said about reorganisation, I cannot accept that—or the matter was not given priority because those concerned were mainly low-paid female workers. Nothing that I heard in the evidence that was given to the Local Government and Communities Committee convinced me that that was not the case. A number of people who gave evidence said that we are where we are. I accept that, although I might feel a bit more positive about the future if I did not have the nagging feeling that that phrase was probably used when evidence was given to the Finance Committee in 2006 and to the Equal Opportunities Committee, which did a follow-up report last year. Little progress has been made.

I will try to be positive. We have been told that 26 of the 32 local authorities have now implemented single status agreements, and that the other six authorities are working hard to do so. We know that around 2,500 claims have been settled, although some have been settled only on an interim basis.

In “Overview of the local authority audits 2008”, Audit Scotland showed equal pay, related legal costs and single status implementation as corporate funding pressures. The report shows total equal pay costs of £181 million in 2007-08,

which compares with £233 million in 2006-07 and £280 million in 2005-06. The liability is therefore decreasing—or is it?

That is probably as positive as I will get this morning. I want to comment on some of the players—those who have been involved in trying to resolve the issue.

My committee colleague David McLetchie has suggested that the issue might have been resolved sooner if the lawyers had been brought in earlier—I am not sure that Tricia Marwick would agree with that. I cannot say whether I agree either, but I would say that, once the lawyers became involved, people appeared to become more reluctant to make a decision, especially as each local authority was seeking its own advice. The fact that local authorities are acting individually has not helped. I know that they have their own legal status as individual employers, but I wonder whether it would have been more productive if they had worked collectively.

I was disappointed that COSLA did not offer more support. I hope that it will act on the committee's recommendation to discuss with the Scottish Government and others the issue of regular reviews and equality proofing for the future and that it will give all the necessary advice and support that it can. That would, at least, be one good outcome from this mess.

The cabinet secretary will recognise that I have not sought to place the blame for the situation with the Scottish Government. However, like Mr Swinney when he was the deputy convener of the Finance Committee, I think that the Scottish Government could play a positive role in the situation. He has mentioned his announcement about capitalisation, and I look forward to receiving further details on that. I also believe that the cabinet secretary could act as a catalyst to bring the parties together. I suggest that he put the people all in one room, sit them down together and not let them out until they have reached an agreement—and, yes, he could provide food and water for them.

John Swinney: And warm accommodation.

Mary Mulligan: Seriously, though, the issue cannot be allowed to continue. It is not in the interests of the councils, particularly those that have recently experienced industrial action over associated measures. It is not in the interest of the taxpayer, who will have to fund the outstanding debt. Most important, it is not in the interest of the women who are central to this. We owe a debt to those who are awaiting a resolution, including appropriate compensation; to those who, unfortunately, lost out and have never been recompensed; and, particularly, to the women workers of the future, who must be assured that

such gender discrimination will never happen again. Only when the issue is resolved can the Local Government and Communities Committee take any pride in the report that it has produced.

10:37

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): As a member of the Finance Committee in session 2 and again in this session, I was interested to note the conclusions of the committee in session 2 on the issue. In paragraph 87 of its report, the committee stated:

"The Committee believes it is unacceptable for any public body not to be meeting its obligations under the Equal Pay Act 1970. Therefore, it is dismayed that seven years after the Single Status framework was agreed, these equality issues have not been resolved. Whether delays have been caused by local authorities or by the relevant unions, it is the employer's responsibility to ensure that pay and conditions comply with equalities legislation."

No one in the chamber demurs from that. The frustration that still exists is also felt across all the parties.

Over the past decade, we have seen differences in approaches. A general practitioners contract has been agreed, implemented and reviewed positively for GPs, and a consultants contract has been put in place, with an additional two reviews and a bonus regime for consultants that, in the draft budget for next year, includes a 10 per cent increase in those bonuses. At the same time, however, we have had continuing delays to the agenda for change to address low pay issues in the public sector and the national health service, and to the single status agreement. In both cases, the principles have been agreed, but resolutions have not been delivered. The difference in the approaches that have been taken for the highest paid and the lowest paid in the public sector is a shame that falls not only on the Parliament but on all public sector employers in Scotland. That bias needs to be addressed.

I have referred to notes of meetings that I had with the employer in my local area, Scottish Borders Council, when the Finance Committee was considering the issue in session 2. I knew then that the potential liabilities of £4.6 million in 2005-06 and the on-going burden of a further £2.5 million were going to be met from non-earmarked reserves—that is how Scottish Borders Council was going to operate. According to the information that they have given to the Local Government and Communities Committee, 15 other local authorities have indicated that they, too, may be looking to use reserves.

That brings me to the issue of how we can address the on-going concerns. The on-going liability—the on-going cost—simply must be factored in. We cannot wait to find out whether

there is some alternative to treating with equal pay; it simply must be factored in.

The Local Government and Communities Committee convener and others have referred to the Bainbridge judgment, and we have heard the cabinet secretary's comments on that. Bainbridge is out of the hands of any employer, the Parliament or COSLA—I understand that—so how we address it will be critical. From my reading of the committee's consideration and its report, there does not seem to be a clear picture of the potential liability, and I agree with the committee that we should ask COSLA and the Government to put forward a clearer picture. The Government has, rightly, been in discussions with the Treasury on the use of capital consent. At the same time, a parallel piece of work should have been undertaken by COSLA and the Government to produce an accurate picture of what the liability may be.

John Swinney: I ask Mr Purvis to consider the issues that Tricia Marwick raised and the dangers of expressly stating a liability because of the signal that such a statement could give to some of the solicitors who have a financial interest in prolonging the difficulties to which the cases have given rise.

Jeremy Purvis: I understand that point, but the capital consent is not a compensation scheme run by the Scottish Government; it will be limited, but the cabinet secretary has refused to say how it will be capped. In England and Wales, it was capped at £1.1 billion until 2008-09. I hope that, in winding up the debate, the cabinet secretary will tell us whether the figure will be Barnettised, which would mean that the Scottish Government had just under £100 million of capital consent to provide to local authorities. I would be grateful if he could confirm that, as it is very important for the public purse.

We know that local authorities will have to make business cases for the use of the capital consent. I would also be grateful if the cabinet secretary could tell us how much non-utilised capital consent is currently in place. Last year, £20 million of non-utilised capital consent was withdrawn from local authorities—voluntarily and in agreement with the Government—to cover the accelerated capital for social housing. What has happened to that £20 million? It will be difficult for the public purse if local authorities are borrowing money to be repaid over a long period—cover that they should be funding themselves—when we have non-utilised capital cover that councils could be using. Those are valid issues.

There has been a burden on local authority staff, especially the women employees who have been discriminated against over the past decade. If we handle the on-going financial year badly, with regard to covering the Bainbridge judgment, there

will be an on-going burden for which lower-paid workers will have to foot the bill. That is an additional burden that we should not be covering.

10:43

Michael McMahon (Hamilton North and Bellshill) (Lab): I place on record my thanks to the Local Government and Communities Committee—particularly the convener, Duncan McNeil, and Susan Duffy and her clerking team—for providing Parliament with a comprehensive report on this significant matter.

It is vital that those of us who are honoured to sit in the chamber do all that we can to ensure that all individuals in Scotland are treated equally, no matter what their gender, sexual orientation, race, creed or occupation. It was, therefore, with a real sense of discomfort that, when I met a group of home care workers from North Lanarkshire recently, I heard how let down they feel by the inability of politicians and unions to end the iniquitous situation that sees them paid so much less than their fellow public sector employees. For all that I could tell them about what has been done to address the problem—there has been some movement—the reality is that those workers feel undervalued and underrewarded in spite of the essential service that they provide to deserving individuals in our communities who need support and care in their homes.

Since the implementation of the single status agreement in 1999, which was designed to end discrimination of this nature, a lot of progress has been made to ensure that the terms and conditions of workers are the same no matter what job they do. Single status and equal pay are now inextricably linked. That is only right and proper, but in implementing that policy, we knew that local authorities would need help to meet the financial pressures that were being placed on them.

Unfortunately, as a result of things like the historic concordat—or the infamous con act—local authorities face shortfalls in their budgets to deal with single status and equal pay. In fact, in scrutinising the Government's draft budget for 2009-10, the Finance Committee conducted an inquiry into this issue, such was its concern for councils that have a number of claims outstanding.

It is good to know that, by next year, all 32 local authorities will have implemented the single status agreement, but it is estimated that the number of outstanding claims might cost local authorities hundreds of millions of pounds. We have heard many suggestions of what that figure might be but, whatever the figure is, it does not include the financial implications of the Bainbridge judgment, which John Wilson eloquently outlined.

The most worrying aspect of the committee's report was that there seems to be no conclusion in sight to the outstanding issues that are faced by councils in relation to outstanding judgments and what those decisions could mean for future judgments. As the committee's report says:

“there appears to be no end in sight and ... as soon as one set of problems is resolved another set arises”.

I understand that, at the time when the report was being drawn up, COSLA had not issued guidance on final judgments, including the Bainbridge judgment, but it was in the process of issuing something. We must see more progress in that regard. The wait for guidance has meant that claimants who are waiting for their cases to be resolved face a greater risk that they will miss out on their claim due to the five-year limit. That cannot be acceptable.

As the cabinet secretary said this morning, the Scottish Government believes that all local government agreements should be achieved without its intervention. The previous Administration, too, took that position but it also stated that it would be willing to facilitate discussions between all interested parties whenever possible, if such a need arose, and those meetings took place.

Given the circumstances that are outlined in the report and the lack of direction from COSLA, I ask the cabinet secretary to look at this matter once more and to call a meeting between COSLA, the trade unions and all other interested parties to discuss the serious outstanding issues.

I seem to recall that, around 18 months ago, the First Minister intervened to provide independent expert arbitration when there was a dispute at the oil refinery in Grangemouth between a private company and private sector employees. Why can that approach not be taken to the problem in the public sector that we are discussing today, which has been going on for more than 10 years? That could help matters to reach a conclusion much more quickly. In saying that, I recognise that responsibility lies ultimately with local authorities, but it strikes me that the matter of single status and equal pay has stagnated and we urgently need the involvement of everyone concerned.

It is time for the Scottish Government to say what it will do to assist local authorities in order to resolve the existing cases and any future cases as soon as possible so that all workers can have equal status. We on the Labour benches have been striving for that for many years. The constituents whom I met recently deserve no less, because they are not worth less than their colleagues.

Once again, I thank the Local Government and Communities Committee for allowing us the time to re-examine this important issue.

10:49

Bob Doris (Glasgow) (SNP): I thank the Local Government and Communities Committee clerks, the SPICe team, my fellow committee members and the committee convener, Duncan McNeil, for the work that they have done on the report that is before us.

The inquiry into equal pay in local government was one of the most frustrating exercises that the Local Government and Communities Committee has undertaken. Every witness told us that they were keen to find a way forward on equal pay. Everyone said that they wanted to ensure that people who had suffered discrimination in pay over many years would be compensated and that equal pay for all workers, particularly low-paid women workers, would be guaranteed. COSLA said that it wanted to resolve the equal pay claims, as did the trade unions and individual local authorities. However, there are agreements that date back to 1987, and an agreement between COSLA and the trade unions in 1999 to resolve the issue by 2002 was subsequently extended to 2004. There was no resolution then, and there is no resolution now.

In a report in 2006, the Finance Committee said that the matter should be dealt with within 12 months, but it was not. We are still waiting.

Everyone told us that they wanted to deal with the equal pay claims, but 35,000 tribunal claims are still outstanding. Low-paid female workers need action, not just kind words. It is time for local authorities to get real with regard to their approach to equal pay claims. They must put equal treatment of their female workers on an even footing with their own financial interests.

The reality check for local authorities was summed up by Alex McLuckie from the GMB union, who said in evidence to our committee:

"The range of offers, rather than settlements, was from about 48 per cent to about 95 per cent of what could reasonably be expected to be won at tribunal. That is quite a difference."—[*Official Report, Local Government and Communities Committee*, 11 March 2000; c 1785.]

Anecdotally, I have heard of one case in which a tribunal awarded a worker £30,000, but the offer from the local authority had been only £3,000. Why would a low-paid woman worker accept £3,000 from a local authority when a tribunal would award £30,000? Local authorities need a reality check. If local authorities are going to offer 48 per cent of what female workers are owed, as Alex McLuckie said, why would anyone take that option? Nobody would settle for that figure.

The committee heard from Philip Barr, from the City of Edinburgh Council, who said that the city would settle cases that it could not win. He called that a "no-brainer", and I agree. It is also a no-

brainer to acknowledge that, unless councils get real with their offers to female workers, recourse to a tribunal will be the only option for many.

At the Local Government and Communities Committee, I asked unions and COSLA whether they would consider working more imaginatively to achieve the settlement of equal pay claims. I also asked whether they would consider the option of spreading phased or staggered repayments over a number of years. Both sides said that they would consider that, and such a recommendation is contained in the committee's report.

In 2008, Audit Scotland said that council reserves were £530 million. Some £33 million of that was said to be set aside for equal pay claim liabilities. Staged payments, together with action by the Scottish Government to work with local authorities and the UK Treasury to raise funds via capitalisation, mean that it is finally possible for local authorities to deliver for low-paid workers. The excuses are running out.

Many members have mentioned how wary people who are involved in equal pay disputes are about showing their hand during any discussions and negotiations. We have heard that that is due to the highly litigious nature of the issue. However, that approach is self-defeating. The greater the delay, the greater the scope for lawyers to have their merry way.

It is a matter of regret that COSLA and local authorities have chosen not to deal with the issue of equal pay at national level. That was a serious mistake, which has led to an unclear, patchwork quilt approach to equal pay being taken across Scotland. With the possible consequences of the Bainbridge ruling still to be considered, it is vital that a similar patchwork quilt approach is not taken by Scotland's local authorities and unions in that regard. That is why I strongly endorse the recommendation that, in addition to the publication of advice and guidance, COSLA should consider whether a framework agreement, with the suggested payment matrix, could be put together to deal with Bainbridge. A patchwork quilt approach will fail low-paid female workers. All that such an approach will do is to keep lawyers warm and wealthy—it will do nothing to help the people whom the report is aimed at helping.

I welcome the report, and I hope that it is the last one that the Parliament has to produce in an attempt to deal with the issue of equal pay.

10:54

Marlyn Glen (North East Scotland) (Lab): We all recognise that equal pay is an important issue throughout the public and private sectors. Only recently has unequal pay in the financial services industry been properly highlighted, and it is viewed

as endemic and extremely difficult to eradicate. However, unequal pay in local government is an issue that we politicians can do something about—indeed, we are obliged by law, under the equality duties, to rectify it.

The Equal Opportunities Committee took very telling evidence on equal pay in local government in February this year. Our report was passed to the Local Government and Communities Committee, and has informed that committee's report. The Equal Opportunities Committee is now taking evidence on equal pay in the national health service, and I expect the same cross-party reaction to the results of that inquiry.

The problem is not as widespread in the NHS, and there are not such huge costs involved. For the individual worker, however, the unfairness of equal pay claims not being honoured in a timely fashion cannot be overestimated. It is undeniably wrong that people who are on low wages—often women—must wait for their legitimate claims to be met. It was pointed out to the Equal Opportunities Committee that some workers have retired or even died without having had their claims met. That is totally unacceptable in the 21st century. It is 100 years since women were given the vote on an equal basis with men, and it is totally unacceptable that many are still waiting to be paid on an equal basis.

In discussing the recession and arguing about budgets, it is essential that we note that it is those who are poorest paid who will feel the brunt of any drop in income and any cuts in services. It is of the utmost importance that every policy, programme and service goes through a rigorous equality impact assessment. We must ensure that we protect the lowest paid and the most vulnerable.

As we have heard today, equal pay is a complex area. Case law has changed during the past few years, and any prior agreements have become subject to those changes. As we have discussed, equal pay seeks to address the historical pay inequality to which women have been subjected. The gap that results from having to make payments following the implementation of the new equality-based pay structure must also be paid for; I welcome the Westminster Government's action to allow councils to use capitalisation to pay for that past inequality, and I recognise that it is only a matter of time until Scottish councils have that opportunity. However, questions still remain with regard to the details and, in particular, the indicative figure that the cabinet secretary is discussing with the Treasury.

As Audit Scotland said, that approach is not without risk. Councils will seek to recoup the borrowing over a period of time, which will in turn reduce the moneys that are available to them in future years, as would be the case with any

liability. The Scottish Government has said that that will relate only to the back-pay element of equal payments, and councils will be required by Audit Scotland to say how they will deal with the issue.

Although equality issues are addressed in best-value audits, more prominence needs to be given to the area. Equalities cannot be viewed as a soft option that can be dropped when finances are tight. I would welcome work by the Accounts Commission on gender equality in local government, of the type that it has already done on race equality. There is also potential for equal pay to be included in the next two-year programme of performance audits for 2011-12.

In discussing equal pay, consideration must be given to the impact of single status on equal pay claims, in relation to cases in which—as we have heard—individuals feel that the new salaries are insufficient. I welcome the review of job evaluations, as there are concerns not only about equal pay for equal work, but about the types of work that are equal.

The average woman in full-time work in the UK will lose out on £360,000 in the course of her working life. The fact that the part-time pay gap remains a shocking 32.1 per cent shows that we must maintain a focus on valuing the types of jobs that women do. For example, too many of our crucial caring jobs, which are undertaken largely by part-time female employees, continue to be poorly valued and poorly paid. We must balance the issue of affordability for each council with the poverty that that situation creates. Why should a low-paid worker—usually a woman—have to organise her budget over a number of years to help a local authority or any other part of Government to budget?

In the Equal Opportunities Committee's evidence sessions, it was indicated that the overall cost to the local government wage bill of single status is 4.7 per cent, which amounts to more than £11 billion of central Government funding. As members have said, that issue was missed out of the concordat with local government. It is essential that single outcome agreements highlight the issue of equal pay, and equalities more generally.

As we have heard, more than 30,000 cases are waiting in the Scottish tribunals system, many of which are awaiting the full implementation of single status. I repeat the STUC's findings that local authorities have spent more than £1.6 million in legal fees to fight equal pay claims. That money could have been spent on agreeing to implement a scheme that had been equality proofed. All parties should get together to resolve the cases, particularly those cases in which the dispute is about compensation rather than discrimination. In Scotland, we do not have case law that relates to

equal pay issues, but cases such as Allen and Bainbridge apply—as we have heard—throughout the UK.

Everyone who submitted evidence to the Equal Opportunities Committee agreed that litigation is not the best way to resolve the equal pay issue, but collective bargaining has broken down in the light of the Allen case. I urge the Scottish Government to do all that it can to prevent further delays in implementation. I commend the Local Government and Communities Committee's report to members, and I commend the convener's assurance that the committee will continue the important task of monitoring the issue.

11:01

Alison McInnes (North East Scotland) (LD): I thank the Local Government and Communities Committee and its convener for the work that they have done on the matter. The committee's report is a stark reminder of just how far councils still have to go to implement equal pay.

From the report, it appears that some sort of collective malaise is afflicting local authorities and unions, and compromising their ability to tackle the issue. I hope that the councils, the unions and all the other partners that are involved will be galvanised into more concerted action to resolve the issues that the committee has highlighted. I want more urgency to be brought to the matter, as almost every other member in the chamber has said today.

Investing even more time and effort will not only benefit the tens of thousands of women who are still waiting to be treated fairly, but will limit councils' liability in equal pay claims that come through the courts in the future. It is truly time, as many members have noted, that the matter was properly resolved.

It is clear from the report that councils are still sitting on a financial time bomb; David McLetchie identified that the cost is about £600 million and still rising. Councils will welcome the cabinet secretary's announcement of a capitalisation scheme for retrospective payments at least, provided that it is adequate; I hope that the cabinet secretary will give us more clarity on that.

As many members have said today, the single status agreement was originally signed 10 years ago, in 1999, and the rate of progress since then has been painfully slow. It is clear from the report that the longer the matter drags on, the harder it is to resolve, as more and more court rulings are reached. I agree with the committee's view that if single status had been implemented earlier, a number of the legal challenges would not have come about.

In paragraph 25 of the committee's report, a witness from COSLA is quoted as saying:

"We have a legal obligation to introduce equal pay. We will continue to do that as quickly as we can, but the negotiations have been the most difficult, protracted and complex that I have ever been involved in. Every time there are judgements ... the process is set back."

It is clear that the situation will only get worse unless all parties bring some stronger resolve to the matter.

Two of the most urgent points that arise from the report concern the settling of equal pay claims and equal pay audits. All the parties involved should be embarrassed that, as many members have pointed out, more than 35,000 equal pay claims have now been lodged with tribunals. That does not include, as members have said, those women who have retired or died and not been able to bring claims. Everything possible must be done to bring those to closure.

The convener of the Local Government and Communities Committee said earlier that strong cases should be settled, and paragraph 53 of the report states:

"The Committee agrees that it would not be a good use of public money for local authorities to settle cases they believe have no validity. However, it also believes that it serves no-one well (least of all the claimants) for strong cases not to be settled. This is particularly true of cases where the main issue is not over whether discrimination has occurred, but is over the level of compensation."

I therefore agree with Margaret Mitchell and others and commend the following recommendation in paragraph 72:

"The Committee is firmly of the view that all of the parties concerned (councils, trade unions, COSLA and lawyers) should be brought together, to enter into discussions over the potential settling of strong cases that are currently within the system."

Like others, I urge the cabinet secretary to do all that he can to facilitate such a meeting.

I turn to the need for equal pay audits. I was astounded to discover that the committee heard in evidence that the new pay schemes that some councils are implementing have not necessarily been equality proofed. While any doubt remains about that, we will continue to face the possibility that even more equal pay claims will be lodged. The report contains a number of examples. Mark Irvine from Action 4 Equality gave the example of Glasgow City Council. He said that the new structure in Glasgow might well be discriminatory, given that the vast majority of part-time workers, who do not qualify, are women.

The recommendations in paragraphs 112 to 114 go into some detail on what should be done in new pay and grading agreements and state that we need a consistent approach. Paragraph 112 proposes an independent assessment and states:

"the Committee suggests there should be a clause stating that local authorities will undertake any necessary adjustments to their schemes as recommended by the independent assessment."

Comments have also been made this morning about the role of Audit Scotland and the suggestion that, through best-value audits, it should check and report on whether the local authority's scheme has been equality proofed.

Paragraph 114 states:

"On the issue of regular reviews, the Committee recommends that local authorities undertake an annual equal pay audit, if they are not already doing so".

I would like to see mandatory pay audits in both the public and private sectors. What are the cabinet secretary's views on that?

The historical undervaluing of women's work is a disgrace and it is indefensible to allow it to carry on today, yet women are still being undervalued and poorly paid. Unions and local authorities throughout the country seem to have lost sight of that. I hope that the report will bring about some changes.

11:07

Gavin Brown (Lothians) (Con): This has been a good debate on the back of a good report. The Parliament seems to be united in its view that far too long has passed since 1999 for us still to be in this situation. We are also united in the view that we are in a complex situation that will not be resolved overnight or easily. However, the longer it goes on, the more complex it might become. Many members have mentioned the Bainbridge case, which adds confusion where there was already confusion. The committee's report states:

"The Committee is concerned that there appears to be no end in sight and that as soon as one set of problems is resolved, another set arises ... The Committee is of the view that if Single Status had been implemented earlier ... a number of these legal issues would not have arisen."

There is a danger that, for every month or year for which we delay, more complex legal issues will arise. There could be another Bainbridge-type case next month or next year.

I will focus my remarks for the next couple of minutes on an unresolved issue that has not been explored enough in this morning's debate: Scottish Government facilitation. One or two members have touched on that, and the committee made unanimous recommendations on it. Ten years on, there is a strong argument for the Scottish Government to show leadership in that capacity.

I was struck by COSLA's comment:

"the level of caution is sky-high. Nobody wants to sign anything."

Duncan McNeil put it even more simply today when he said that no one is prepared to make the first move. Mr Swinney asked why the Government should get involved, but when we consider the sheer number of cases—we heard today that there are 35,000 cases, and that figure might rise—along with the potential financial liability and the length of time that it has taken so far, the argument for such involvement is particularly strong. Mr Swinney came back with some reasons, and some of the justifications that he gave are perfectly valid. He said that the Scottish Executive was not involved in the agreement in 1999. That is correct. He also made the perfectly fair point that in 2006, when the recommendation came forward from the Finance Committee, the previous Executive chose not to get involved. That is also true. However, there is an argument that that might have been a mistake by the previous Executive. It is not a justification for why the Government should not get involved today. Although progress has been made since 2006, six councils have still not implemented single status, 10 years on.

Mr Swinney also said that the Government does not want to micromanage. Of course, as a Conservative, I do not want to see the Government micromanaging, but given the sheer scale and volume of the issue, it would be difficult to argue that Government involvement would constitute micromanagement. There are plenty of examples of Government involvement in both public and private issues that are far smaller and less significant.

The question becomes how the Government should act. Mr Swinney is right to argue that it should not go in with heavy boots and come up with an arbitrary decision that forces councils to do this and that. As the report states, the emphasis should be on facilitation. That is where the Government could play a good role. By facilitating, it can get parties together. It is highly unlikely that parties would refuse to come to the table if the offer was put and the initiative was taken by Mr Swinney or somebody else in the Government. That would also help to set a timetable. Under the initial timetable, single status had to be implemented by 2002, but that drifted and it was then delayed until 2004. There does not appear to be a timetable in train at the moment. The Government could help to push things along more quickly.

I reiterate that the entire committee, which has members from the four main parties, agreed that there is a role for Government to play. Mr Swinney's own back benchers, of whom he has three on the committee, agreed with that conclusion. There was no division on that.

There are things that the Government can do to try to push the implementation of single status by the remaining six councils, but it can also play a facilitative role in considering how councils ought to approach the strong cases, of which I am sure there are many among the 35,000. I am sure that there are cases without merit too, but there will be a number of strong cases in which the only point to be argued is one of quantum and the question is how much ought to be paid rather than whether there is liability. It seems wrong that, as a country, we should spend taxpayers' money to defend cases that we know are indefensible. In cases in which the only discussion to be had is about quantum, there is a strong role to be taken. Of course, there is a risk attached to Government action to do that, but the risks of inaction are slightly greater.

I join others in welcoming today's announcement about capitalisation, which represents progress and a good step forward. However, it is useful to repeat the question that my colleague David McLetchie asked. Is the amount proportionate to the £500 million that will go to 37 councils in England, which was announced this week, or is it proportionate to the £1.6 billion that David McLetchie mentioned? It is important for us to know the answer to that question.

I close by reiterating a point that a couple of members made about equality proofing. Duncan McNeil asked whether discrimination still exists. The unions have suggested that it does, but COSLA has suggested that it does not. Probably quite rightly, the committee did not feel able to investigate that in detail, but the fact that the question has been put represents a warning light that the matter is worthy of examination. The suggestion of an independent equality-proofing audit seems pretty sensible. It would probably mean that fewer cases were lodged in the future and it would provide a good defence to councils if cases were to arise, so I commend the suggestion.

11:14

David Whitton: Today's debate has once again highlighted the difficulties that have been encountered in dealing with the issue of equal pay for equal work. However, underneath all our talk of single status setting, a matrix for pay deals, tribunals and the rest, we should never forget that what we are really talking about is people's livelihoods. The fact that more than 35,000 equal pay cases have still to be dealt with by tribunals masks the reality: behind each and every case is an individual who feels that they are not getting paid what they should be—and, in the main, they are low-paid women workers whose income is crucial to the family budget.

As Mr McNeil pointed out in his opening speech, everyone who gave evidence to the inquiry said that this is a complex business, and it has become even more complex as a result of the number of legal rulings that have been made and the amount of case law that has developed over the past 10 years. Unions are taking cases against local authorities; no-win, no-fee lawyers are taking cases against unions and local authorities; and, in some cases, union members have taken cases against their own union.

While all this is going on, we hear that six Scottish authorities have still to settle single status agreements. In fact, as Mr Brown has just pointed out, some of them have been warned that their current deals are still discriminatory. We welcome the news that five of those councils will settle their agreements by the end of the year and that the other council will settle next year. However, they should all be reminded that they should have had those agreements in place 10 years ago. At times one has to wonder what some people in local government do for a living.

Members have made some very valid points this morning. Duncan McNeil and, I believe, Mr Tolson pointed out that, in the thousands of the 35,000 cases in the system that are considered to be strong, the main issue is not whether discrimination occurred but how much compensation was offered. The committee takes the same view as Philip Barr, from the City of Edinburgh Council, who said:

"It is a no-brainer for most councils: we cannot win these cases in court."—[*Official Report, Local Government and Communities Committee*, 18 March 2009; c 1815.]

As Gavin Brown has made clear, in many instances taxpayers' money is being used to contest these "no-brainer" cases in court. That seems to me to be a bit of a waste of money, and it is to be hoped that, when Mr Swinney secures the appropriate Treasury approval and puts in place the proposed capitalisation scheme, progress on such cases can be made—and quickly.

I hope that those who are caught up in a case were able to listen to Tricia Marwick's demolition job on the activities of one firm of no-win, no-fee lawyers. I do not think that any member would support a company that takes advantage of people in that position.

John Wilson: Does Mr Whitton not agree that, in failing to appropriately recompense those who were entitled to equal pay, the local authorities and unions opened the door to many no-win, no-fee companies stepping in and taking up these cases?

David Whitton: Tricia Marwick mentioned one particular firm of no-win, no-fee lawyers. Other

firms operate perfectly respectably on a no-win, no-fee basis.

Among others, Mary Mulligan commented on the fact that each local authority had had to settle these issues independently with its own advice—legal or otherwise—and regretted that COSLA had not been able to get the councils to work more collectively. Mr Doris made the same point. When such issues arise, I have occasionally found myself wondering why COSLA does not always take a collective view and operate on everyone's behalf.

The cabinet secretary is well versed in these arguments. Given that, as has been mentioned a number of times, he was a member of the Finance Committee that in 2006 produced the last parliamentary report on this subject, I am confident that he will take a long, hard and—I am sure—sympathetic look at the Local Government and Communities Committee's recommendations. However, I draw his attention to paragraph 79, which relates to the strong cases to which I referred. In that recommendation, the committee echoes the call that was made in the 2006 report but, in this case, in relation to equal pay claims; calls on "all the relevant parties" to be brought together to consider how to deal with the claims in the system that are considered strong; and asks the Scottish Government to facilitate those discussions. As Gavin Brown said, the cabinet secretary is now in a position to implement what he signed up to three years ago, so I hope that he will do so.

As I said in my opening speech, the UK Government is taking steps to allow councils to capitalise even further in order to raise the necessary funds to settle low-pay claims. In his usual thoughtful style, Mr Purvis focused on costs and made a pertinent point about the speed at which deals on above-inflation pay increases can be done for chief officers while the pursuit of equal pay has been bedevilled by delay after delay. The cabinet secretary has made an announcement on capitalisation, but we have still to hear the figures involved. I do not believe the excuse that giving such information will simply help the lawyers, so I ask him to provide some proper detail on the overall sum that he is seeking. Let us be clear: there has been too much delay—and delay costs money. Those who are suffering are the poorest paid.

In conclusion, I want to mention a true champion of the low paid, the former general secretary of the Scottish Trades Union Congress Bill Speirs, who passed away a few days ago and whose funeral is being held later today. Speaking in this debate prevents me and other Labour colleagues from attending his funeral, but I know that Bill would feel it a better use of our time to be here arguing the

case for equal pay than to be standing about in Renfrew. There could be no better celebration of his life and work than to see a resolution to this long-running problem.

Gavin Brown said that the Scottish Government could play a leadership role with regard to the potential liability that this matter could engender and, in his opening speech, Mr Swinney referred to the Government's purpose of sustained economic growth. I venture to suggest that that very purpose could be seriously derailed by the financial obligations that might arise from these cases. Mr Brown might be surprised to hear me mention his name so often, but he made many of the points that I was going to make in this speech, and I agree with him that it is time that Mr Swinney followed his own advice from 2006 and got everyone together to speed things up. The time for settling this matter is long overdue. I hope that the cabinet secretary will tell us today that he will take steps in that direction.

11:21

John Swinney: First, I associate myself and the Government with David Whitton's entirely appropriate and generous tribute to Bill Speirs, who spent his very distinguished life promoting the interests of working people in Scotland. I am here this morning for the same reason that Mr Whitton is.

In my closing remarks, I want to be as helpful as I can. However, I cannot resist the temptation of highlighting the inherent contradiction in the speech made by Sarah Boyack, who, despite saying that she did not want to take part in the blame game, proceeded to blame the City of Edinburgh Council in some of its actions. I do not think that that helps to advance some of these arguments.

Although the debate has been very good, it has, I think, been flawed. I simply do not think due regard and account have been taken of the progress on single status that has been made in recent years. It is beyond dispute—and I will not try to dispute it—that the process has taken far too long but, as I said in my intervention on Mr Whitton's opening speech, we are not in the position that we were in when the Finance Committee held its inquiry in 2006. At that time, only one local authority had settled its single status agreement—which, of course, raised the completely fair question of what was preventing the other 31 authorities from settling. At the moment, 26 of the 32 local authorities have a scheme in place and, in response to Mr Brown, I point out that the remaining six authorities will have their schemes in place either by the end of this year or by the start of next year. Mr Brown's claim that there is no timescale for resolving these

matters is not borne out by the evidence that I marshalled for Parliament in my opening speech.

David Whitton: In my colleague Sarah Boyack's defence, I remind the cabinet secretary that the City of Edinburgh Council is one of the six councils that have still to settle their single status agreements. Is that not the case?

John Swinney: I was merely making a general debating point. The member said that she was not going to take part in the blame game, and then blamed someone else.

Local authorities have assured us that they will take forward the timetable that has been put in place. In any case, we should not forget that 26 of the 32 local authorities have put these agreements in place.

Michael McMahon: Will the cabinet secretary give way?

Gavin Brown: Will the cabinet secretary give way?

John Swinney: I am spoilt for choice. I had better take Mr Brown first.

Gavin Brown: I point out to the cabinet secretary that there is no timetable for dealing with the 35,000 outstanding cases, many of which are believed to be no-brainers.

John Swinney: I will respond to that point later in my speech.

Michael McMahon: The cabinet secretary pointed out that only one single status agreement was reached in five years but that that figure rose by 25 in the following couple of years. Does he accept that that was because the previous Scottish Executive intervened and got people together in a room to talk about the issues?

John Swinney: That might be the case. We can acknowledge the progress that has been made and we should welcome it.

As I told the committee we would do, the Scottish Government has engaged in discussions about the capitalisation scheme. That scheme is now in place and, subject to a short consultation about the details, the invitation is there for local authorities to make their propositions. I cannot confirm today the total figure that will come forward, but we have agreed a framework for the scheme with HM Treasury. The councils will be invited to submit their applications, which will have to be business cases that stand up to proper and full scrutiny. That is the test that HM Treasury expects us to carry out and, for once in my life, I do not think that that is an unreasonable proposition for HM Treasury to advance. The Treasury has said that there will be a cap on the scheme, but that will be dependent on the contents of the individual propositions that are

made. I will be delighted to advise Parliament in due course about progress on that.

David Whitton: Will the cabinet secretary give way again?

John Swinney: If Mr Whitton will forgive me, I would like to make progress, to respond to other points that have been raised.

There has been a contradiction. Mr Brown—he is being mentioned all the time, which shows how influential his contributions are in the chamber—tried to reconcile points that Margaret Mitchell raised with the Conservatives' usual position. She got into the unusual position for her of, in essence, encouraging the Government to direct local authorities and to intervene in their legitimate activities. Local authorities have duties as independent units of government. They have a duty in relation to equalities impact and a responsibility in relation to financial accountability. It is for the authorities, not me, to exercise those. It is unusual for the Conservatives to say that the Government should intervene in those circumstances.

Margaret Mitchell: Does the cabinet secretary acknowledge that the scale of the problem, which the delays are increasing, makes the issue exceptional? That is why we say that he should intervene and take a hands-on approach to resolve the issue.

John Swinney: That is a point that Margaret Mitchell can advance. Progress has been made and most local authorities have a scheme in place. Of course, there are outstanding cases that have to be resolved. Mr Brown is probably aware of the response to the report that was sent to Mr McNeil, as convener of the committee, by Councillor Michael Cook on behalf of COSLA. On the resolution of outstanding cases, he stated:

"Each case has to be judged on its own merits and only individual councils can make this judgement ... I am sure that you would expect councils' stewardship of the public pound to be managed as efficiently and effectively as possible. I will undertake however to write to all councils suggesting that if there are claims which are particularly meritorious, then early consideration should be given to reaching a settlement."

None of us wants local authorities to part with money to resolve cases when that is inappropriate. However, when it is appropriate, early resolution will be beneficial.

The other speech to which I will refer is Tricia Marwick's. It was one of the finest contributions to the debate, as it got to the nub of some of the problem. Some people are manipulating the issue at the expense of low-paid workers to try to secure financial return. Tricia Marwick marshalled a devastating indictment of how that is being done in the name of no win, no fee, which in many other

circumstances is an entirely legitimate legal process. We must guard against falling into the trap into which many of the constituents to whom she referred have fallen. Members of the local authority workforce who are trying to resolve the issues have taken that step in good faith, but now find themselves trapped by a particularly unsavoury arrangement.

I have heard clearly the desire of members from across the political spectrum for the Government to consider what further facilitation it can undertake to try to resolve the issues. I have considered that and I responded to the Local Government and Communities Committee's report formally. In the light of the debate, I will consider the issue further to determine whether the Government could do more to try to resolve the questions. However, I apply certain caveats. First, what we do will not question the responsibility of individual local authorities to resolve the issues, which are practically, politically and by statute their responsibility. Secondly, the Government's approach will have to be mindful of the practices that Tricia Marwick exposed, which without doubt compromise the situation and make it more difficult to resolve the issues, which I acknowledge are significant. At the heart of the matter, the Government's view is that any further intervention will be undertaken with the precise interest of trying to resolve the issues for low-paid workers. That is the test that we will apply. I assure Parliament that, if the Government can make an intervention to try to resolve the issues, I will consider that actively and inform Parliament of any change of course on which the Government decides.

11:31

Alasdair Allan (Western Isles) (SNP): I thank members for all the positive contributions that have been made to this important discussion. As the convener of the Local Government and Communities Committee did, I thank everyone who gave evidence to the committee during its inquiry. I also thank the committee members for their contribution, the committee clerks for all their hard work and the staff of SPICe for their dedication and invaluable assistance.

The committee wants its report to help to find resolutions to the many outstanding equal pay cases in Scottish local government. As members have observed, the inquiry was the third time that a parliamentary committee had considered the issue. The committee wants to ensure that no further inquiries into the issue are needed. A fairer distribution of wealth is key to economic growth and equal pay is an important part of that. As many members have said, equal pay in local authorities is an historical issue going back many

years. Although it continues to pose a challenge for councils, it must be resolved without further undue delay. I hope that the report will help in that process. It suggests solutions to several of the issues.

The committee received evidence from all the main stakeholders in local government pay and rights issues—local authorities, COSLA, trade unions and lawyers. Unfortunately, it was clear that trust no longer seems to be part of the process. I hope that the committee's recommendations on working together go some way to helping to restore some of that lost trust.

As members know, the single status agreement between local authorities and unions was made in 1999, to harmonise manual and non-manual workers' terms and conditions. Each local authority had to implement it individually, but to date not all of them have done so. In the intervening period, several legal rulings have impacted on equal pay. Together with the delays, those have led to a large number of individual employees lodging equal pay cases with employment tribunals. The committee did not seek to completely reopen the discussions about the reasons for those lengthy delays, particularly given that the Finance Committee in the second session of Parliament covered that in a report on the same subject. However, about 35,000 equal pay claims have been lodged with employment tribunals, the number has increased considerably since the Finance Committee published its report.

I will mention a number of observations that were made to the committee on the situation that local authorities currently face. The first is that it might have been better if equal pay had been implemented nationally rather than leaving it to 32 local authorities. The second is that such a long time has passed that there have been court rulings and changes to the law that have had an impact. The final one is that the issues could have been resolved in what was a time of financial growth.

The committee made a number of recommendations relevant to that in its report. The first is that the Scottish Government could facilitate further talks between all the relevant parties: local authorities, COSLA, trade unions and lawyers. There are strong cases in the system, in which the main issue might not be over whether discrimination has occurred but over the level of compensation; the committee was of the view that those cases should be settled without further delay. Discussions should also focus on whether there could be staged payments to ease the financial burden on local authorities, although it is also worth noting that the Scottish Government is investing record levels of funding in local government.

Work should now be done to help to prevent more cases from arising in the future, for example by having an independent assessment of local authority pay and grading arrangements and annual equal pay audits in local authorities. The committee has sought clarification from the Scottish Government and others on the timescale for and operation of any scheme to help local authorities to meet their equal pay liabilities. The cabinet secretary has said that he is in negotiation with the Treasury in that regard.

I will refer to and thank several speakers—in fact, given my innate politeness, probably all of them. The cabinet secretary recognised the problems and said that borrowing in itself might not be the solution. We await with interest the outcomes of his negotiations with the Treasury.

David Whitton rightly reminded us of the important principle of equal pay and why it should exercise us in the first place. David McLetchie's forensic skills were not lost on the committee and they came to the fore again today in his reference to the Bainbridge decision and other related implications. In a Freudian slip, he also sought 37 council settlements for the benefit of the people of Edinburgh.

Jim Tolson spoke about the level of outstanding compensation and the dangers in the current litigious atmosphere. John Wilson referred to the failure to settle early in the process and the consequences of that with which we are now living. Sarah Boyack referred to pay audits and the need to measure the progress of any future solution. Margaret Mitchell highlighted the problems with using taxpayers' money to defend the legal claims of litigants.

As others have mentioned, Tricia Marwick spoke powerfully first about the problem of justice delayed being justice denied and then about the hazards of certain no-win, no-fee lawyers for people who are often in straitened circumstances. Mary Mulligan reminded us of the need to avoid prevarication on the matter and of the scope for Government and councils to work together. Jeremy Purvis referred to on-going liability and the implications for councils' budgets.

Michael McMahon cited the outstanding problem of home care workers as a concrete example of inequality. Bob Doris mentioned the sheer scale of tribunal claims and the urgency with which local authorities need to deal with them. He also mentioned that COSLA could have dealt with such claims on a national basis.

Marlyn Glen gave more detail on the capitalisation issue. Alison McInnes summarised much in the report and referred to the need to monitor equality proofing in future. Gavin Brown mentioned the unresolved issues to do with the

Scottish Government's potential role as a facilitator. David Whitton wondered what some people in local government do for a living and left each of us to wonder who he might be thinking of. He also said that no-brainer cases need to be dealt with quickly.

The committee does not want just to publish its report; it wants to speak about equal pay in Parliament and continue to discuss the issue, which it does not consider to be closed. We have come up with potential solutions in our report and we will keep monitoring the progress that we hope will be made towards them. I commend the committee's report to Parliament.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

The Presiding Officer (Alex Fergusson): Question 1 is from Jim Hume, but it appears that he is not in the chamber. I will certainly deliver the necessary message to him.

Public Access to Science (Kilmarnock and Loudon)

2. Willie Coffey (Kilmarnock and Loudoun) (SNP): To ask the Scottish Government what steps it is taking to make science more accessible to the public in Kilmarnock and Loudoun. (S3O-7980)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): The member is aware from my letter of 25 August to him that the Scottish Government is supporting a number of initiatives that make science more accessible to the public in Kilmarnock and Loudon.

Extra funding of £78,000 over three years is being used to subsidise the transport costs of 15,000 people in schools and community groups across Ayrshire making a visit to the Glasgow Science Centre.

The member is also aware from the letter that I wrote to him that although no applications were received for science engagement grants from organisations headquartered in Ayrshire, several projects will be accessible to schools, community groups and the wider public in Kilmarnock and Loudon. I urge the member to encourage his constituents to take advantage of those opportunities to access science activities.

Willie Coffey: In the recent correspondence to which the cabinet secretary referred, I was advised that none of the £650,000 allocated this year was spent on widening access to science in Ayrshire because there were no bids, as she said. She will be pleased to hear that Kilmarnock College is working to widen access to science using its own resources. The college principal has endorsed my suggestion that a local summit to improve access to science be held in Ayrshire. Will the cabinet secretary support such an initiative to reconnect innovative Ayrshire to the world of science?

Fiona Hyslop: I certainly welcome any initiatives that promote Scotland's excellent science research base. The local initiative in Kilmarnock is to be welcomed, as is bringing

together different organisations to participate. I know that Ayrshire has a proud history of innovation, which was reflected in the recent Ayrshire innovators homecoming exhibition at the Dick Institute. The exhibition highlighted the achievements of John Boyd Dunlop and Sir Alexander Fleming among many others. I will be interested in the outcome of that local summit and ask the member to keep me informed so that we can learn lessons for elsewhere in Scotland.

Strategic Transport Projects Review

3. Nanette Milne (North East Scotland) (Con): To ask the Scottish Executive what progress has been made in taking forward transport projects under the strategic transport projects review. (S3O-7970)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I have previously highlighted our priorities. First, the Forth replacement crossing, the tendering process for which is under way; the bill will be brought to Parliament in November. Secondly, the Edinburgh to Glasgow improvements programme is being taken forward for delivery. The first phase of the programme, new hourly fast services between Glasgow and Edinburgh, is to be introduced to the December 2009 timetable. In addition, the planning application is to be lodged later this month for the new railway station at Gogar. Finally, Network Rail is working hard on the development of our plans for the Highland main line and the Aberdeen to Inverness line.

As planned, we are continuing to work with partners and stakeholders to take forward the development and design of the other 25 recommendations. Alongside planning for the future under the STPR, Transport Scotland continues to drive forward the current programme, which will see over £2.5 billion invested in Scotland's strategic transport networks over the three years, supporting the economy through efficient movement of goods and people.

Nanette Milne: I thank the minister for his detailed answer, which was as I expected. However, although the First Minister and the SNP Government made specific pledges to voters in the north-east to dual the A96, the only project in Aberdeenshire listed in the STPR was the replacement of the Inveramsay bridge at Pitcaple. Will the minister tell me whether he expects a timescale for that work to be in place within the current parliamentary session?

Stewart Stevenson: We are also proceeding with work on the A90 between Balmedie and Tippierty, the Aberdeen western peripheral route and a wide range of important projects in the north-east.

The Inveramsay bridge project is part of a policy position that we took shortly after coming into office: we did not wish to have on our rural trunk roads traffic lights that impede traffic. We have done some preliminary work on possible routes that would be associated with the Inveramsay bridge. We are continuing to make the progress that is necessary and we are looking to secure the funding for that and for a range of other interventions in the next review period.

Shirley-Anne Somerville (Lothians) (SNP): Some of the most expensive decisions that ministers have to take relate to large-scale capital infrastructure projects, such as those included in the STPR. I therefore ask the minister to explain how continuing with projects that are already projected to be dramatically over budget, even before they begin, such as the Glasgow airport rail link, would impact on delivering other projects, including those in the STPR. Will he detail the impact of continuing with the Glasgow airport rail link, the budget for which has grown from an initial estimate of £160 million in 2006 to an approximate £400 million to date?

Stewart Stevenson: *The Scotsman* reported that the

"tramway system was a standing joke in the country".

However, that was on 16 January 1929. Problems with Edinburgh's trams are not something with which we are entirely unfamiliar. However, that particular remark in *The Scotsman* was made as a precursor to celebrating the achievement of the trams manager, Stuart Pilcher, in rescuing Edinburgh from some disastrous decisions. I hope that Richard Jeffrey will do the same in Edinburgh today.

GARL is one of the projects that we had to look at very carefully indeed and we concluded that, in the present economic climate, we could not proceed with it. That is disappointing. It is always disappointing to have to withdraw a project from our programme, but it is an inevitable consequence of the Labour Westminster Government's cuts.

Des McNulty (Clydebank and Milngavie) (Lab): On a point of order, Presiding Officer. Shirley-Anne Somerville made a misleading remark in her question by saying that the price of the GARL project was of the order of £400 million. The minister clarified that position in a recent answer to my colleague Charlie Gordon. Could he perhaps respond to Ms Somerville, putting her right on the actual cost of the GARL project?

The Presiding Officer: Mr McNulty now has his point on the record. I think that he well knows that it is not a point of order.

Stewart Stevenson rose—

The Presiding Officer: I will take a supplementary question from Malcolm Chisholm. If the minister wants to respond to Des McNulty's point in his answer he can do so.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I know that the minister is a supporter of trams, so will he give full support to the City of Edinburgh Council in its difficult negotiations with Bilfinger Berger to secure the lowest possible price for the tram project? Will he try to restrain his party colleagues on the council and in this chamber, whose wild speculations encourage that company to inflate its demands by the day?

Stewart Stevenson: It may be as well to remind members of the decision that was taken in the Parliament at the end of June 2007, when only the 47 members of the Scottish National Party opposed continuing with the Edinburgh trams. Where we are today is an inevitable consequence of that particular decision. I do, of course, now wish the project every possible success and I personally look forward to travelling on the first tram, if that is possible and if I am invited.

On GARL pricing, it is as well to remember that we have removed from our future plans only the branch line to the airport. The other improvements to Paisley, which make up the bulk of the expenditure improvements from Glasgow Central to the west, remain in the programme, are being actively progressed and will deliver significant benefits to people to the west of Glasgow.

The Presiding Officer: Question 4 has been withdrawn.

National Health Service Physiotherapy (Waiting Lists)

5. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive how many people are known to be on a waiting list for physiotherapy treatment in the NHS. (S3O-7964)

The Minister for Public Health and Sport (Shona Robison): Information on numbers of patients and waiting times for physiotherapy treatment is not routinely collected on a national basis. The Scottish Government is committed to reducing waiting times for all patients within NHS Scotland. Physiotherapists are involved in delivering patient care and treatment, which has helped to cut waiting times for patients across Scotland, as has the introduction of self-referral, which means that patients can now bypass their general practitioner and refer themselves directly to a community clinic, thereby improving access to treatment and speeding up recovery.

Mary Scanlon: I am aware that that information is not collected centrally. That is why I sent a request under the Freedom of Information

(Scotland) Act 2002 to all health boards in Scotland. I can confirm that the number of patients known to be on a waiting list for physiotherapy in Scotland is currently well in excess of 20,000. The Scottish National Party manifesto promised to reduce waiting times for physiotherapy by increasing the number of national health service physiotherapists. Is that another broken promise?

Shona Robison: I say to Mary Scanlon that the fact that waiting times in general are coming down shows, and should show her, that physiotherapy is an important part of the patient journey. Waiting times in general could have come down only if the waiting times for physiotherapy had also come down. I ask Mary Scanlon to reflect on that.

We are aware that waiting times for physiotherapy vary in different parts of the country, but work is on-going in NHS boards to standardise processes, resources and practice. We are currently funding a two-year project to capture allied health professions data on workforce and workload activity, including data on physiotherapists, which will establish a national data set that includes physiotherapy and will address that data gap. We are working very hard through the chief health professions officer and the allied health professions directors to support new ways of working and service redesign that will improve patient care and waiting times.

The Presiding Officer: Briefly please, minister.

Shona Robison: Finally, I say to Mary Scanlon—[*Interruption.*] I hope that Labour members will also agree that physiotherapy is important. There has been a 4 per cent increase in physiotherapists—the number is up. I thought that the member would welcome that.

Abnormal Loads

6. Margaret Mitchell (Central Scotland) (Con): To ask the Scottish Executive what its policy is on the transportation of abnormal loads. (S3O-7975)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The movement of abnormal loads across the United Kingdom is a matter reserved to the UK Government. Responsibility for authorising the movement of abnormal loads rests with the UK Department for Transport, and the Highways Agency acts on its behalf.

Transport Scotland co-ordinates the movement of abnormal loads within Scotland in liaison with local road and bridge authorities and the police, taking into account any potential for damage and disruption to the network. Thereafter, Transport Scotland advises the Highways Agency, which approves or rejects any proposed movement.

Margaret Mitchell: I thank the minister for that response and note what he says, but I wonder whether he is aware of recent concerns expressed by hauliers about the variation in charging policy adopted by Scottish police forces for escorting abnormal loads, with charges of up to £600 reported for police escorting one load. Clearly, such costs impact adversely on hauliers, contractors and projects such as the extension of the M74. As such, will the minister look into this situation and attempt to restore the common sense approach that was adopted by all the parties involved following a Scottish Parliament members' business debate on the subject in 2003?

Stewart Stevenson: I will certainly look further at the issue that Mrs Mitchell raises. We have some 250, or thereabouts, applications for escorting abnormal loads each year in Scotland. There is no particular sign from the figures for 2007, 2008 and 2009—so far—that there is either a reduction or an increase in the number of abnormal loads; the number seems to be fairly constant. I am certainly happy to look at the matter that the member raises, but I draw it to her attention that I may be limited in the response that I am ultimately able to formulate.

Michael Matheson (Falkirk West) (SNP): What consideration is given to the moving of abnormal loads from the roads to alternative modes of transport, such as rail? The minister will be aware of the serious problem that has been experienced in the Larbert area of my constituency. Does he agree that, where abnormal loads are being moved by rail, as they are in Larbert, the rail operators should be looking to use rolling stock that minimises the associated noise and vibration?

Stewart Stevenson: We are certainly very enthusiastic about maximising the transfer of goods from our roads to our railways. We have a limited supply of rolling stock that has a flat-bed base of 720mm, which allows bigger and taller pieces of equipment to travel by rail. There are moves to increase the amount of rolling stock that can carry larger loads. We strongly support such moves, which will be welcomed by Michael Matheson's constituents and road users across Scotland.

Voluntary Organisations (Meetings)

7. Johann Lamont (Glasgow Pollok) (Lab): To ask the Scottish Executive when ministers last met representatives of voluntary organisations and what issues were discussed. (S3O-8042)

The Minister for Enterprise, Energy and Tourism (Jim Mather): On 9 June this year, third sector representatives met cabinet ministers to give a presentation on working together to ensure that Scotland is well equipped to deal with the

current recession and to emerge from it strongly. The meeting built on and developed the discussion at the round-table meeting of 14 April between ministers and third sector representatives about the resilience of the sector in the economic downturn.

More generally, I frequently meet people from all parts of the third sector across the country. I have had several useful discussions with social enterprises and those involved in setting up third sector interfaces, which are an increasingly important way for the third sector to contribute to the success of Scotland.

Johann Lamont: The minister will be aware of the serious concerns that local councils for voluntary service have about the development of local interfaces. Many feel that merger is being forced, rather than encouraged. Will the minister and the Cabinet Secretary for Finance and Sustainable Growth agree to meet those groups to discuss their concerns that the process is driven by funding issues? As a consequence, it is generating an atmosphere in which some people feel afraid to speak up or out.

Jim Mather: I completely refute the suggestion that the process has anything to do with funding issues. The goal is to put the third sector at the heart of decision making. We remain keen to engage directly, to ensure that local issues are addressed openly, and to make progress in an informed way that improves service provision and allows people and organisations across Scotland to learn from one another. In that vein, I would be more than happy to engage as the member has suggested.

Scottish-Islamic Foundation (Meetings)

8. Des McNulty (Clydebank and Milngavie (Lab): To ask the Scottish Executive what meetings have taken place between ministers or their special advisers and Mr Osama Saeed or representatives of the Scottish-Islamic Foundation since June 2008; which ministers or special advisers were present, and what matters were discussed at each meeting. (S3O-8052)

The Minister for Housing and Communities (Alex Neil): Ministers have met Scottish-Islamic Foundation representatives on five occasions since June 2008. The meetings covered a wide range of topics such as Islamfest, policing and the Show Racism the Red Card initiative. In addition, Osama Saeed, chief executive of the Scottish-Islamic Foundation, is a member of the Scotland without nuclear weapons working group. I will write to the member with full details of the meetings and place the information in the Scottish Parliament information centre.

Des McNulty: I hope that the minister checked and checked again the information that he has just given to the chamber and that all the face-to-face contact between ministers, their special advisers and Mr Saeed will be disclosed. If, on reflection, the minister wishes to add anything to the answer that he has given, he has the opportunity to do so now.

For what reason was the etisal event, which is sponsored by the Scottish Government and run by the Scottish-Islamic Foundation, postponed from November 2009 until March 2010? When was the decision to postpone the event taken? How much money is the Scottish Government contributing to the costs of the event, including the costs of publicising it? What contribution is being made from either governmental or non-governmental sources in the Organisation of the Islamic Conference countries and the Gulf Co-operation Council states, which include Libya and Qatar?

Alex Neil: If, once I have sent information about the five meetings to Mr McNulty, he knows of another meeting about which I do not know, I will be glad to hear the details. We have checked the records and there have been five meetings.

I understand that the etisal event, which was originally planned for November this year and has been postponed until March next year, is one of the victims of the current recession. The purpose of etisal was to act as a finance expo to bring investment, trade and technology to Scotland. I would have hoped that all members would support in principle any such event.

First Minister's Question Time

12:00

Engagements

The Presiding Officer (Alex Fergusson): Due to the suspension of standing orders that was agreed yesterday, question 1 to the Deputy First Minister will be asked by Johann Lamont.

Johann Lamont (Glasgow Pollok) (Lab): Like Nicola Sturgeon, I am deputising in sad circumstances: the funeral of Bill Speirs, a giant of the Labour and trade union movement who was taken from us all too soon, is taking place today. Working people in this country and throughout the rest of the world have cause to be grateful to a man whose life's work was to fight for the rights of working people, the vulnerable and the exploited. He will be sadly missed.

To ask the Deputy First Minister what engagements she has planned for the rest of the day. (S3F-1930)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I associate the Government with Johann Lamont's remarks about Bill Speirs. Like Iain Gray, the First Minister is at Mr Speirs's funeral. I know that our thoughts will be with Mr Speirs's family and friends today.

Later this afternoon I will hold a briefing on the latest information on the H1N1 influenza virus.

Johann Lamont: It has taken two years for the Scottish National Party Government to produce a school building programme. Some pupils, parents and teachers have, at last, been told that they will get the facilities that they need and deserve. Will the Deputy First Minister tell the chamber when the first of those schools will open and how many children will move into new classrooms in those schools before the next election?

Nicola Sturgeon: I am happy to tell Johann Lamont that the £1.25 billion school building programme that Fiona Hyslop announced this week is in addition to the £2 billion of investment that this Government has committed to the school estate. Since we took office, 150 schools projects have been completed. The number will reach 250 by the end of our term in office. We are now building schools at a faster rate than happened under the previous Administration.

Johann Lamont's question is a rather desperate attempt to deflect attention from the previous Administration's woeful record on school building. *[Interruption.]* Labour members might want to listen to this. When Labour left office, 260,000 children were being taught in schools that were in

a poor or bad condition. This Government has already lifted 100,000 of those children out of those conditions. That is a record of which we are very proud. *[Applause.]*

The Presiding Officer: Order.

Johann Lamont: I am sure that that sounded good when the minister read it in her ministerial briefing, but let us return to the real world. In its own press release, the Government admits that the schools will not be built before 2013—indeed, there are only 14 schools on the SNP list. In fact, it boasts that it will build just 55 schools by 2018. In addition, the schools that the Government is starting with are not the worst schools. Right now, 150,000 pupils are sitting in schools that the Government has categorised as falling apart. Will the Deputy First Minister tell the chamber when the SNP will get round to rebuilding those schools?

Nicola Sturgeon: I am not really sure what bit of this Johann Lamont has difficulty understanding. What I said in my first answer sounded good not only to me and my colleagues on these benches but to the 100,000 children and their parents. This Government has lifted those children out of the poor schools that Labour had left them in. The programme that Fiona Hyslop announced earlier this week is a programme for 55 new schools, with 14 secondary schools in the first phase. I repeat that the investment is in addition to the £2 billion investment that the Government has committed to the school estate.

I have one final comment on the dreadful legacy of the former Labour/Liberal Democrat Administration. When Audit Scotland looked at Labour's school building strategy, it said that the Executive had not even

"set out what ... needs to be done or how it will be achieved".

This Government has put in place such a strategy and the investment to back up the strategy. Right across Scotland, children and their parents will benefit from that.

Johann Lamont: I am not sure what world the minister is in, but it is not the real world—the world in which my children go to school. In the real world, real people understand that real children are being harmed by SNP inaction. The inordinate delay has come about because the SNP promised to ditch the public-private partnership model and build schools under the Scottish Futures Trust. Will the Deputy First Minister tell us how much money the Scottish Futures Trust is generating for the school building programme?

Nicola Sturgeon: Johann Lamont and I represent the same city. The biggest threat to the future of schools for children in Glasgow right now

is Labour-controlled Glasgow City Council's school closure programme.

No matter how often Johann Lamont trots out the tired lines that Iain Gray uses every week, it will not make them true. A hundred and fifty schools projects have been completed since the Government took office and 250 will be completed by the end of our term in office. On average, every year, the Government is spending more on school investment than the previous Government did. That is our record and I am proud of it.

Apart from Labour-controlled Glasgow City Council, the biggest threat to investment in schools in Scotland is the cuts from the Westminster Government of £500 million. If Johann Lamont cares about capital investment she will direct her remarks to her colleagues in London.

The Presiding Officer: The question was about the Scottish Futures Trust.

Johann Lamont: I am privileged to represent Glasgow and I am disappointed that Nicola Sturgeon is joining her colleagues in attacking Glasgow rather than standing up for the city.

The Scottish Futures Trust is a quango that costs a staggering £23 million. We learned today that it has spent £120,000 on consultants in four months, yet it has not generated a single coin for Scotland's schools. What a triumph. It takes a special kind of genius to come up with an education policy that will have built no schools by the next election, that leaves 150,000 children in dilapidated classrooms, that costs at least 8,500 construction worker jobs and that produces 1,000 fewer teachers. It takes a special kind of genius indeed to claim that that record is a rip-roaring success.

When she was an Opposition spokesperson, Nicola Sturgeon said:

"we would expect to be judged by actions not soundbites."

By that measure, how many marks out of 10 would Nicola Sturgeon give Fiona Hyslop?

Nicola Sturgeon: I leave it to Wendy Alexander to give herself marks out of 10. I am proud of this Government's record on school investment.

Everything that Johann Lamont has just said about the Scottish Futures Trust is completely untrue—that is unsurprising from a Labour member. As we speak, the Scottish Futures Trust is working on projects at schools and on community projects under the hub initiative, right round the country. The Scottish Futures Trust will have a central role in managing the new school building programme that was announced earlier this week. Among other things, it will ensure that in

that programme we get much better value for money than we got under the private finance initiative schools projects of which Labour was so fond and which were such a bad deal for the taxpayer.

I will defend the Government's record on schools every day of the week, because the Cabinet Secretary for Education and Lifelong Learning is delivering and the Government is delivering, and that is exactly what we will continue to do.

Secretary of State for Scotland (Meetings)

2. Annabel Goldie (West of Scotland) (Con): I associate Conservative members with Johann Lamont's comments about the late Bill Speirs.

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-1919)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The First Minister has no plans to meet the Secretary of State in the near future.

Annabel Goldie: The health of our children is hugely important. The Scottish National Party manifesto promised that every pupil would get

"2 hours of quality PE each week"

and would have

"free ... access to council swimming pools."

The manifesto also promised that the SNP would establish

"an innovative sport volunteer programme"

and that there would be more

"centres of sporting excellence".

By my calculation, none of those promises has been kept. Why not? Will they ever be kept? If so, when?

Nicola Sturgeon: That is simply not true; progress on all those areas has been made throughout Scotland.

Annabel Goldie raised a serious point about the health of our children, on which I hope we can find consensus in the Parliament. Like other members, she will be aware that the statistics in the Scottish health survey, which was published this week, show that we are making positive progress on increasing levels of physical activity and, encouragingly, that the rate of increase in obesity among children is slowing.

Nevertheless, there is a considerable amount still to be done. Therefore, I hope that Annabel Goldie will welcome and support the investment of more than £50 million that we are making over the three years of the comprehensive spending review

period to improve diet and physical activity for children. I also hope that she will welcome the real progress that the Government is making through the curriculum for excellence towards ensuring that children get the access to physical education in our schools that, sadly, they did not get under the previous Administration.

Annabel Goldie: The face in the seat may have changed but the message has not. That answer to my question has the hollow ring of more broken election promises from the SNP. We cannot play politics with our children's future. The class size pledge is in tatters, discipline is not being dealt with and now the SNP is reneging on our children's health and wellbeing. I ask the Deputy First Minister—again—when will every pupil get two hours of quality PE every week; when will every pupil have free access to council swimming pools; when will there be an army of sports volunteers; when will there be more centres of sporting excellence? Will those promises, like the class size pledge, be delivered only to our great, great, great grandchildren in 90 years' time?

Nicola Sturgeon: As Annabel Goldie knows—or should know; I assume that she researched her question before asking it—by June this year, every local authority had committed to the delivery of the curriculum for excellence and, as part of that, to making progress on providing at least two hours of physical education to every child every week. That is the kind of progress that people want to see and the kind of progress that was lacking under the previous Administration. *[Interruption.]*

The Presiding Officer: Order.

Nicola Sturgeon: Annabel Goldie asked about class sizes. It is interesting that the Labour Party was too scared to go on to that topic again this week. Labour members know that class sizes in Scotland are at a record low. They know that the number of primary 1 to 3 pupils in classes of fewer than 18 is increasing and is at a record high. *[Interruption.]*

The Presiding Officer: Order, please.

Nicola Sturgeon: Across that range of policy areas, the Government is making progress. Perhaps the question that Annabel Goldie should ask is which of those so-called priorities for the Tories would be put under threat by the desperation on the Tory benches north and south of the border to make cuts in public services.

Cabinet (Meetings)

3. Tavish Scott (Shetland) (LD): I associate the Liberal Democrats with the tributes that have been made today to the life of Bill Speirs.

To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-1920)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The next meeting of the Cabinet will discuss issues of importance to the people of Scotland.

Tavish Scott: The tragic deaths of three people on a level rail crossing at Halkirk in Caithness are regrettably not unique. Where fatal accidents happen on Scotland's roads, action is rightly taken. At Sumburgh airport, barriers were installed on the road across the runway after motorists had problems seeing warning lights similar to those on rail crossings but, thankfully, before an accident. How, therefore, can it be acceptable for the rail industry to say that installing barriers would cost too much? How many fatal accidents or injuries do there need to be before action is taken? Does the Deputy First Minister agree that, if barriers can be installed at airports for exactly the same reason, there can be no justification for not acting to stop deaths and injury at rail crossings?

Nicola Sturgeon: I put on record my condolences and those of the Scottish Government to the families of those who tragically lost their lives earlier this week in that appalling accident.

Tavish Scott is right to raise such an important issue and I have a great deal of sympathy for the points that he made. As he knows, investigations into the cause of the accident continue and it would be wrong for me to speculate at this stage on what caused it. The rail accident investigation branch has taken charge of the investigation following the handover of the fatal accident site from the Northern Constabulary. The investigation will involve independent testing of the level crossing safety equipment. The Minister for Transport, Infrastructure and Climate Change has already had a preliminary briefing from Network Rail on Tuesday's accident but he will be briefed further following the outcome of the investigation.

It is important to stress that our rail network is among the safest in the world, but I understand the concerns that have been expressed, particularly about the lack of barriers at some level crossings. That is why the transport minister will explore with Network Rail whether it can and should make further improvements at crossings where there have been such serious accidents.

Tavish Scott: Jamie Stone, who represents the constituency, has been at a meeting in Caithness today and has been making that argument. Is it not time to cut through the morass of rail bureaucracy, which gets in the way? Network Rail has risk assessors; the local highway authority has responsibilities; and so do Transport Scotland, the rail regulator, the railway inspectorate, the Health and Safety Executive, the police and even the Scottish Law Commission. Will the Deputy First

Minister accept that, if she asks the Minister for Transport, Infrastructure and Climate Change to pull together all those organisations to order action and to request the money to do it, she will have support from across the Parliament, and certainly from the Liberal Democrats?

Nicola Sturgeon: I am more than happy to respond positively to that suggestion. I say this not as an attempt to pass the issue to anybody else, but railway safety has not been devolved to the Scottish ministers; the issue remains reserved to Westminster. Tavish Scott's point about the plethora of organisations involved is well made. I have no doubt that the transport minister would be more than happy to discuss with him, with Jamie Stone and with other interested parties how the issues could be taken forward. I am sure that there is nobody in the chamber who does not want to ensure that we do everything possible to minimise the chances of such an appalling accident happening again.

Alcohol Misuse

4. Michael Matheson (Falkirk West) (SNP): To ask the First Minister what evidence there is to support the Scottish Government's plans to tackle alcohol misuse. (S3F-1922)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): On Monday, we published the results of independent research carried out by the University of Sheffield on the potential effects of minimum pricing for alcohol and a ban on irresponsible off-sales promotions. The results show that a 40p per unit minimum price and a ban on irresponsible promotions would be expected, over a 10-year period, to reduce alcohol-related deaths by 19 per cent, to reduce alcohol-related illnesses by 8 per cent, to reduce hospital admissions by nearly 10 per cent, to reduce crime by more than 3,000 offences per year and to provide a financial saving from harm reduction of £950 million over 10 years.

Of course, no single action will bring about the change that is required to rebalance our relationship with alcohol. Working with others from across the chamber, the Government is determined to produce a package of measures that can make a big difference to this massive public health challenge.

Michael Matheson: The Sheffield study, which demonstrates the economic, health and social benefits of introducing minimum pricing, follows on from a gathering body of international evidence that supports such a policy, given the gains that could be derived from it.

I am sure that the Deputy First Minister agrees that although minimum pricing can play an

important role in addressing Scotland's unhealthy relationship with alcohol, it is essential that we take every opportunity to inform individuals of the direct health risks that come from consuming too much alcohol and that, as overconsumption of alcohol is one of the main lifestyle risks in relation to breast cancer, the launch of breast cancer awareness month today provides an ideal opportunity to get that message across.

Nicola Sturgeon: Michael Matheson is absolutely correct, and I am sure that there will be much agreement throughout the chamber with what he has just said. There is still a lack of awareness of the full health risks that are associated with alcohol misuse. In the case of breast cancer, more than one in 10 deaths among women in Scotland are estimated to be attributable to alcohol.

The Government is working hard with partners and other parties to highlight the health risks that are associated with alcohol and to encourage people to reflect more carefully on their alcohol consumption. We have rolled out an ambitious programme to help support people whose drinking might be putting them at risk and to persuade them to cut down.

Over time, the wider package of measures that I have already mentioned, which I believe should include action on pricing, will help us to turn the tide on the problem and to rebalance our relationship with alcohol.

Richard Baker (North East Scotland) (Lab): Does the Deputy First Minister agree that any new measures to tackle alcohol misuse must be supported through better enforcement of current law, particularly a higher success rate in prosecuting cases of underage drinking—including the prosecution of those who are responsible for selling alcohol to children?

Nicola Sturgeon: Yes, I strongly agree with that. I believe that the package of measures in the Government's alcohol framework, which we intend to legislate on later this year, will go a great distance towards helping to tackle problems with alcohol. However, I agree strongly that we should not introduce new legislation without enforcing strongly the legislation that is already in place. In the past couple of days, I have discussed that with Cathy Jamieson, who is Labour's health spokesperson. On behalf of the Government, I can say that we are committed to working with other parties in the Parliament to look at ways in which we can ensure that existing legislation works as well as possible and that new legislation will tackle the problem effectively.

Robert Brown (Glasgow) (LD): Can the Deputy First Minister tell me why the study used rather old figures, from 2003, rather than the 2008 figures

that are now available? Will she comment on the fact that the study estimates that a minimum price of 40p per unit of alcohol will result in an increase of £90 million per annum to private retailers and a drop of £4 million a year to public revenues? Can she tell me why that is a good thing?

Nicola Sturgeon: A good thing about the research that was published the other day is that it demonstrates that a policy of minimum pricing, on its own or in combination with a ban on irresponsible promotions, would cut consumption of alcohol. The key objective is to reduce the consumption of alcohol. The benefits that are laid out in the University of Sheffield study are that, by reducing consumption, the policy could cut the number of alcohol-related deaths, illnesses and incidents of crime. I appreciate and concede that we have still to win the argument on minimum pricing among sections of the Parliament, but I encourage all members to read the study. It lays bare the great benefits that could result if the Parliament is prepared—as it was on the ban on smoking in public places—to be bold and to lead from the front by taking action that is about improving the long-term health of our country.

Bill Aitken (Glasgow) (Con): The Deputy First Minister will no doubt agree that there are individuals who are problem drinkers and that there are drinks that can be identified as problematical. Does she agree that a more targeted approach might be to work with the Westminster Government to look at ways in which excise duty can be used to target problematical drinks, to make them less accessible to the more vulnerable sections of our society who abuse them?

Nicola Sturgeon: Bill Aitken and I might have a slight disagreement, in that he thinks that alcohol misuse is only a marginal problem whereas I think it is a wider problem that affects more people in the population. Notwithstanding that disagreement, I think that he has a point about the need to ensure that, as well as cutting consumption across the population, we target the problem of hazardous drinkers.

I am happy to co-operate with anybody who will co-operate with us in tackling the problem. We are currently trying to persuade the Westminster Government to take action on the advertising of alcohol. So far, the Westminster Government has not proved too willing to do that, but we will continue to seek to persuade it.

I recommend that Bill Aitken read the University of Sheffield study, if he has not already done so. It suggests that minimum pricing and a ban on irresponsible promotions be a targeted policy. For example, the cost impact will be felt by those who drink hazardous levels rather than by moderate, responsible drinkers. I submit that that is exactly

the type of policy that we should look to implement.

School Building Programme (Scottish Futures Trust)

5. James Kelly (Glasgow Rutherglen) (Lab):

To ask the First Minister whether the Scottish Futures Trust will provide the funding for any of the 14 secondary schools that were announced by the Cabinet Secretary for Education and Lifelong Learning in the news release on Monday. (S3F-1928)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The new £1.25 billion school building programme that we announced, with £800 million of Scottish Government funding, will deliver 55 new schools the length and breadth of Scotland. On Monday, the Cabinet Secretary for Education and Lifelong Learning announced the first 14 of those schools. As I have already said today, that is in addition to the £2 billion of investment that the Government has already committed.

The Scottish Futures Trust will have a central role in managing the new school building programme, working alongside local authorities. It will deliver better and more efficient ways of managing and procuring the new programme to achieve better value for money than was achieved under previous schools building programmes, including the private finance initiative.

James Kelly: As 23 per cent of schools are in poor or bad condition, 8,500 construction workers have lost their jobs and construction costs are decreasing by 6 per cent, does the Deputy First Minister agree that it is time to dump the discredited Scottish Futures Trust and open up capital investment to other funding models that will provide jobs for construction workers and schools that are fit for the 21st century?

Nicola Sturgeon: I think that it is right for the Government to try to get as much value for money as we can out of the £3.25 billion that we are investing in education. If Labour had worried a bit more about value for money when it was in office, perhaps we would not have the PFI payments that we have to bear today.

I find it surprising that any Labour member has the brass neck to raise the issue of substandard school buildings when the Labour Administration left a legacy of more than a quarter of a million Scottish children in substandard schools. This Government's investment is already lifting children out of those substandard schools, and we will continue to do that. I would have thought that Labour would welcome that.

Home Insulation Scheme

6. Liam McArthur (Orkney) (LD): To ask the First Minister whether the Scottish Government is content with the rate of progress on the home insulation scheme. (S3F-1925)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Yes, we are. The home insulation scheme is on track for local marketing to begin later this month. The member will also be pleased to know that the scheme will offer help to up to 100,000—rather than, as previously envisaged, 90,000—households.

Homes in 10 council areas across Scotland, including the Orkney Islands, have been successful in their bids for the schemes to make their homes more energy efficient. The package of insulation measures on offer could reduce annual household fuel bills by an average of £70 each, as well as significantly reducing emissions as part of our world-leading climate change measures.

Liam McArthur: The Economy, Energy and Tourism Committee has recommended that the Government use

“the forthcoming budget ... to consider substantially increasing resources for an area-based, targeted energy efficiency/conservation programme designed to tackle fuel poverty and reduce energy demand.”

That is seen as key to delivering Scotland's energy future.

Does the Deputy First Minister share that view? Does she share the concern that one third of the £15 million that was allocated to the current home insulation scheme appears to have gone on administration? Does she regret that of the £15 million of match funding for the scheme that the Cabinet Secretary for Finance and Sustainable Growth promised in February, to date only around £0.75 million has been forthcoming? Instead of simply repeating assurances that the Government is doing all that it needs to do, will she agree with the unanimous view of the cross-party Economy, Energy and Tourism Committee that it is simply not enough?

Nicola Sturgeon: As Liam McArthur knows, the draft Scottish budget for 2010-11 provides for £15 million-worth of a home insulation scheme that will help up to 100,000 houses. As the draft budget goes through the parliamentary process, it is open to any member of the Parliament to lodge amendments to increase spending on that or any other part of the Scottish Government's budget—but any member who did so would have a responsibility to say from what part of the budget they would take that money.

I wonder how Liam McArthur's call for yet more money to be spent on yet another part of the

Scottish Government's budget fits with Nick Clegg's recent call for savage cuts in public expenditure. Perhaps Liam McArthur would care to square that circle.

Mary Mulligan (Linlithgow) (Lab): Can the Deputy First Minister say, when the contract for the home insulation scheme was advertised in the *Official Journal of the European Union*, why its value was put at only £7.8 million? Exactly how much is being spent on administration?

Nicola Sturgeon: I am sure that I can provide Mary Mulligan with the precise details of when the contract was advertised in the *Official Journal of the European Union* and the precise figure for administration, but I hope that she will welcome the fact that the procurement process has almost finished and that, as a result, local marketing will begin this month. Visits to homes will take place from November and installations will start from December. That is good progress and good news, which all members should welcome.

We are happy to work with the Economy, Energy and Tourism Committee and other interested members to find out what else we can do to improve home insulation and contribute to our climate change targets. I hope that the positive progress that has already been made is welcomed.

Patrick Harvie (Glasgow) (Green): I, too, commend the Economy, Energy and Tourism Committee for its recommendation, but I do not want to spend the next few months just having a go at the Government for what it is not doing. Does the Government acknowledge that there is overwhelming consensus among members of every political party and umpteen non-political organisations that we must go much further much faster than the existing schemes? Will it convene a cross-party meeting to turn the consensus on principle into consensus on practical measures for funding the work in good time?

Nicola Sturgeon: I acknowledge the points that Patrick Harvie makes and his contribution to ensuring the progress that we have seen so far. I accept that many people think we should go further; I am sure that he concedes that the Government works within a fixed budget and that we have to say where money will come from. I would be more than happy to ask the responsible minister, Alex Neil, to meet him and any other member who is interested in the matter to find out whether we can build even further on the cross-party consensus that already exists.

12:31

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Rural Affairs and the Environment

Power Stations (Environmental Impact)

1. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Executive what recent discussions it has had with the Scottish Environment Protection Agency regarding the environmental impact of power stations. (S3O-7986)

The Minister for Environment (Roseanna Cunningham): The Scottish Government has regular discussions with the Scottish Environment Protection Agency on a range of environmental issues, including the environmental impact of power stations.

Kenneth Gibson: The minister will be aware of proposals to build a 1,600MW coal-fired power station at Hunterston in my constituency. Does she accept the need for Scottish Government policy to be more ambitious than the somewhat cautious approach of Westminster in delivering carbon capture and storage technology to any new power station that may be built? Has SEPA yet expressed a view on how it would ensure that such a facility was delivered to the highest possible environmental standards?

Roseanna Cunningham: As Kenneth Gibson knows, the Scottish Government is extremely ambitious about the future for Scotland, including in relation to carbon capture and storage. It is extremely important that we take forward that technology. There is work, including work with the European Union, to be done to increase the likelihood of delivering carbon capture and storage. SEPA is well aware of what is required and is a serious player in its development.

Flooding (Moray)

2. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Executive what progress is being made to assist people who have been affected by the recent flooding in the Moray area. (S3O-8037)

The Minister for Environment (Roseanna Cunningham): It is normally the role of local authorities to lead the recovery process following an emergency. I take this opportunity to commend Moray Council on its hard work and continued support and assistance to residents over the past three weeks. The council provides on-going

assistance, including temporary accommodation, the packing of possessions in preparation for storage and the circulation of regular newsletters with information and updates. In addition, the Lord Lieutenant of Moray has set up a flood-relief fund to assist the victims of the flooding event. Moray Council is providing support to administer the fund.

Rhoda Grant: The minister will be aware that Moray Council has a £5 million excess on its flood insurance, which is due primarily to previous flooding events. Given that there is already pressure on council budgets, does the minister believe that Moray Council has sufficient financial reserves to cover the costs of the clean-up operation? If not, will funding be made available from the Belwin scheme?

Roseanna Cunningham: The Belwin scheme is available to Moray Council, should it wish to make a claim for emergency financial assistance. I do not think that the council has made such a claim, but it has said that it may wish to do so, so a claim may be in the offing. We will continue to liaise with the council. A decision on whether to trigger the Belwin scheme will be taken following receipt of full details of the emergency.

Bill Wilson (West of Scotland) (SNP): The recent flooding in Moray has generated interest in how the Scottish Government is funding flood-related activities. Will the minister outline the present funding situation for flooding in general and set that within the historical context of the past decade?

Roseanna Cunningham: Bill Wilson raises an interesting issue, because we no longer ring fence the money that is given to local authorities—it is for them to make decisions about to spend it. However, I advise Parliament that, in its first eight years, from 1999 to 2007, average spending on flooding each year was £5.5 million. In this Government's first year in office, the figure was £32.4 million; thereafter we moved to the new funding scheme. The Government's record on the issue is excellent.

Mary Scanlon (Highlands and Islands) (Con): I join the minister in commending Moray Council for the actions that it has taken. The council is looking to make savings of £16 million in the next few years and now needs an estimated additional £3 million to assist with clear-up costs in Rothes, Fochabers and Elgin. As the minister said, many families face a wait of six months in temporary accommodation before they can return to their homes. Further to her response to Rhoda Grant's question, how will the Scottish Government help Moray Council to cover the additional costs arising from the third major flood in 12 years?

Roseanna Cunningham: As I said, the council has notified the Scottish Government that it may

wish to make a claim under the Belwin scheme. When full details of any such claim are before us, the Cabinet Secretary for Finance and Sustainable Growth will make a decision on the matter. That is what will happen if the council makes an application for any further capital grants that it considers to be appropriate. Of course, all councils are being tasked with finding savings over the coming years. The position of Moray Council is no different from that of any other council in that regard.

The Deputy Presiding Officer (Trish Godman): Question 3 has been withdrawn.

Food and Drink Industry (New Markets)

4. James Kelly (Glasgow Rutherglen) (Lab): To ask the Scottish Executive what steps it has taken to promote new markets in the food and drink industry. (S3O-8040)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Individual companies can be supported to develop markets by Scottish Government grants, direct assistance from the enterprise agencies and the work of Scotland Food and Drink.

Scottish Development International is active in supporting the promotion of companies outside Scotland. I will add my personal support for promoting Scottish companies and their excellent produce at the Anuga trade fair in Cologne in a couple of weeks.

James Kelly: I refer the cabinet secretary to the situation at the Vion Food Group's plant in my constituency and the importance of attracting further investment in the facility to protect existing jobs and expand the jobs base. He will be aware of the discussions between the company, unions and Scottish Enterprise officials. Can he say whether the Government would look favourably on a grant package being put forward for the Vion plant to help with investment?

Richard Lochhead: Yes. Within our powers, we certainly will. We recognise the enormous contribution that Vion makes to the Scottish economy, particularly to the food sector in this country. Over the past few months, we have had many constructive meetings with the company—those discussions are on-going, and I know that James Kelly has also been involved in a number of discussions. It is certainly the case that we look favourably on working closely with the company so that it can continue to play a role in Scotland—we hope, an expanding role—in the future.

John Scott (Ayr) (Con): The cabinet secretary is well aware of the weakness of the pound against the euro and the opportunity that that offers to exporters of food and drink to the European market. What new initiatives, if any, is

he involved in that support the Scottish food and drink industry in the light of that opportunity? Does he feel that he is giving sufficient support to our meat sector at this time?

Richard Lochhead: I feel that we are giving sufficient support to the meat sector at this time. Scottish meat exports have increased substantially over the past 12 months. Scottish Development International is, of course, involved in a lot of good work in that regard and is planning 12 events, in which 100 companies are involved, over the next 12 months. The events are expected to deliver an extra £60 million for the sector, which is an indication of how seriously SDI takes the export opportunities for the food and drink sector over the next year. SDI is already investing £1.6 million in such activities and plans to invest a further £250,000 over the course of the next year. This is a big opportunity; Scotland should take advantage of it.

Rural Development (Support)

5. Aileen Campbell (South of Scotland) (SNP): To ask the Scottish Executive what steps it is taking to support rural development during the economic downturn. (S3O-7979)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Support is available through the Scotland rural development programme for the modernisation and diversification of farming, forestry and other rural businesses. Since last year, around £154 million of funding has been approved under the rural priorities delivery mechanism. At the last round in August, around £29 million of funding was approved for direct capital investment in a wide range of projects to support rural life in Scotland. That includes around £5 million of extra projects that are being supported through the reprofiling of the SRDP programme budget, which I announced in June to assist with the economic recovery.

Aileen Campbell: I welcome the Government's decision to invite representatives from all rural areas in Scotland, including Clydesdale in the South of Scotland constituency, to last week's rural gathering. How will the outcomes of the event help rural communities to fight the recession?

Richard Lochhead: I thank the member for referring to last week's very successful rural gathering at Perth racecourse, where about 300 stakeholders, including many grass-roots community activists from our rural communities, gathered to share best practice, discuss the future of rural Scotland, learn about the support that is available, and hear about case studies from various parts of rural Scotland that are proving to be successful in contributing to the rural economy. Representatives from Aileen Campbell's constituency attended the event.

I took the opportunity at the rural gathering to announce further support for rural communities, in that grants from the Scottish Government will increase to 90 per cent for some projects under the LEADER programme. At Europe level, we are discussing the possibility of delivering 90 per cent grants for, for example, renewable energy small businesses in rural Scotland. There exists in our rural communities the ingenuity and innovation to support the economy.

Karen Gillon (Clydesdale) (Lab): The cabinet secretary might be aware that farmers in Clydesdale are concerned that they are not receiving the appropriate level of funding through particular sections of the SRDP. Will he meet me to discuss those concerns and consider how to allay them?

Richard Lochhead: I would be delighted to meet Karen Gillon to discuss the concerns. I would be surprised if the farming community in Scotland thought that it was not getting a fair share of the SRDP. Of course, that funding is on top of the £430 million that farmers get from the single farm payment, which I understand is about to be boosted by the exchange rate and could deliver tens of millions of pounds extra for Scotland's farmers when it is paid in December.

Of course, the rural development programme is not just for farmers; it is for rural communities. It is a rural development programme—not just a farming development programme.

Peter Peacock (Highlands and Islands) (Lab): Will the minister say how the near 50 per cent reduction in Highlands and Islands Enterprise's budget is compatible with supporting rural development at a time of economic downturn?

Richard Lochhead: As Peter Peacock knows, the activity of Highlands and Islands Enterprise has been refocused and many of the agency's former functions have been transferred to local authorities, including the Highland Council, in order to support rural businesses. If the member considers rural Scotland, I am sure that he will find that a number of businesses have started up during the past 12 months. In sectors including food and drink, many companies are going from strength to strength and are supporting the rural economy. That is not to mention that our farming communities in the Highlands—the member's region—and elsewhere are currently experiencing much better market conditions.

Fisheries (European Union Talks)

6. Alasdair Allan (Western Isles) (SNP): A dh'fhaighneachd do Riaghaltas na h-Alba airson na naidheachd as ùire mu staid nan còmhraidhean Eòrpach air iasgaich.

To ask the Scottish Government whether it will provide an update on the state of negotiations with regard to the forthcoming round of EU fisheries talks. (S3O-7978)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I hope that Alasdair Allan will forgive me if I reply in my native language.

Negotiations are progressing well on the new fisheries control regulation, which is expected to be agreed at the October agriculture and fisheries council in Luxembourg. We expect the European Commission's proposals for total allowable catch and quotas for 2010 to be announced on 15 October, although outcomes for the North Sea quotas will depend largely on the on-going negotiations with Norway. We are working closely with the United Kingdom Government and other devolved Administrations, in consultation with the industry, to secure an outcome that best serves the interests of Scottish fishing communities and the long-term sustainability of our fish stocks.

Alasdair Allan: Tha mi taingeil dhan rùnaire airson na freagairt sin.

Does the cabinet secretary acknowledge that the initial proposals from the Commission apparently took little account of the conservation measures that Scottish fishermen are taking? Will he ensure that the Commission takes Scottish conservation measures more fully into account during the forthcoming negotiations?

Richard Lochhead: Although the regulation that was imposed on the west coast of Scotland at last year's negotiations was better than the original proposal, which would have closed down the west of Scotland fisheries, it has led to particular difficulties for the sector. A west of Scotland task force is working to present a much more sensible alternative to the current restrictive regime. The member is right to say that we should ensure that our fishermen, who are pioneering many fisheries conservation measures in Europe, are rewarded for that effort and are given the opportunity to present their alternative plans for conserving stocks on the west coast of Scotland.

We all accept the condition of west of Scotland stocks; in particular, we accept that white fish stocks are in very poor condition. We must regenerate stocks, and fishermen on the west coast are better placed to come up with solutions than are some people in Brussels who are coming up with ideas.

Jamie McGrigor (Highlands and Islands) (Con): Will the cabinet secretary ensure that the concerns of our nephrops fishermen are adequately expressed and heard in Brussels? Despite being committed to sustainable fisheries, our fishermen question the International Council

for the Exploration of the Sea's statistics on nephrops, which are behind the proposed cuts to the prawn fishery.

Richard Lochhead: I thank Jamie McGrigor for mentioning that important sector. As he may be aware, there is a proposed cut to the west of Scotland prawn TAC. However, as the current quota is underfished, a cushion is available to the fleet, irrespective of the proposal from Brussels to cut the quota.

We continue to press the point that the west of Scotland nephrops fleet does not catch a lot of cod quota but is caught up in the cod recovery plan regulations. That has made life for the prawn fleet a bit more difficult than it needed to be this year. We are trying to ensure proper exemptions from some of the restrictions for the fleet.

Liam McArthur (Orkney) (LD): Last December, the cabinet secretary claimed that fishermen and their families would "sleep easier this Christmas" after the deal that was struck in Brussels. What appeared to be optimistic at that time appears now to be borderline delusional, given what has happened since. Does he accept that further reductions would have a devastating effect on the Scottish fleet, particularly in Orkney and Shetland, from where fishermen tend to have to travel further to reach their fishing grounds? Will he commit to resisting any moves by the Commission that would almost certainly trigger piecemeal dismantling of our fishing industry?

Richard Lochhead: If we had allowed the west of Scotland's fishing grounds to be closed down completely last year, Liam McArthur would be complaining that we had not stopped the closure. The situation at the negotiations last year was not ideal and I fully accept that the restrictions on the west of Scotland were particularly difficult to put in place and for the industry to live with, but they were better than complete closure of the fisheries.

I agree that continued restrictions of a similar nature to those that are in place now will mean that 2010 is equally difficult to 2009, but Liam McArthur must bear in mind the fact that 2009 has also been an extremely difficult year for the west of Scotland fisheries because of the economic downturn. The combination of draconian restrictions and the economic downturn has compounded an already challenging situation and has made life particularly difficult for the west of Scotland fishermen this year.

Animal Welfare Groups (Meetings)

7. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive when the Cabinet Secretary for Rural Affairs and the Environment last met representatives of animal welfare groups. (S3O-8055)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I most recently met Stuart Earley, the chief executive of the Scottish Society for the Prevention of Cruelty to Animals, on 16 September, when we jointly launched specially selected pork approved by the Scottish SPCA.

Irene Oldfather: Is the minister aware of the real concerns that animal welfare groups have about licences for shooting seals that are proposed for introduction in the Marine (Scotland) Bill? The bill creates an offence of killing seals intentionally or recklessly but goes on to create a list of purposes for which licences to kill will be granted, which causes particular concern in respect of dependent seal pups. Will the minister consider amending the bill to consolidate the closed seasons and make it clear that licences to shoot seals will not be granted under any circumstances during the breeding seasons?

Richard Lochhead: I assure Irene Oldfather that the proposed new arrangements for seals under the Marine (Scotland) Bill are much more stringent than the current arrangements. Under all circumstances, anyone who wishes to shoot seals will have to apply for a licence: there will be no exemptions. The new proposal is a lot stricter because we want to protect the seal populations in Scottish waters, which are unique in Europe.

On amendments, the bill will make its way through Parliament and I am sure that members from all the parties will pay close attention to that, as will members of the Rural Affairs and Environment Committee. They will have the opportunity to pursue the issue at stage 2.

Meat Inspection System (Food Standards Agency)

8. Derek Brownlee (South of Scotland) (Con): To ask the Scottish Government what recent discussions it has had with the Food Standards Agency regarding the meat inspection system. (S3O-7973)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Policy on meat inspection is devolved to the Scottish ministers, who are advised on it by the Food Standards Agency. There are frequent and continuing discussions at ministerial and official level. Meat inspection was one of the subjects that I discussed when I met the director of the FSA in Scotland on 21 September.

Derek Brownlee: What measures is the Government considering to reform the regime and reduce red tape in order to help the industry and ensure that it is not placed at a competitive disadvantage, compared with other European Union nations?

Richard Lochhead: That is a fair question. It was on my agenda when I met Charles Milne, the new director of FSA Scotland a week or so ago. I am sure that Derek Brownlee accepts that it is essential that public confidence and trust in the meat supply be maintained, and that any future changes to the official controls on meat inspection must not undermine public health protection or animal health and welfare.

That said, the industry is critical of the pace of regulatory reform on meat inspection and the FSA agrees that there is scope to build a case for a much more risk-based approach.

I have given my commitment to the meat sector, and I will, in conjunction with the FSA, pursue the issues that have been raised. As Derek Brownlee no doubt appreciates, many of the decisions that are taken flow from European regulation, and we must maintain the trust not only of our consumers but of our fellow European states, so that they believe that we have a good case for some regulations being relaxed, should such a decision be taken in the near future. I assure the member that the issue is high up our agenda.

The Deputy Presiding Officer: I ask Elaine Murray to be brief, and I also call for brief answers.

Elaine Murray (Dumfries) (Lab): The cabinet secretary will be aware of the pressure that the very recent increase in meat inspection charges is having on Scottish abattoirs. Could he outline to us how he intends to support the existence and expansion of a network of local abattoirs, which is desirable on animal health, economic and environmental grounds?

Richard Lochhead: As Elaine Murray will be aware, there are already exemptions from some of the regulations—at least, lower costs apply to some of the more rural abattoirs under the current regime. We welcomed that when it was announced by the FSA. It was confirmed by the agency in the past few months.

As for establishing a network of local abattoirs, that is subject to commercial decisions. If people wish to put together a business case for a local abattoir they may do so—such decisions are taken very much on a commercial basis.

Justice and Law Officers

Sexual Offences (Scotland) Act 2009 (Implementation)

1. Bill Aitken (Glasgow) (Con): To ask the Scottish Executive what the reasons are for the delay in implementation of the Sexual Offences (Scotland) Act 2009. (S3O-7965)

The Cabinet Secretary for Justice (Kenny MacAskill): There is no delay. After consulting the

Crown Office, the Association of Chief Police Officers in Scotland and others on the work that they need to undertake ahead of implementing the 2009 act, we intend to commence its provisions in autumn 2010.

Implementation is not straightforward, as the act replaces a large area of common law with statutory provision. Putting the necessary arrangements in place takes time. It is important that the Crown Office, the police, the Scottish Court Service and others involved in the criminal justice system are fully trained, and that their systems are updated to take account of the new act.

Bill Aitken: The cabinet secretary will agree with me that the Sexual Offences (Scotland) Bill was dealt with in a competent and consensual manner—and he contributed to that climate surrounding scrutiny of the bill. However, does he share my disappointment and that of the many members of the public who view the act as additional protection for the potential victims of sexual assault, who consider that the delay in its implementation—bearing in mind that the timing of royal assent could have been anticipated—is little short of scandalous?

Kenny MacAskill: No, I do not accept that. First and foremost, the Crown Office and the police could not make any arrangements to change their procedures until such time as the bill, with its various amendments, had been passed. They have clearly sought to ensure that they can make the relevant changes to implement the new legislation. Those changes are substantial. We are moving from common law to statutory provisions. The Parliament came together as one to pass the Sexual Offences (Scotland) Bill in order to address the problems that exist and the fact that far too many victims have been failed.

It is important to get any legislative change right, especially with such substantial change in such an important area, with such significance for so many individuals. On that basis, the Court Service, the police and the Crown Office requested that we move as speedily as we could, while ensuring that when the provisions were commenced, they worked appropriately to protect victims.

Richard Baker (North East Scotland) (Lab): Does the cabinet secretary agree that when the act is implemented it must be backed by a package of measures that allow women to be more confident in reporting cases of rape, and also backed by concerted action to improve clear-up rates for crimes of rape and attempted rape, which have fallen?

Kenny MacAskill: Absolutely. That is why the Government has been working with Rape Crisis Scotland and other organisations to develop a

package that includes an advertising campaign, in addition to the legislation. As with other aspects of Scottish society, it is important to have appropriate laws that are up to date for the 21st century and that protect victims; and to enforce those laws through our police and prosecution system.

As regards sexual offences, and rape in particular, we need to challenge attitudes in Scotland. Sadly, a substantial section of Scottish male society still apparently think that a girl who is dressed attractively and is under the influence of alcohol is fair game. That is unacceptable and we have to challenge it.

I absolutely accept what the member has said. It is a matter of progressing on an array of fronts, with tough laws, proper enforcement and changing cultural attitudes on the part of some people in Scotland who have to be brought into the 21st century.

Assisted Suicide

2. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Government whether it believes that a person travelling abroad to assist a terminally ill person who is seeking to end their life should be charged with culpable homicide. (S3O-8015)

The Cabinet Secretary for Justice (Kenny MacAskill): Whether anyone is prosecuted and the crime for which they are prosecuted are matters for the Lord Advocate, acting independently and in the public interest. Each case is considered on its own unique facts and circumstances. It is not appropriate to provide a definitive answer to a theoretical question.

Jeremy Purvis: In 1996, the then Lord Advocate, Lord Mackay, issued a statement that he would not authorise the prosecution of a doctor who was acting in good faith and with the assent of the Court of Session if they withdrew life-sustaining treatment from a patient with the result that the patient died. The minister has just said that every case is considered on its own basis without the need for any further guidance. That is clearly not correct if Lord MacKay's guidance is in place, which it is. If someone is looking to make travel arrangements abroad for a loved one who, knowingly, is using that travel to end their own life, what law are they breaking?

Kenny MacAskill: The member is alluding to various developments south of the border. I can state what the current Lord Advocate has already stated, both publicly and in a letter to the member: there exists in Scotland a very different legal landscape from that in England and Wales. The offence of assisted suicide in England and Wales does not exist in Scotland. The Lord Advocate has already published the prosecution code, which

provides information on the general considerations that will be taken into account by prosecutors when they decide what action to take in any case. It is important to bear in mind what the Lord Advocate has made clear. She provides guidance, as her predecessors have done in the past, and that is fair and appropriate, but fundamentally laws are made not by the Lord Advocate but by those who are elected to this Parliament.

Title Conditions (Scotland) Act 2003 (Land Maintenance Companies)

3. Angela Constance (Livingston) (SNP): To ask the Scottish Executive whether it will consider changing the Title Conditions (Scotland) Act 2003 with regard to land maintenance companies. (S3O-7981)

The Minister for Community Safety (Fergus Ewing): No specific and detailed written proposals for law reform of the act have yet been put to us. We are, of course, happy to consider any such specific proposals. We met the member and some proprietors yesterday to discuss land maintenance companies and I have a meeting with a land maintenance company next week. The Government will continue to monitor the issue closely.

Angela Constance: I thank the minister for his answer and for the time that he took yesterday to meet me and campaigners. I therefore know that he is well aware of the tens of thousands of homeowners in my constituency and elsewhere in Scotland who have no practical recourse to measures to remove land maintenance companies. Given Lord Gill's report on the failings of our civil justice system and the length of time that the Consumer Focus Scotland test case will take, will the minister give a commitment that this Government will continue to seek a solution to the problem sooner rather than later?

Fergus Ewing: I am aware from the member's representations that those whom she represents and others have obtained an opinion from an advocate that suggests that various provisions of the relevant legislation could provide a remedy with regard to dismissing a manager and do provide mechanisms for a majority of proprietors to act in various ways. Those provisions have not yet been tested in the courts, but we believe that they may well provide a remedy. We have yet to be convinced of the practicalities of alternatives.

The member refers to Consumer Focus Scotland. We are keeping in close contact with it and it has agreed in principle to take forward the Office of Fair Trading recommendation to support a group of owners to test the law in relation to landowning maintenance companies. That indication is welcome and we will be in continued contact with Consumer Focus Scotland. We hope

that a test case will examine some of the issues, which, as the member says, are of concern to a great many people throughout Scotland.

Extradition (United States of America)

4. John Wilson (Central Scotland) (SNP): To ask the Scottish Government whether there has been an examination of the extradition treaty arrangements between the United Kingdom and United States of America in so far as they impact on Scotland. (S3O-7963)

The Cabinet Secretary for Justice (Kenny MacAskill): Extradition arrangements are reserved in terms of schedule 5 to the Scotland Act 1998. However, as the Scottish ministers bear responsibility for the implementation of extradition obligations in Scotland, the impacts of all extradition agreements that are entered into by the UK Government—including the treaty with the United States—require to be carefully considered by Scottish authorities.

John Wilson: I thank the cabinet secretary for his reply but urge him to push for a review, with a view to the extradition treaty with the US being changed, as the current arrangements do not appear to follow the principles of natural justice.

Kenny MacAskill: The member makes the point that such matters must be kept under constant review, as times change. As a Government, we can say that extradition is a valuable tool. As well as extraditing people from this country, we occasionally seek to have people extradited from other jurisdictions. It is important for all jurisdictions to have a tool that enables them to work together to ensure that people who flee do not avoid being held to account and brought to justice. However, such matters obviously require to be kept under constant review.

Knife Crime (Glasgow)

5. Margaret Curran (Glasgow Baillieston) (Lab): To ask the Scottish Executive how many people were convicted of handling an offensive weapon or assault with a knife in Glasgow sheriff court and the High Court in Glasgow in July 2009. (S3O-8031)

The Cabinet Secretary for Justice (Kenny MacAskill): Statistics on the number of convictions in Scottish courts covering July 2009 will not be available until spring 2011, but on the basis of statistics that were published this week, I can confirm that the number of offensive weapons offences in Glasgow fell last year by 6.3 per cent. That happened against the backdrop of violent crime in Scotland being at its lowest level since 1986 and crime overall being at its lowest level since 1980.

However, there is always more to be done on issues such as knife crime. That is why we are working with the national violence reduction unit, the Association of Chief Police Officers in Scotland and other partners, including Glasgow City Council, to tackle knife crime. The collective effort is considerable, and the Government will play its part.

Margaret Curran: I argue that we have seen little progress on knife crime and point out that when it comes to crime, a postcode lottery exists in Scotland. Given that Glasgow has the highest level of recorded crime in Scotland, will the cabinet secretary provide Glasgow with any extra resources or introduce any extra measures to deal with knife crime in the city? Will he also explain why he accepted a cut in the community justice authority's budget, despite the rhetoric of the Scottish National Party and its apparent wish to provide thousands more community sentence places?

Kenny MacAskill: That is just not true. We are putting record amounts into ensuring that we deliver on community sentencing and community payback. The Government is delivering on that.

As far as the city of Glasgow is concerned, a record number of police officers have been provided by this Government, in conjunction with others, whose contribution I am happy to acknowledge and give credit for.

Margaret Curran: Glasgow City Council.

Kenny MacAskill: It is true that Glasgow City Council contributes. Great credit must also go to Chief Constable Steve House, who has radically transformed policing by ensuring that officers are used constructively and that we not only provide officers but get them out on the streets by lessening the requirement for them to stay behind desks.

Glasgow is where the violence reduction unit, which I mentioned in my original answer, is based, and it leads not only in Scotland but, in many respects, in the world. Indeed, it was praised by Cherie Blair, the wife of the former Prime Minister. Significant resources are being provided. The member will be aware that in the east end of Glasgow, which she represents, work is being done that shows that we recognise the significant problems that exist there and in other parts of Glasgow. That is why we are putting resources into policing, violence reduction and working constructively with partners.

Licensing (Scotland) Act 2005

6. Dr Richard Simpson (Mid Scotland and Fife) (Lab): To ask the Scottish Executive what steps it is taking to address problems associated with those parts of the Licensing (Scotland) Act

2005 that came into effect on 1 September 2009. (S3O-8059)

The Cabinet Secretary for Justice (Kenny MacAskill): I acknowledge the huge amount of work that has gone into the transition to the new licensing act that was put in place by the previous Administration in 2005. As expected, the changeover has been a massive task and has not been without its difficulties in some parts of the country. The amount of hard work and effort that have been put in by all involved to get to the end of the transition period has been impressive.

The overwhelming majority of premises have continued to trade since 1 September, but there is still residual work to be completed for some boards. The Government welcomes and has encouraged the pragmatic and commonsense approach that the police and licensing standards officers are taking as the new regime beds in. However, the Government has made clear its wish that the act be used to its full effect. Where boards and the police wish to take tough action against problem premises, they will have the Government's full support.

Dr Simpson: Is the minister aware of the case of a constituent of mine from Braco, whose shelves were cleared of alcohol at great cost to him following errors that were made by the local Scottish National Party council and licensing board? Is he aware that, in some areas, 50 per cent of premises have not received their licence and that some individuals have had to wait 15 months for them after due process and payment? Is he aware that licences are not being posted by recorded delivery and that retailers are asked to pay their fees again when they are lost? What compensation is available to retailers such as those in my constituency to cover losses that have been caused by such errors? What additional resources were given to local licensing authorities and licensing boards to implement the act quickly and efficiently?

Kenny MacAskill: The member raises various issues. I do not know about the Braco case, but I would be more than happy to discuss it with him.

As I said, we acknowledged that there would be difficulties in implementing the legislation, which was introduced by the previous Administration, in which Dr Simpson served as a minister, but significant progress has been made. Many people predicted that we would see the end of the earth in a sort of millennium meltdown on 1 September, but that did not happen. That does not mean that we are without difficulties in some areas, but the principle behind the act, especially with regard to licensing fees, is that there is something fundamentally wrong with council tax payers having to subsidise licensing boards and applications for licences from those who seek to

make a profit out of selling alcohol. That relates to the point about funding. That is why we fully supported the changes that were introduced by the previous Administration, in which the member served. Obtaining the right to sell alcohol should be fully funded by those who are given that right, not subsidised by the council tax payer.

Rural Policing Priorities (Lothian and Borders)

7. John Lamont (Roxburgh and Berwickshire) (Con): To ask the Scottish Executive what discussions the Cabinet Secretary for Justice has had with Lothian and Borders Police about rural policing priorities. (S3O-7972)

The Cabinet Secretary for Justice (Kenny MacAskill): I am in regular contact with Lothian and Borders Police to discuss matters relating to effective policing across the force. In July, I was pleased to visit Melrose, where I met the chief constable and local officers in the police station.

John Lamont: Does the cabinet secretary agree that, although crime in small rural communities is not on the same scale as it is in our cities, it can often cause just as many problems and be a real blight to the people who are affected by it? We all welcome the 1,000 extra police officers whom the Scottish Conservatives secured in last year's budget, but can the Government give a commitment that rural communities such as those in the Scottish Borders will not be deprived of those extra resources for the benefit of larger towns and cities?

Kenny MacAskill: Absolutely. We recognise that the needs and wants of rural communities are distinct and have to be dealt with. It is not simply a matter of ensuring that the police take on board their responsibilities. I met not only Chief Constable Strang but Sheriff Kevin Drummond, who made it clear to me that he acts appropriately, because it is clear that some matters in rural areas are of greater concern than they are in urban areas, and that some problems are significantly greater in rural areas than they are in urban areas. The Government must ensure that the needs and wants of every part of Scotland are catered for, whether in the fields of justice, health or education. We must especially recognise that there are sometimes difficulties in rural areas in Scotland. That must be taken on board in the justice and other aspects of government.

The Deputy Presiding Officer: Questions 8 and 9 have been withdrawn.

Illegal Encampments (Montrose and Bridge of Dun)

10. Andrew Welsh (Angus) (SNP): To ask the Scottish Government whether the Cabinet Secretary for Justice is aware of the problems

being caused by illegal encampments in Montrose and the Bridge of Dun area and if he will consider whether further action is required to protect local communities. (S3O-8003)

The Cabinet Secretary for Justice (Kenny MacAskill): Various civil and criminal legal powers are available to the police and local authorities to manage unauthorised encampments. Those include the powers under sections 61 and 62 of the Criminal Justice and Public Order Act 1994 and the Roads (Scotland) Act 1984. A summary of the legislative framework is provided in the Scottish Government's "Guidelines for Managing Unauthorised Camping By Gypsies/Travellers in Scotland". No further action is planned at this stage.

Andrew Welsh: The provost of Angus created in Angus an official travelling people's caravan site. I draw to the minister's attention the distress and disturbance that are being caused to local businesses and communities by travelling people who deliberately camp in places with no facilities and leave both mess and problems behind them. Will he provide clear police guidance and powers for the authorities to take action to stop and remove such continuing and unacceptable antisocial behaviour?

Kenny MacAskill: I fully appreciate the distress and damage that is caused locally. Guidelines on the management of unauthorised encampments were published in 2004, and we will ensure that we keep them up to date.

The issue of enforcement may be better discussed with the local police or the local procurators fiscal. If there are problems, action must be taken. Legislation is in force and guidelines have been provided. The Government believes that we must ensure that local areas can act accordingly, as urban areas sometimes face different problems from those that are faced by rural areas, as I said in response to an earlier question. The enforcement powers exist, and the member has our full support in seeking to discuss matters with both the local police and the local procurators fiscal.

Colleges (Economic Recovery)

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-4956, in the name of Fiona Hyslop, on the role of colleges in the economic recovery.

14:56

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): We all know the challenges of the turbulent economic position that we face. Sadly, redundancies have created significant difficulties in many people's lives. We see the effects on families, communities and businesses throughout Scotland. Therefore, I welcome the opportunity to lead this debate on how colleges are supporting our efforts to promote economic recovery. The debate allows us to highlight how, in locations the length and breadth of the country, colleges are making a difference to individual lives, helping people to develop new skills and building for the upturn.

Individuals and businesses look to colleges to meet skills needs and help communities to adapt to change. Through their provision, colleges are inevitably working with clients and organisations that have been affected in different ways by the economic downturn. It was apparent from the earliest days of the recession that there were some core characteristics that the Government and its partners would need to exhibit as we tackled this unprecedented challenge. Among those were resilience, flexibility and responsiveness. Scotland's colleges have risen to that challenge.

To that end, the development of the key sectors that are identified in "The Government Economic Strategy" is fundamental to economic success. Earlier this year, I updated Parliament on the progress that we have made in fulfilling the vision of a smarter nation that is set out in "Skills for Scotland: A Lifelong Skills Strategy". Our colleges play a part in that, too. In June, we launched innovate with an apprentice, a two-for-one scheme to provide life sciences technicians for private sector companies, which is now being delivered by Adam Smith College, Forth Valley College and Dundee College. Building on the findings of the tourism task force, we have also funded the Alliance of Sector Skills Councils to work with colleges to develop an employers resource pack on how to find out about and access training opportunities. I acknowledge that the Lib Dems want to debate the updated lifelong skills strategy.

Earlier today, I visited West Lothian College and saw for myself the difference that the staff are making to the local community. I met a group of

school leavers who are undertaking a basic construction course, which the college is confident will enhance their employability prospects. I was also delighted to see—as all members will have seen—the new publication from Scotland's Colleges entitled “Skills for a Successful Scotland”. All members should have had a copy posted to them directly by Scotland's Colleges. There are some terrific stories in it, highlighting what local colleges are delivering to drive the economy forward.

There are further examples. Stevenson College Edinburgh, Edinburgh's Telford College and Jewel and Esk College are working closely with the City of Edinburgh Council on a package of measures to react to the recession. As part of the capital city partnership, the colleges, along with local employers, are developing a flexible vocational programme for young people. On completion, successful youngsters will be guaranteed a place at an Edinburgh college commencing in August 2010.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): The cabinet secretary mentioned Telford College in my constituency, and she will know that there have been several job losses among staff there, including compulsory redundancies in the business, information technology and finance departments. Given the importance of those areas to the Edinburgh economy, does she think that the decision of the management of the college was wise?

Fiona Hyslop: As the member knows, colleges are autonomous institutions, so it would not be appropriate for me to interfere with the management of any individual college.

We all know that there are limited resources to deploy. That has never been truer than it is today. It is therefore incumbent on us all to ensure that those resources are used to best effect, and are particularly focused on front-line delivery—we have to ensure that the resources benefit the students. We have a strong story to tell about how we and partners in government have done just that. For example, in January, the Scottish Further and Higher Education Funding Council allocated £7 million to support colleges participating in our partnership for continuing employment—PACE—initiative to support those facing redundancy. That has produced results. For example, South Lanarkshire College was able to help to support over half of the employees who were made redundant at Freescale Semiconductor, and Barony College was able to deliver a rural retraining course, which was exclusively targeted at the employees of rural micro, small and medium-sized enterprises.

We also need to be mindful of the position of young people. The college story is not limited to

supporting those who have lost their jobs as the result of recession. It is now more important than ever to manage the transition from school to college, and Scotland's colleges have continued to support those individuals who need extra help. Indeed, in the face of that growing adversity, my passion about providing more choices and chances for young people in need grows ever stronger. The Government is determined to avoid having a lost generation of young Scots, so I very much welcome the commitment of our colleges to supporting this agenda.

Young people who need more choices and more chances often disengage because the right provision is not available or they do not have the qualifications to progress. Our challenge, therefore, is to help them to progress and achieve the skills that they need for life and work.

Mary Scanlon (Highlands and Islands) (Con): As a former further and higher education college lecturer, I point out that many mature people ought to be given those opportunities, particularly in this time of recession.

Fiona Hyslop: Indeed. Some of the applications that we are seeing are coming from older women. Only this morning, I met a woman who, 18 years after leaving school, is now engaged in an electrical engineering course, precisely because, having been made redundant, she decided to do something that she has always wanted to do, which is important.

In “Curriculum for Excellence: Building the Curriculum 3: A Framework for Learning and Teaching”, through an explicit and unequivocal set of entitlements, we have established an opportunity that will provide positive outcomes for young people.

The 16+ learning choices policy demands a partnership approach involving colleges, local authorities and schools, Skills Development Scotland and other partners. It will ensure that learning, support and tracking operate seamlessly so that every young person is offered a suitable place in learning well before they reach their school leaving date at any transition point during the senior phase. In that regard, I acknowledge the point that Claire Baker makes in her amendment about the importance of Christmas leavers, and point out that the 16-plus learning choices policy will give us an opportunity to address some of the issues that might arise this year. That approach is fundamental to our objective of improving outcomes for young people, and our schools, private training providers, the third sector and colleges must all help to raise aspirations to that end.

Of course, all of that activity requires financial support to make it happen. Since coming to office,

the Government has built a genuine partnership with Scotland's colleges. It is a partnership that is important to us and it is one that we have backed with investment. Over the period from 2007-08 to 2010-11, the Government plans to invest more than £2.6 billion in the college sector, which is a 17 per cent increase on what was made available under the previous Administration. I assure the Conservatives that that 17 per cent increase will benefit rural colleges, in recognition of their particular needs.

By continuing to engage closely with colleges before we take policy and spending decisions, we have been able to accelerate £8.5 million in capital spending for colleges from 2010-11 into last year and this year to ensure that capital projects remain on track. Without that help, the redevelopment of Coatbridge College would have been delayed by up to a year and Reid Kerr College might not have had an opportunity to create an academy of creative arts. Further, only this morning, I saw the capital being used to provide young people, such as those whom Claire Baker's amendment is designed to address, with the opportunity to learn employability skills.

During recent months, I have visited a number of colleges to see for myself the difference that that substantial Government investment has made. The brand new, purpose-built facilities at Anniesland, Dumfries and Galloway and Langside colleges create an atmosphere that is conducive to work and to learning.

We have also allocated £28.1 million of United Kingdom budget consequential to Scotland's colleges to support the young people's agenda that I have just described. Nearly £20 million of that funding has been made available this year and the balance will come on stream next year.

That is not all. The Cabinet Secretary for Finance and Sustainable Growth set out in his statement on the draft budget our plans for further investment in the college sector, which continues to play a crucial role in upskilling adults and young people as we prepare for the upturn. Our draft budget provides for a £45 million increase on 2009-10, which will help to ensure that those individuals who are worst hit by the changing economy will be able to develop new skills.

I assure the Liberal Democrats and Labour that we will review higher and further education child care support, following on from the £4.7 million increase for higher education child care and the £8.6 million for further education child care in this academic year.

Margo MacDonald (Lothians) (Ind): Does the Government have a strategy with regard to its priorities for learning in the colleges? We have heard about the concentration on skilling young

people for the jobs that are available. Have you identified the priorities with the colleges, or is each college free to determine them itself?

Fiona Hyslop: That is an important point. Although we respect the autonomous nature of individual colleges, it is critical that we work strategically, for example by planning for workforce issues across Edinburgh and the Lothians, or—as we have identified with the colleges—by working as a sector to examine some of the key economic sectors that we need to support and develop. We want to be strategic enough nationally and locally, while also being responsive.

Colleges know their own communities, so we have to give them some flexibility, but that must be in the context of our Government's economic recovery strategy. The colleges have shown that they can work collectively as a unit to influence the Government and other players in economic development.

The immediate measures that we are taking through our economic recovery plan are providing help through the downturn for people and for businesses to grow. All colleges in Scotland are continuing to pull in the same direction to support that. However, we cannot be complacent and must continue to expect our colleges to deliver for our key sectors, for businesses in Scotland and for individuals who are affected by redundancy. It is important that our colleges respond to the changing needs of businesses. That need will become more acute as businesses reassess their future plans in order to compete in the global economic climate.

Colleges will need to continue to be quick to respond and to adjust their offerings, which will require more innovation in how they develop and deliver future courses. That will ensure that our communities have the skills that they need to participate fully in Scotland's economy. I look forward to hearing members' speeches and to Parliament recognising the role that Scotland's colleges are playing in building for economic recovery.

I move,

That the Parliament recognises that Scotland's colleges are central to the Scottish Government's plans for tackling the recession and preparing for economic recovery; agrees that through the provision of flexible, locally relevant skills and training they are helping individuals and employers build for recovery; welcomes the fact that, as a result and working in partnership with other agencies, colleges are helping the communities that they serve to adapt to changed economic circumstances; notes the particular support that colleges provide to young people, and notes the continued financial support that the sector receives from the Scottish Government.

15:08

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased to open the debate for Labour this afternoon. I offer Rhona Brankin's apologies, as she is unable to join us for the debate.

I welcome the Government's decision to bring to the chamber a debate on the significant contribution that Scotland's colleges are making to the economic recovery. It gives us all an opportunity to recognise the support that Scottish colleges are giving people in the current economic climate and to acknowledge the central role that colleges play in delivering high-quality skills that help to grow Scotland's key industries and shape new industries.

As the Government motion recognises, colleges offer truly responsive flexible learning, in which the needs of the learner are at the heart of the education that is delivered. We recognise the huge social contribution that colleges make in encouraging people back into education by accepting learners at all levels and helping them to develop their full potential.

During this period of economic uncertainty, colleges have been the first to step up to the challenge by providing opportunities for people who want to reskill and delivering opportunities for young people. Those opportunities ensure that people are active and improving their employability, and they also play a key role in fostering enterprise and ambition in learners.

I recognise that the Government has built on the previous Administration's legacy in supporting and recognising the value of Scottish colleges. In response to the increasing demand for college places, Labour called on the Government to use the consequential from the UK budget to increase college places. We welcome the Government's decision to invest the £28 million of consequential in an expansion of college places. We also welcome the decision to focus those resources on the provision of additional places for young people. We are all too aware of the devastating impact that the lack of opportunity and high levels of unemployment in the 1980s had on young people. Many communities are still trying to recover from that legacy.

However, the cabinet secretary will be aware that there are some concerns about the distribution of that funding. Indeed, I have written to her about that. Labour will support the Conservative amendment this afternoon. I appreciate that difficult funding decisions have to be made and that the Government and the Scottish funding council have aimed to direct the additional resources to the areas of greatest need, but a pattern is emerging in the distribution of the additional funding and rural colleges believe that

they are losing out. We would welcome an assurance from the cabinet secretary that the Government is alert to the issue and will engage with the Scottish funding council on the matter. I do not think that anyone would deny that colleges in more rural communities are also facing greater challenges at present.

Labour's amendment recognises the central role that colleges play in delivering apprenticeships by further developing links with business, including the additional 7,800 apprenticeships that were secured in last year's budget. That is part of the contribution that colleges are making to the economic recovery. Labour's commitment to the issue has sharpened the Parliament's mind on the value of apprenticeships. Colleges are key to providing the knowledge behind the hands-on experience that is gained through an apprenticeship. In challenging economic times, apprenticeships and workplace learning are often the first areas to suffer in businesses. Colleges play an important role in supporting and encouraging businesses to remain committed to improving and training their employees.

We know that, when an apprenticeship place is at risk of being dropped by a business, the college is often instrumental in ensuring that the apprenticeship stays on track. We welcome the Government's adopt an apprentice scheme, but it is concerning that only 406 of the 1,179 apprentices who have been made redundant since February have been able to secure another job.

Fiona Hyslop: Does the member recognise that the uptake of the offer that we have made far surpasses that of the Northern Ireland scheme, which Labour promoted to us during the debates on this year's budget? Our scheme has been successful. What we cannot do is guarantee jobs. One of the successes of modern apprenticeships in Scotland is that they have a quality control requirement for employment. We can support the funding of that. I think that £2,000 for taking on an apprentice is a very good offer and I urge all members to help to promote the scheme, because it will benefit employees and individuals.

Claire Baker: We recognise that the Government has invested in the area and we know how difficult it is to persuade sectors that are struggling with the recession to adopt apprentices. I welcome the initiatives that the cabinet secretary outlined in her speech, but she will agree that it is vital that young people do not miss out on the opportunity. The Government and Skills Development Scotland must redouble efforts in the area. However, I welcome her assurance that the matter is a focus for the Government.

While the Government and colleges are delivering an expansion in college places in response to the unprecedented increase in

applications, we are seeing greater pressure on the bursary pot. A sharp increase in self-supporting students is one factor that is leading to a greater demand on bursary funds. There are reports that demand is running in excess of the available funds. The Scottish funding council must do all that it can to address the issue.

We must also ensure that the hardship and child care funds keep pace with the increased number of students. Last year, hardship and child care funds came under immense pressure, so we support the call in the Liberal Democrat amendment for a review of the system for the distribution of child care funds. In a response to a parliamentary question that I received this week, the Government appeared to be open to the suggestion of a change to the scheme. I appreciate the cabinet secretary's comments on the matter this afternoon, but more work needs to be done to consider whether a changed scheme would continue to match the needs of Scottish students.

I recognise that the Government and the Scottish funding council responded to pressure on discretionary funds last year, but there was a period of uncertainty, particularly around child care. The colleges and universities requested just over £12 million to meet demand, but just under £6 million was made available. In meeting college principals, I have been struck by their huge personal commitment to their students and their personal interest in their students' welfare. We know that colleges regularly use money from their reserves to invest in hardship and child care funds, but there are concerns about their ability to do that this year and the Scottish funding council's ability to respond to the pressures.

Scottish college students are facing difficulties in finding part-time work and, in many cases, their families are finding it more difficult to support them, particularly as some school leavers are no longer entitled to education maintenance allowances. There are reports that colleges are running out or have already run out of hardship funds, which could make it difficult for some students to continue their studies. Surely that is the exact opposite of what the Government is trying to achieve through the expansion of places. We ask the Government to be alert to such concerns, because we fear that the pressure on the funds this year will be greater than that experienced last year.

Finally, concerns remain over how the increased demand for places for the September intake will impact on the January intake, particularly for Christmas school leavers. Colleges are facing challenges with regard to their capacity to accommodate Christmas leavers and to meet the needs of students who are seeking a second or

third chance at college courses. I know that colleges prepare plans for the January intake but, with the increase in demand on applications, we can expect the same demands in January, when it can be expected that more young people will look to the college sector for opportunities. At the Scotland's Colleges briefing last week, there were concerns that colleges might have to turn people away or be forced to be more stringent in the number of second chances that they allow. I know that the cabinet secretary does not want that situation to develop and I urge the Government to report back to Parliament on the action that it is taking to address those concerns.

I move amendment S3M-4956.2, to insert at end:

"notes the contribution that colleges are making in further developing links with industry that can help deliver the 7,800 apprenticeships promised in the 2009-10 budget; recognises the concerns that exist regarding the ability of colleges to fully accommodate the increase in applicants, including the 2009 Christmas school leavers, and to cope with pressures on childcare and hardship funds, and calls on the Cabinet Secretary for Education and Lifelong Learning to report to the Parliament on how she intends to address these concerns."

15:16

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

It makes a refreshing change for an education debate on a Thursday to be conducted in a spirit of consensus. I am sure that all members, not least the cabinet secretary, feel that keenly.

We very much welcome the opportunity that has been afforded this afternoon to discuss colleges' important role in economic recovery. I know that all members are aware of the excellent work that the sector carries out in their own areas in providing skills and training to the local workforce. As we face the effects of Labour's recession, the role that is played by colleges has never been more important.

Colleges across the country are reporting a rise in applications, in some cases of up to 300 per cent. With unemployment on the increase, that is not surprising. It makes sense that people who find themselves out of work should seek to access training opportunities to ensure that they are better placed to take advantage of the opportunities on offer when the economy recovers.

Colleges tell us that they are facing a rising number of applications from school returners, mainly youngsters who left school at 16 with few qualifications either to go straight into work or to take up an apprenticeship but who, when faced with unemployment, decided to go back to college to take higher or advanced higher courses. As Claire Baker has pointed out, that has put greater pressure on the number of places available and

many in the college sector are concerned that less talented youngsters are being squeezed out as a result. Given the pressures on the college sector, it is clearly a priority area for additional investment to redress the recession's effects.

Margo MacDonald: Has any work been done on establishing whether it is reality or simply a folk tale that people who might well have the qualifications to go to university are choosing instead to go to colleges, which offer more vocational courses that increase the likelihood of their finding a job? After all, quite a number of university graduates are going without jobs.

Murdo Fraser: I cannot give a definitive answer to Margo MacDonald's question, but I agree with the sentiment expressed in it. I am certainly aware of anecdotal evidence of people who, instead of going to university, have felt that more vocationally focused training might make it easier for them to find employment. Of course, many people also go to college and then make the transition to university.

I am pleased that the Scottish funding council has this year allocated additional funds to support colleges, reflecting the increase in demand. As we have already heard, £12 million of Barnett consequential was announced for the college sector in September and targeted at 16 colleges that were deemed to be serving communities most in need.

I accept that the additional cash is welcome in the areas that have benefited from it; Adam Smith College in Fife, for example, benefited to the tune of £1.4 million. However, other colleges understandably feel aggrieved at having been left out. Many colleges that lost out, including those serving my constituents in Angus and Perth, Banff and Buchan College, Borders College and Dumfries and Galloway College, serve rural areas, where the pressures are no different from those that are felt in the urban areas where the colleges that have benefited from the additional funding are located.

Fiona Hyslop: The member says that the pressures are no different. I acknowledge that, which is why the 17 per cent increase in funding is available to all colleges. However, does the member recognise that, as Claire Baker said, we must be acutely aware of the scale of the pressures in, for example, Lanarkshire?

Murdo Fraser: I understand that there is always a difficult balancing act for the cabinet secretary and the Scottish funding council. However, the cabinet secretary should understand that the principals of colleges in rural areas are concerned that their colleges have been ignored.

Our amendment seeks to deal with that specific problem. We accept that the funds have been

distributed and that that is now an historical matter. However, I hope that, when the Scottish funding council distributes funding in future, it will not forget about rural colleges and will ensure that they get a fair slice of the cake. I appreciate that the Scottish funding council has operational independence, but nevertheless it acts following Government guidance. Our amendment therefore urges the Government to encourage the Scottish funding council to ensure the fair treatment of rural colleges. I was pleased to hear the cabinet secretary's comments on that in her opening remarks.

The Labour amendment raises another serious and important issue, which is the number of new applicants who approach colleges in January. There has always been a cohort of school leavers at Christmas and, traditionally, they have sought to access college courses at the beginning of the year. This year, they faced much increased competition from those who lost out on a college place in August or September. It would be good to hear from the cabinet secretary about the steps that have been taken to try to address that.

Claire Baker also mentioned the pressures on hardship and child care funds, an issue that is dealt with in the Liberal Democrat amendment. Many people who attend college, particularly those who have lost jobs, are in their 20s, 30s or 40s and have young children. The lack of provision for child care is a barrier to their accessing further education. I say to Mary Scanlon, who intervened earlier, that I am well aware that there are mature applicants to colleges. The average age of people attending colleges is now relatively high and much higher than the average age of those attending university. There is a real pressure in relation to child care and the cabinet secretary should address it.

The college sector in Scotland is generally in good heart and is ready to take on the challenge of additional demand for further education. Much is already being done, through partnership with other agencies, to ensure a better-trained workforce for the future. I hope that all members will agree to support our colleges. In the spirit of consensus, I am pleased to support the motion in the name of Fiona Hyslop and all the amendments.

I move amendment S3M-4956.1, to insert at end:

"and urges the Scottish Government to encourage the Scottish Further and Higher Education Funding Council, in allocating funds to the sector, to recognise the particular needs of colleges in rural areas."

15:22

Margaret Smith (Edinburgh West) (LD): None of us wants the current recession to lead to another lost generation of young people like those who were left on the scrap heap of the 1980s. Last month, it was reported that youth unemployment was at its highest since records began, with one in six under-25s out of work, so the threat of another lost generation is real. At the same time, we know that growing numbers of redundancies mean that more and more Scots will need to retrain and upskill to secure new jobs. There has never been a more important time to invest in skills for the future to ensure that Scotland's population is trained at all levels, ready for the upturn. My colleague Jeremy Purvis will focus on skills in his speech.

Scotland's 43 colleges are uniquely placed to address those issues. They provide responsive and flexible learning that is delivered and rooted in local communities. Colleges deliver all levels of teaching and learning, from basic literacy to degree courses. If we are serious about the widening access agenda, we must be serious about supporting colleges, because they are already at the forefront of tackling social exclusion—26 per cent of teaching is for students from Scotland's most deprived areas; 13 per cent of students are disabled; and more than half of students are women. Through flexible, remote and part-time study, colleges open up learning to those who otherwise might never get the chance.

That is part of the reason why our amendment picks up on articulation, which relates to those students who move from further to higher education and the issues that they face. The issue has been raised with us by the National Union of Students Scotland. Many of the difficulties lie in the differences in the type, level and source of the financial support that is available. I do not have to tell anybody in the chamber that Scotland's student funding system is complicated and can raise difficulties for students who are trying to access the money that they need and are entitled to. College further education students have particular problems, because of the interface with benefits. Many of them are unaware of the changes in their financial support if they progress to higher education.

We have called consistently for systems to be simplified to allow students ready access to the various support measures through a single funding gateway. The changes that have been made to the benefit system for lone parents are having an impact, and the situation will get worse. There is surely scope for more joined-up thinking with the Department for Work and Pensions to ensure that benefit problems do not prevent potential students from studying. I am keen to hear from the cabinet

secretary what discussions there have been about that with the UK Government and what the Scottish Government has done to ease transitions between further and higher education.

Fiona Hyslop: I am due to meet the UK Secretary of State for Work and Pensions in the next month or two. I invite the member to write to me with her concerns and I will be more than happy to raise them then.

Margaret Smith: I thank the minister for that positive response.

Given the economic situation, the community base and flexibility of the learning environment, it is not surprising that more and more people are applying to college to try to gain the skills that they need. We must ensure that colleges are not forced to turn people away due to a lack of capacity or resources. Colleges are concerned that unprecedented levels of demand—up by 28 per cent on average and by more than 50 per cent in some cases—mean that they will soon reach a point at which they do not have the resources or capacity to cope and that, as well as people being turned away, the quality of teaching might suffer.

Malcolm Chisholm, who I am sorry to say has left the chamber, mentioned the worrying situation at Telford, our local college, where funding issues have led to numerous job losses as well as the loss of business courses, which he and I consider to be important at this time. Such situations can have a devastating impact not only on staff but on students who are part of the way through courses and on potential students.

Also worrying are decisions that result in courses no longer being available in a region. I urge colleges to work strategically in such circumstances. The grass-roots nature of colleges means that they can be flexible to meet local needs. The principal of Stevenson College in Edinburgh, for example, has pointed to the huge rise in applications to the college, partly as a result of the freeze on hiring in the financial sector, which would normally have taken 2,000 school leavers a year. Increasing demand is being met in the face of what Universities Scotland described to the Finance Committee as the tightest funding settlement for further and higher education since devolution.

In June, however, the Government announced an additional £28 million over two years as a result of UK budget consequentials. We have heard of concerns among college principals in rural Scotland that funds have not been allocated by the funding council to rural colleges and instead have centred very much on the central belt. That ignores the fact that several rural areas have proportionately high levels of youth unemployment. We are all looking to the cabinet

secretary to bear in mind those concerns in future. She can take comfort from the fact that we are all concerned about the situation, which should assist her in some way. Many college principals feel that this is not the first time that rural colleges have lost out on extra funding. They also worry that the extra capital funding has been distributed by the same mechanism, rather than based on the condition of the estates.

Widening access to further and higher education is about breaking down barriers, many of which are financial. The current child care funding situation is acting as a barrier to parents who are potential students. Child care funding is not an entitlement in Scotland as it is in England, which means that student parents cannot be sure in advance whether they will get the funding that they need to enrol on a course. Existing students in similar financial circumstances will receive different levels of support depending on where they study. The discretionary nature of child care funding and the increase in demand have meant that, in the past, some colleges' funds have run out in September with no in-year reallocation of funds until the following January, with inevitable and serious consequences.

Margo MacDonald: Will the member give way?

Margaret Smith: I would like to make progress.

Allocations of initial funding are based on previous years' requirements, which means that it can be difficult to be flexible. We know that student parents are more likely to incur debt and we have suggested increases in discretionary funds as a result. However, we also want a review of the child care funding system in Scotland's colleges and universities and I welcome the cabinet secretary's comments and approach on that issue.

We welcome many of the initiatives that have been mentioned today in relation to Scotland's colleges, we welcome closer working between schools and colleges and the work on 16-plus learning choices that is being developed. The Scottish Government must work with the sector to plug skills gaps to ensure that individuals who have lost jobs are not lost for ever to the Scottish economy.

The Government's updated skills strategy was published in February. There was a statement on the strategy in Parliament then, but it is such an important issue that it would be useful for us to debate it at greater length. It is a critical strategy for Scotland and our colleges.

Scotland's colleges are central to tackling the recession and preparing for the upturn, but they cannot do it alone. Our colleges need adequate funding, proper Government support no matter where they are and the reassurance of a robust skills strategy that places them at its heart.

I am happy to support the Government motion, as well as the amendments from the other two Opposition parties. I might even support our own.

I move amendment S3M-4856.3, to insert at end:

"and calls on the Scottish Government to review the current system of discretionary childcare funding, to work closely with the Scottish Further and Higher Education Funding Council to develop articulation routes between further and higher education, helping to address problems that students face during transition and enhancing and developing links between the sectors, and, in recognising the valuable role of Scotland's colleges in skills development, to bring the revised skills strategy before the Parliament to allow detailed debate of its recommendations."

15:29

Willie Coffey (Kilmarnock and Loudoun) (SNP): This is an appropriate debate at an appropriate time, given the events in my constituency, particularly in the past few months. The loss of the 700 jobs at Johnnie Walker's in Kilmarnock brings into sharp focus all the issues and possible solutions to aid economic recovery. Our local Kilmarnock College is currently playing a key part in that and it will hopefully play a greater part in the coming months and years. Not to put too fine a point on it, the college can be pivotal, not only through the courses that it offers and its well-established business links, but in its location, too; it can play a major part in helping to revive the town and helping the local economy to recover. I acknowledge the support that this Government has already given the long-awaited renewal and relocation plans for the college, which will play a crucial part in rebuilding confidence in the town and its business community.

A useful figure from the previous Administration's review of Scottish colleges suggested that, for every pound invested, we get £3.20 back in benefit to the economy. The Scottish Government's support for the colleges in the new draft budget stands at £693 million for current funding and capital grants. We can easily see the major impact that that will have in assisting our economic recovery, given that it will amount to more than £2 billion of benefit overall. There are a host of other measures, which I am sure that my colleagues throughout the chamber will highlight in their contributions, but the magnitude of the investment is clear.

I want to highlight some research that was carried out by the Hunter centre for entrepreneurship at the University of Strathclyde, funded by Sir Tom Hunter, which focuses on the importance of training. Scotland's rate of business growth has historically been quite low. From the perspective of Ayrshire, which has 10 per cent of Scotland's population but only 6 per cent of

business start-ups, the problem is particularly acute. If our economy is to grow in a more sustainable way, we need to increase the rate at which we convert knowledge and expertise into real business activity. The Hunter centre provides evidence that there can be real benefits from colleges adding training in entrepreneurship to their programmes.

Although delivering such training at school level helps to develop a positive attitude to business development, the evidence suggests that that is too early to influence the later rate of business start-ups. Our objective is to stimulate business start-ups. The research suggests that it makes sense to deliver that training at the same time as the skills on which the business will be built. That points to potential benefits to encouraging a renewed focus on such training in colleges and universities. In that way, we might perhaps uncover the next Tom Hunter.

The Hunter Foundation highlights the positive impact of close relationships between colleges and local businesses, not least in allowing the students to benefit from experience of the world of work. In the past year, Kilmarnock College has been working with more than 50 employers and is currently working with 36 organisations to support economic recovery. Earlier today, at question time, I highlighted the work that the college is doing to connect students and the wider community with science and the employment prospects that can flow from scientific training. The college produces biomedical students, not just from among the high-performing students but from among those who performed less well at school and who need more support. That demanding course has enjoyed a 100 per cent retention and achievement rate at higher national diploma level, which is testament to the good work being carried out at the college. The fact that many students go on to university and find employment even before they graduate demonstrates what a good investment that is, not just for the individuals but for the whole community.

Let us not forget that our colleges have a wider contribution to make to the economic and social wellbeing of Scotland by supporting young people on the margins of our society, particularly disabled youngsters. Much has been done to make our college campuses more accessible, and every year more young people with a range of disabilities and support needs successfully complete college placements in mainstream settings, but we can always do more. Donaldson's college supports young deaf learners to make the transition from school into further education, but its own monitoring shows us that fewer than 10 per cent of those learners complete their original choice of college course.

In the 2008 survey of provision for learners with profound and complex needs, colleges acknowledged that they lacked space to provide adequate support. Staff sometimes lack the skills and knowledge that are required to teach and support such youngsters. The cabinet secretary and a few other members mentioned transition planning, which is vital to bridging the gaps. I know that ministers are aware of the issue and are supporting the for Scotland's disabled children coalition, which is exploring ways of making transitions more effective. We cannot afford to lose some of our most academically gifted but disabled youngsters due to a lack of support to enable them to participate fully.

The challenges facing our colleges are very demanding. Our expectations of them may be even higher, if we are asking them to deliver for our young people, those with special learning support needs and members of our adult population who find themselves cast aside by corporate downsizing. However, I know that Scotland's colleges are up to the challenge. They have the full backing of the Scottish Government, and I am confident that they will deliver and play a decisive part in Scotland's economic recovery.

15:36

David Stewart (Highlands and Islands) (Lab):

I welcome the opportunity to contribute to today's debate. I will argue that the big picture in global terms is that, in times of recession and downturn, we must invest in skills, training and the education of our workforce.

John Maynard Keynes, the most famous of the counter-cyclical economists, argued that countries are not like individual householders, who tend to cut back during times of crisis and economic downturn. Instead, Keynes said, the bottom of the economic curve is the very time at which to provide deficit funding and pump priming.

Fiona Hyslop: Earlier I mentioned the accelerated capital spending that we have been able to invest in colleges to help the construction industry, in particular. Does the member agree that it would be very helpful if capital spending could be accelerated into 2010-11 from the following year, to help us continue that investment? I am sure that investment in colleges would benefit from that.

David Stewart: The cabinet secretary is trying to tempt me down a rather dangerous road. She will find that later in my speech I will refer to some of the issues that she has raised.

President Roosevelt's new deal and public projects such as the Tennessee Valley Authority are perhaps the best examples of the philosophy outlined by Keynes.

There is perhaps no greater area on which to target investment than education. It is almost a truism to say that Scottish colleges are a key economic driver in the recession. In my view, we must aim to develop an economy that competes internationally on the basis of the quality of the skills and strengths of character of our workforce, not on the lowest common denominator of sweat shop wages and conditions. I will touch on the role of colleges at Scottish level and conclude by focusing on an area of particular interest to me—the role of the UHI Millennium Institute and its partner colleges in the Highlands and Islands.

As Margaret Smith and others pointed out, Scotland has 43 colleges delivering learning in more than 4,000 locations. According to the previous Labour Government document “Unlocking Opportunity: The Difference Scotland’s Colleges Make to Learners, the Economy and Wider Society”, 90 per cent of the Scottish population lives within 30 minutes of a college location. There are some negative issues but, overall, provision in Scotland at FE and higher education level is excellent. I particularly welcome moves over recent years to create more progression routes—in other words, the lifelong learning agenda—so that people can enter and exit at the times and levels that are appropriate to their individual circumstances and in line with labour market requirements.

The issue is particularly relevant at a time of recession. It is crucial that we avoid having a lost generation of young people, as happened in the 1980s—a generation of school leavers who go straight on to the dole, are unable to gain any experience of work, do no training and, after a few years, become unemployable. Nowhere can that be seen more than in my area of the Highlands and Islands. In rural areas, these facilities of jobs, expertise and learning are vital to economic development and recovery. Now is the time for us to invest in them. Jobs sustained by Highlands and Islands colleges are crucial to the sustainability of fragile communities. The partnerships that are offered in expertise to businesses are the key to future economic growth.

Margo MacDonald: With all due respect to Keynes, I am not sure that we are dealing with the same level of inherited debt. Is the member suggesting that more should be spent on college education? If so, and thinking of our fixed budget, where will it come from?

David Stewart: I suspect that we could have a debate solely on the subject of whether the great depression was more difficult than the current economic climate is. Investment in education has a phenomenal return. I think that every £1 of education spend returns £3.20 in terms of overall

economic benefit. It is great to invest in education; we get money back at the end of the day.

Of course, UHI cannot satisfy all the demand for HE in the Highlands and Islands and beyond. That said, it can offer customised niche provision that reflects the demands of and comparative advantage in the Highlands and Islands. I will explain that in a bit more detail by taking members on a quick tour around the colleges in the Highlands and Islands. In one or two words, I will give a snapshot of what they provide.

In Moray we have fantastic fine art facilities and in Inverness we have a focus on life sciences, business and forestry. In Dornoch, in an establishment that I know well, Professor Jim Hunter, who is known to many members, has done groundbreaking academic work on the Highland clearances and the role of Scots in Canada, America and Australia—the so-called diaspora. North Highland College has tremendous experience in renewables and life sciences; its environmental research institute is training specialist engineers whom, it is hoped, will work in the Pentland Firth, which will provide the jobs when Dounreay is fully decommissioned. A few weeks ago, I visited Lews Castle College with Iain Gray. I was impressed with the innovative research there, particularly into hydrogen. Argyll and Bute has a specialist marine research focus, with the Scottish Association for Marine Science. The focus in Orkney is on Nordic studies and, in Shetland, it is fisheries research. Other innovations contribute to economic development. I am thinking of business clusters and collaborations between education and business such as the development of the diabetes institute at Raigmore hospital in Inverness and that between the national health service in Scotland, UHI and Lifescan Scotland.

Does the minister share my view that we need a high-profile, visible tertiary element in Inverness and that the proposed campus at Beechwood meets that requirement as a state-of-the-art, integrated facility with high economic added value?

Mary Scanlon: Does the member acknowledge that it is not for Highlands and Islands Enterprise, Highland Council and UHI to tell Inverness College what to do? Is it not time that all organisations respect the board of management decision at Inverness College?

David Stewart: I would never disagree with an ex-member of Inverness College, and a well-respected one at that. Mary Scanlon has a point. At the end of the day, the decision is for the board of Inverness College. Of course, wider issues are involved. My view is that the wider economic gain is at Beechwood.

Another key element about which I am very keen—the cabinet secretary knows my views on the matter—is that of having full university title for UHI, which would move it towards the next stage in the development of its academic journey. Such an award would stimulate growth, encourage potential students and retain people, particularly young people, in the Highlands. As members across the chamber will know, the loss of young people from Highland communities, particularly on the islands, has blighted economic development for generations. I am aware that the matter of achieving full title for UHI is one for the Privy Council. However, the Scottish Government has an important role to play in all this, particularly given the role of the Quality Assurance Agency for Higher Education, HIE and the funding council. In winding up the debate, will the cabinet secretary indicate the timescale that may be involved?

I have a couple of quick points to make before I conclude. UHI continues to deliver higher education in local areas that were previously underserved. It needs to recruit more students if it is to grow to a viable size. At the moment, UHI has 3 per cent of all HE students in Scotland, but 8 per cent of unfunded, fees-only students. UHI is therefore carrying a burden that is disproportionate to that of other colleges in Scotland. I ask the cabinet secretary to refer to the matter in winding up. Further education colleges receive a premium that is based on island and rural remoteness. Can that premium be extended to HE?

Colleges play a vital role in regional development. A knowledge-based economy requires a university at its core. Living in a rural or island community should not be a barrier to university education. We need to keep young people in the countryside. Our aim should be to provide lifelong learning across Scotland so that adults of all ages can maximise their potential. Education is the greatest agent of economic development. Long-term, sustainable decisions are needed if we are to revitalise our rural areas.

15:45

Angela Constance (Livingston) (SNP): I completed my higher education degree first and enrolled in West Lothian College some years later, and I must say that my college course made a far more direct contribution to my future studies and career as a social worker than did my university course. If I am blunt, I can say that what I learned during my undergraduate years can be summed up as a few unhealthy lifestyle habits and a passion for political activism.

It is right to acknowledge that Scotland's colleges are crucial and central to economic recovery. That is reflected in the £45 million that is allocated to the further education sector in the

draft budget, which represents a welcome 6.9 per cent increase in these turbulent economic times.

West Lothian College, in my constituency, is committed to working with the Government on its sustainable economic growth agenda. The scale of enrolments in Scotland's colleges is staggering—the best part of 500,000 students were enrolled in 2007-08—and colleges such as West Lothian College have the capacity and willingness to deliver even more for their communities. Unemployment is at its highest since 1996 and West Lothian has one of the highest levels of unemployment among school leavers and the more choices, more chances group. I have written to the cabinet secretary on the matter. I welcome the additional 270 places under the get ready for work programme.

The cabinet secretary said that she met apprentices at West Lothian College this morning, so I have no doubt that she has a good understanding of the desire in West Lothian to do more. The recent announcement by Bausch & Lomb that it will shed 500 jobs in Livingston is a salutary reminder that global factors can have a devastating impact on a local economy. The announcement also underlines the importance of colleges in rebuilding local economies.

Scottish colleges have successfully used additional funds to maximise training places, many of which are targeted at young people who need more choices and chances. At West Lothian College, 60 per cent of students are under 19 years old, and throughout the college sector in Scotland 24 per cent of students come from the most deprived areas.

A success of the sector is its strong links with employers. Some 76 per cent of employers who have taken a college graduate have said that their new recruit was well prepared for work. In my area, the development of school-college partnerships has brought many benefits for secondary 3 to S6 pupils, who have the option to study for national qualifications in a college environment.

It is clear that student support funds are under strain, despite the Government's action to increase hardship funds by £1 million a year and despite investment of £9.5 million this year. West Lothian College reported to me that its bursary funds ran out early this year. The college's principal also told me that some regulations of the Department for Work and Pensions disadvantage students, who lose direct and related benefits when they come to college. Like Margaret Smith, I might well write to the cabinet secretary on the issue, which needs to be addressed.

Like other members, I have received correspondence from people who are calling for a

statutory right to child care for parents who attend college. I will pay close attention to the proposed Government review of child care support for students. Child care is crucial and I am glad that I attended college many years before my son arrived.

There is much success to celebrate in the college sector. Good or very good results were recorded in 99 per cent of Her Majesty's Inspectorate of Education college reviews from 2004 to 2008, so we can be reassured that our colleges deliver good value for money and a high quality of education. We can be left in no doubt that Scottish colleges represent real value for the public pound.

15:50

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I am sure that members agree that, over the past 10 years, our colleges have been transformed. Members will have experienced that in their own areas, whether the transformation has been in the fabric of college buildings or in the courses and the extent to which they reach out to our communities, the voluntary sector, the business sector and the schools, as Angela Constance mentioned.

I will not talk about all the colleges in Scotland but will focus on Cumbernauld College in particular, not because I am miffed that it does not get a mention in the Scotland's Colleges document "Skills for a Successful Scotland" but because it has such a good story to tell.

In the midst of the recession, Cumbernauld College has been leading the way with short-term responses that focus on specific, emerging issues and long-term incentives that have been created to support the local economy. Its goal must be ours: to respond effectively to the recession and help as many people as possible to gain the necessary skills to help them with future employment.

It is vital that a partnership approach is taken. That is what Cumbernauld College is doing and has been doing for a number of years in coalition with North Lanarkshire Council and East Dunbartonshire Council. Those partnerships, which provide a greater coherence in service delivery and improved access to resources, have been commended in the college's most recent HMIE report.

The success of Cumbernauld College's employability programmes has already been tested and shows the role that the college plays in defending the local economy. When it was announced in February 2003 that the BCM plant in Airdrie, in the constituency of my colleague Karen Whitefield, was closing, the college was tasked

with designing and developing a training programme to provide the necessary opportunities for former employees. It succeeded so well that the programme won the college a national training award.

The college also plays a major national role with its support employment programme, which focuses on employability. It is a 10-week course carried out in partnership with Careers Scotland, Jobcentre Plus, Glasgow employers coalition, Rangers Football Club and Celtic Football Club. The course is delivered at the respective football clubs and has proved to be a great success, with 500 of the 800 participants moving into employment or finding other positive outcomes. The college has been steadfast in trying to expand it, and I was thrilled when informed that a further two courses would take place at Clyde Football Club's home ground, Broadwood stadium, in my constituency.

With regard to national programmes, the college is committed to the more choices, more chances agenda for 16 to 19-year-olds who have particular social barriers with regards to employment and education. That is right. Since April 2008, the college has trained 32 young people who have moved into permanent employment in a variety of sectors. Another 34 are now in full-time further education. Without centres like Cumbernauld College leading the way on such initiatives and on innovative programmes, many disadvantaged young people would be stuck on the dole queue and at home doing nothing.

In November 2008, Cumbernauld College took the decision to employ an employer intermediary to ensure that the maximum engagement took place between the college and all business sectors and that the development of skills not only continued but expanded during the economic uncertainty. Staff competence, confidence and motivation have been enhanced, and productivity is improved by programmes that develop a person's skills. That investment in improving skills has also been demonstrated in the college's important partnership with unions. Cumbernauld College supports more than 120 employees at Co-operative Retail Logistics, Carstairs hospital, HM Revenue and Customs, Premier Foods, Tesco and the Royal Mail, so members can see that Cumbernauld College is able to spread itself widely.

Through its work with trade unions, employees and companies, the college has been able to remedy problems with language and IT skills. More and more workers are becoming adept at new technologies that are useful to them for their present employment, in life and for the labour market in future. The policy has proved so successful that the college has been forced to

create a waiting list, so that more people can become involved.

Cumbernauld College works in partnership with a wide range of local businesses, with courses that are designed to meet the needs of the business and that are structured to meet the needs of the student. In conjunction with North Lanarkshire community planning partnership, the college has been working hard to re-engage the long-term unemployed and assist them on the road to work. The college provides a number of courses, each with specific targets for delivering employability. They include placement programmes, hospitality courses and personal development programmes, to name but a few.

The economic downturn has had global consequences, and many people in Scotland have been faced with unemployment. In order to stem the tide, we must encourage partnership. We cannot stand back and do nothing, as happened during previous recessions. It happened under the Tories, as Murdo Fraser failed to acknowledge in his speech. We must be proactive in ensuring that people get the support and opportunities that they need. That is what is happening at Cumbernauld College.

Mary Scanlon: Will the member give way?

Cathie Craigie: I am happy to.

Mary Scanlon: Does the member acknowledge that Cumbernauld College would not have the independence that it has if it were not for the Conservatives incorporating all colleges in the early 1990s, allowing them the independence to pursue enterprising initiatives?

Cathie Craigie: I can talk about the condition of colleges in the early 1990s: they were crumbling, and they were not providing courses that met the needs of their students, never mind those of the wider community. As I began by saying, the improvements that have been made since Labour came to power in 1997 have transformed the sector so that colleges are practically unrecognisable.

Cumbernauld College is leading the way. It is working in partnership with the various organisations that I have already mentioned—in particular the local authority and the business community—and also with other colleges across Scotland. It is providing not just skilled recruits, but training and life skills; it is offering assistance to the unemployed; and it is training young people in order to keep them off the dole.

Further education centres such as Cumbernauld College should be commended for the work that they have done. The college has fought gallantly for its students and prospective students. To

continue that necessary and important work, the college needs to be supported and resourced.

The college sector is key to helping us through the downturn in employment. Government at every level—the Scottish Government, the Westminster Government and local government—must recognise the valuable contribution of colleges and listen to the collective voice of their experience. As Dave Stewart mentioned, we are told that for every pound that is invested in colleges our economy benefits by £3.20. To my mind, that is good value. It is good practice that we continue to fund the college sector as is required.

The Deputy Presiding Officer: I have been more than generous with time for speeches, but we are using up our spare time, so I ask members more or less to stick to their time limits from now on.

15:59

Mary Scanlon (Highlands and Islands) (Con): I had been looking forward to another 10-minute speech.

I am delighted to speak in the debate, having started teaching evening classes at Dundee College of Commerce in 1973. After gaining a degree at the University of Dundee, I spent 20 years lecturing on economics and business studies in further and higher education. From my first-hand experience I can commend the work of our colleges, which have constantly adapted over three decades to meet the needs of industry and individuals during times of economic change.

Scotland's colleges are highly innovative and can set up new courses with a flexibility that is not always seen in our university sector. As a lecturer, I was always concerned at the start of each term to find out whether there were sufficient enrolments for the courses that I had taught and what new courses and subjects I would be faced with.

I welcome Murdo Fraser's amendment with regard to rural colleges. The millions of pounds that were targeted at communities most in need were fully allocated to colleges in the central belt, yet North Highland College is probably one of the most enterprising and innovative colleges in Scotland. It is working with the decommissioning authorities for Dounreay and towards the future of marine energy in the Pentland Firth. It is poised and ready, with a first-class principal at the helm, to meet the challenges for training, education and research that are required for energy production in the Pentland Firth.

North Highland College also faces retraining the 1,800 employees at Dounreay—all of whom face redundancy in the short or longer term—yet it got

nothing in the recent payout. I hope that in raising the issues relating to the college, I have put down a marker for future resource allocation.

Margo MacDonald: Given the member's experience, does she think that there are enough lecturers in place to do the tasks that the colleges have taken on?

Mary Scanlon: When I was a lecturer, there were constant restructurings, redundancies and so on. It is always a challenge not only to have full-time lecturers, but to get people from industry to teach at evening class.

Fiona Hyslop: The member made an important point about people facing redundancy. The £7 million that is available for partnership action for continuing employment is available to all colleges, urban or rural.

Mary Scanlon: I appreciate that, but 1,800 redundancies in Caithness represent a huge blow and a great challenge to the local economy.

Colleges have always welcomed mature students, whether they are returning to education after years of low-paid work, because of family breakdown, following redundancy or simply because it is time for a change. Students can leave with a higher national certificate after one year of study; they can leave with a higher national diploma after two years of study; and after three years they can leave with a degree. In fact, they can now leave after the first year with an HNC and continue to degree level part time or by distance learning.

Colleges also help to train and educate prisoners prior to release and from our open prisons. I know, because I have taught them, that some prisoners are excellent students in enterprising activity—although not always of the legal kind.

This morning I spoke to the head of construction at Inverness College to get an update on what it is doing to assist the economic recovery. Inverness College piloted the one-day-a-week skills for work course for pupils over the age of 14, which is now available across Scotland. School pupils are given taster sessions across the skills sector, in sectors ranging from hairdressing to construction and engineering. The feedback from schools is that the pupils are not only gaining insight and skills, but working better during the four days that they are at school. Inverness College also does taster days across the various craft areas for primary and secondary school pupils around Inverness.

Against a background of a 50 per cent reduction in construction apprentices in Highland this year, Inverness College has taken on 150 pre-apprentices to the access to construction course, which gives them a range of construction skills,

helps them to learn the trade that they prefer and helps them to find out what they are good at. It is hoped that by next year many of those students will be employed as apprentices with local firms. However, the outlook does not look good as not one bricklaying apprentice has been taken on in the city of Inverness this year. However, even if the students do not get apprenticeships next year, they will have gained construction skills that will last a lifetime.

Such courses are resource heavy and current funding needs to be looked at if they are to continue in the future. As members have said, we should also look at the number of bursaries.

It is one thing to talk about what the colleges are doing to cope with the economic recession, but we should be placing more emphasis on what the colleges could be doing to ensure that Scotland has the skills, training and education to meet our needs following the recession.

Like Margaret Smith, Claire Baker and Murdo Fraser, I wish to highlight the issue of child care. It is a fact that students can pay up to £180 a week for child care. In fact, many colleges—I will not name them—allow students only one free week a year. They have to pay for 51 weeks of child care at £180 a week, even though they attend for only 33 weeks of the year.

The Presiding Officer (Alex Fergusson): I must hurry you.

Mary Scanlon: In answer to David Stewart's point, mature students choose further education not just for the skills, education and training that colleges provide; they often choose it so that they can spend time with their children as they are growing up.

The Presiding Officer: You must close.

Mary Scanlon: I do not wish to see them penalised by being asked to pay for child care during summer holidays.

The Presiding Officer: I am sorry that I had to hurry you. We do not have a lot of spare time left.

16:06

Alison McInnes (North East Scotland) (LD): I think it is fair to say that everyone in the chamber recognises the role that our colleges must play on Scotland's road to economic recovery. The training and teaching that they provide, and the opportunities that they give to young people—school leavers—to further the skills that they need to successfully enter employment for the first time are important tools at any time, but in a time of economic downturn, when unemployment, particularly youth unemployment, rises, they become even more vital.

I am, of course, especially familiar with how the colleges in my region—Banff and Buchan College, Aberdeen College, Dundee College and Angus College—serve their communities. I am fortunate to have had the opportunity to see for myself the work that they do, and I can tell members that I have never been less than hugely impressed.

Over the past few years, each of those colleges has been publicly recognised for the innovative and excellent practices and programmes that it has introduced. An example of the excellent work that is going on that is of particular interest to me is the partnership that has been set up between Banff and Buchan College, a local business and a local school, which has the aim of increasing the number of young women who take up engineering. The programme, which was set up in response to concern about the number of suitably qualified women being recruited to engineering jobs, provides female role models from business to mentor an all-girls group and sponsors visits to various industrial sites. As well as encouraging more girls to consider pursuing a career in engineering, the scheme certainly provides the girls who participate with a highly desirable and transferable skill set, regardless of the path that they take.

The fact that Banff and Buchan College has a number of permanent outreach centres makes it truly local. It has demonstrated repeatedly that it is flexible, responsive to changing demand and innovative, despite not always getting its fair share of resources.

Aberdeen College has linked up with the Robert Gordon University to create the degree link programme, which is improving the progression from HND courses at the college to degree courses and making the transition a smoother process for students.

Dundee College has teamed up with a local hotel on its classroom to industry programme, which supports disaffected learners with limited employment prospects and develops their employability through vocational training in hospitality and professional cookery.

At Angus College, socially and educationally excluded young people are engaged through the skillzone, which is a programme through which educational access is provided at times to meet the individual's needs. By working with partners, the programme seeks to create personalised learning approaches, in an effort to overcome the effects of poor previous learning experiences. Performance indicators show that the scheme has a remarkable success rate, in both student retention and outcome. The skillzone is just one more example of how colleges—by providing tailored, individual teaching, targeted and vocational learning, and highly specialised

support—are able to play a key role in helping young people to develop and, ultimately, be successful in finding employment.

I would be happy to talk about success stories from the north-east for the rest of the afternoon, but I must turn to an issue that the cabinet secretary is no doubt familiar with and which others have mentioned—the recent allocation of additional funding for colleges and the fact that rural colleges' needs have been overlooked in that funding round. As Fiona Hyslop may have anticipated, in particular I want to discuss the fact that Angus College has been overlooked both for additional revenue funding and capital funding.

I still await with great interest substantive answers to a number of questions that I lodged recently, in which I asked about the criteria that were used to determine which colleges should receive a share of the funds. I note with concern that all my initial parliamentary questions were met with the same reply, which was:

“Decisions on the funding of individual colleges are a matter for the Scottish Funding Council. I will ask the Chief Executive of the Scottish Funding Council to reply to the member.”—[*Official Report, Written Answers*, 17 September 2009.]

I appreciate that the specific criteria may have been for the funding council to put in place, but I am concerned that the cabinet secretary apparently cannot recall what guidance she may or may not have given on the matter to the funding council.

Fiona Hyslop: The member is being a bit disingenuous. I have written to her to explain the guidance that I gave to the funding council, which was for young people in areas of greatest need. That is quite explicit and is a matter of record. The member must acknowledge that. That is the guidance that I gave the funding council.

Alison McInnes: I am grateful for that clarification, but I do not have the detail that I would like to have. An answer to my parliamentary question about guidance was given, but a letter to me from the principal and board of governors of Angus College about the decision said that the college has

“taken these matters up with the Chief Executive of the SFC ... to be informed that they were responding to Scottish Government Guidance.”

There needs to be more clarity about that.

I acknowledge that not every college in Scotland could have shared the funds and that difficult decisions were taken. However, Angus College serves an area with an average youth unemployment level of 7.3 per cent, which is well above the Scottish average, and it will receive nothing while colleges in areas with lower unemployment rates will benefit from the extra

funds. If we add the fact that, without additional funding, Angus College will not be able to meet the ever-increasing demand for enrolment, it is plain to see why the college has been left asking serious questions about the allocation process.

I have no doubt that colleges have a key role to play in tackling the impact of the recession and preparing our young people for the economic recovery to come. It is therefore essential that young people in the north-east are not further disadvantaged by any future unfair funding allocations.

16:11

Kenneth Gibson (Cunninghame North) (SNP):

In an uncertain and unstable world with a resulting competition for jobs, the value of a college education should not be underestimated. College is an investment. It provides students with a tremendous range of opportunities, knowledge that is vital to succeed, and the validation that future employers require. However, the significance of a college education does not begin and end with the prospect of future employment. Colleges provide students with the opportunity to mature intellectually while they learn valuable life skills. They are also a focus for cultural learning and cultural identity. Scottish colleges currently accept 5,500 international students from 117 countries. More than half of those students come from outside the European Union. Colleges open up the world to Scotland and open up Scotland to the world.

A key point in the 2007 report entitled "Skills for Scotland: A Lifelong Skills Strategy" is that we need to focus on

"Achieving parity of esteem between academic and vocational learning, recognising that vocational learning is a valuable alternative to the academic pathway and important to all."

That stresses the vitality of Scotland's college sector.

In 2007-08, almost 490,000 students enrolled in Scotland's 43 colleges. Almost 43,000 of them were full-time students. We have heard a wee bit about whether there are enough teaching staff. There are around 12,700 teaching staff and around 9,000 non-teaching staff in our colleges. In December last year, around 150,000 students enrolled in health and IT courses, which are crucial to growing Scotland's economy.

The Scottish Government has, of course, decided on six key skills for a successful Scotland, and the colleges play a vital role in delivering in the economic sectors that the Government has identified as crucial in securing our economic future. Those sectors are the creative industries; energy; financial and business services; food and

drink; life sciences; and tourism. "Skills for Scotland" called on colleges to deliver

"core, employability and vocational skills and training to meet national, regional and local needs".

They do so by offering everything from basic literacy and numeracy courses to 25 per cent of Scotland's higher education through a broad range of HNC and HND programmes.

Colleges are constantly developing, updating and refining courses to suit an ever-changing world in which we need clear and sustainable competitive advantages not just at home but in international markets. That cannot be done without the hard work of college principals, staff and students. In the college that is closest to my constituency, James Watt College, radical improvements have been made over recent years in financial management and the delivery of modern and innovative courses. Indeed, through the funding allocation that we have heard so much about, more than £509,000 has been allocated to James Watt College—the third-highest allocation in Scotland. I am very pleased about that.

In making that investment, we are able to deliver some of the most important courses that young people will ever undertake. James Watt College is turning out high-quality graduates who are finding jobs in some of Scotland's most prestigious resorts and hotels, including Gleneagles and Turnberry. Stephen Lyndsay and David MacDonald, who studied for Scottish vocational qualifications in food preparation and cookery, were offered full-time posts at Gleneagles. Craig MacDonald, from James Watt College, works as a commis chef at Turnberry. We also have a graduate in Hotel du Vin at One Devonshire Gardens—a place that, I am sure, many members frequent. Campbell Johnston, the curriculum manager in hospitality and tourism at James Watt College says:

"We maintain good working relationships with a number of top hotels and restaurants and it is important that we are able to offer the best possible work experience opportunities for students."

That shows the relevance of what is being taught at our colleges.

We can be proud of the fact that almost 30 per cent of teaching in Scottish colleges in 2007-08 was given to students from deprived areas and almost a quarter to students with a declared disability. The way forward in any economy is to capitalise on the areas in which there is talent.

David Stewart: I accept and agree with many of the points that the member has made. Does he accept my point that some students are turned away from colleges throughout Scotland because of the cap on HE numbers? Does he share my view that now is the time to review the cap and

allow students who want to go to college to do so and be fully funded to do that?

Kenneth Gibson: The Government has allocated a sum that we have already talked about, which has enabled an extra 3,000 students to enter colleges this year. The cabinet secretary is keeping the situation under constant review.

As the figures show, Scotland is concentrating on those areas to produce more and more bright young graduates from all walks of life who might previously have been forgotten. In the past, prospective students have been discouraged by the price tag; therefore, I welcome the £500 grant that has replaced the loans for part-time students. I am sure that that will make a significant difference. Indeed, in the draft 2010-11 budget, the Scottish Government is increasing funding for further education by almost £45 million, an increase of some 6.9 per cent. James Watt College has welcomed that, especially at this difficult time.

I have a lot more to say but, unfortunately, I do not have much more time. I wanted to address the issues that members have raised about the fact that 15 major funding streams are open to students; some of those funding streams are administered at college level, some come through the Student Awards Agency for Scotland and some are determined by the benefits system at Westminster. A joined-up system, although it would be difficult to design, is something that everyone needs to focus on if we are to do the best that we can for the people who go to our colleges.

16:18

Karen Whitefield (Airdrie and Shotts) (Lab): I apologise for joining the debate late. I was meeting Nelson McCausland, Northern Ireland's Minister for Culture, Arts and Leisure, who is paying visits to various Government ministers this afternoon. I hope that members are not offended that I have come along to the debate a little late in the day.

I welcome the opportunity to contribute to the debate on the vital role that colleges play in aiding economic recovery in Scotland. I am pleased that both the previous Scottish Government and the present Government have accepted the need for colleges to be supported and developed. We need only look at the recent dramatic rise in the number of applications to Scottish colleges to see that the people of Scotland fully understand the importance of good training and education. Scotland's colleges now engage with around 360,000 students every year, which is a sizeable proportion of Scotland's adult population.

The majority of those students earn less than £18,000 a year and come from the most deprived 20 per cent of Scotland's communities. In that respect, Scottish colleges are not only providing the skills and training that are most needed to combat the current recession; they are also effectively targeting resources at those who are most in need. They are pulling off the tricky task of merging the needs of students with the needs of industry, in which sense they are truly a catalyst within the Scottish economy. That is an important point.

Scotland's colleges have developed very strong working relationships with schools. In my constituency, Caldervale high school has forged strong links with Coatbridge College and Motherwell College. Coatbridge College offers higher psychology within the school and also provides training in child care, motor mechanics, hairdressing and beauty and make-up. In fact, this year the college has offered to help with the make-up artistry that is required for the school show.

Motherwell provides construction training to third, fourth and fifth-year pupils. It is worth noting that the construction centre, which is probably the best in North Lanarkshire, was built by MITIE—yet another partnership between schools, colleges and businesses.

In the past, Scotland's further education colleges may have been perceived as the poor relation of our universities, but that is certainly no longer true, if it ever was. Scotland's colleges play a vital part in sustaining and developing the Scottish economy. The 2006 Scottish Executive report, "Unlocking Opportunity: The Difference Scotland's Colleges Make to Learners, the Economy and Wider Society" highlighted that the net economic benefit of colleges through improved qualifications was at least £1.3 billion.

Recently I had the privilege of visiting Motherwell College, which is housed in a brand new, purpose-built campus. The campus, which cost £70 million, is arguably the most modern and vibrant educational facility in Scotland. The design is bold, open and spacious and it provides a learning environment that is attractive and inspirational. However, as impressive as the building is, a college is really only as good as the staff who work within it. Motherwell College has an incredible asset in the form of college principal and chief executive, Hugh Logan. Hugh is passionate about the vital role that colleges can play in ensuring that Scotland has a highly trained and highly skilled workforce that can compete globally and contribute to the economy.

The recent investment by the Scottish Government has been welcomed at Motherwell College. It will provide an additional 2,004 full-time places and 137 part-time places. However, I must

say to the minister that there is still an issue about funding levels in colleges and, in particular, funding levels for colleges in Lanarkshire. The recent investment has been welcome—I do not want the minister to think that we do not want it—but it is still true to say that Lanarkshire does not get its fair share of funding for further education in comparison with areas with similar population levels elsewhere in Scotland. In fact, for every £5 that is spent in Glasgow on further education, only £2 is spent in Lanarkshire, which is of a similar size and faces similar social problems. That means that Lanarkshire's colleges still have to turn away prospective students because they have insufficient funding. In the case of Motherwell College, several hundred potential students have to be turned away each year.

In addition to the request for increased per capita spending in Lanarkshire on further education, I ask the minister to consider giving colleges greater flexibility in how they spend their budgets. That is particularly important in relation to child care provision. It is difficult for a college to predict levels of child care need from year to year. They require not only additional funding to address that problem but additional flexibility, so that they can respond to the needs of individual students.

Fiona Hyslop: I have been impressed by Motherwell College's child care provision, but that might accentuate the difficulty and emphasise why we need to have a review. There are pros and cons to having a centralised entitlement scheme compared with a flexible, localised scheme, which is what Karen Whitefield is arguing for.

Karen Whitefield: A review would be helpful, because the issue is important. The facilities for child care at Motherwell College are impressive, but all 300 child care places are currently filled, and the college is turning away potential students not because it cannot meet their educational needs, but because it cannot meet their additional support needs and the child care needs. We need to address that.

I welcome the consensus on the importance of colleges to the Scottish economy. I also welcome the spending that has been committed by the Scottish Government, for all the reasons that we have heard this afternoon. Scotland's colleges truly provide excellent value to the public purse.

Will the minister look at the particular plight of the colleges in Lanarkshire? They offer a high level of training and education but, with a little extra help, they could do much more.

16:25

Christopher Harvie (Mid Scotland and Fife) (SNP): I am glad to speak in this debate on the contribution of Scotland's colleges to the economic

recovery that we so badly need. My Mid Scotland and Fife region contains two universities and several colleges. Adam Smith College, in Kirkcaldy, is Scotland's third largest college; it supplies teaching in technical subjects that are simply not available at St Andrews or Stirling universities and, as such, I believe that it ranks higher than an ordinary local facility.

Scotland has nearly half a million enrolments in 43 colleges, which are subject to record funding by the Scottish Government even at a time of recession. I started my career in the further education system, teaching liberal studies to Post Office messenger boys; some members may remember the little red demons on motorcycles running around the place with telegrams. That was the Everest of teaching: if one could get them to remain silent and unfidgety for an hour, one was doing very well indeed.

In fact, those boys were marvellous: they were positive and responded very well. Of course, one soon realised why—they were the youngsters who carried the telegrams. At that time, the arrival of a telegram at a Scottish house usually meant only one of two things—a death or serious illness—so those kids had naturally to be sympathetic.

It is, therefore, important to consider the sort of people who go into the colleges and to remember that they cannot be easily categorised. Many of them bear considerable gifts of social and technical adaptation before they even go through the doors.

One person who recognised that—as is evident from her memoirs—was Jennie Lee. I think of her at this particular moment, because 40 years ago I was proceeding by bus from teaching the Post Office messenger boys to Walton Hall in Buckinghamshire to set up the Open University. The OU had a very strong Scottish element behind it, which came from Jennie Lee herself and from Walter Perry, our first vice-chancellor.

I make a plea today for using some of the facilities that the Open University developed, because they have come a long way from 1969, when we appeared on black-and-white television wearing kipper ties. Technology such as high-definition television allows virtual laboratory work to be carried out in one country while students from another country participate in it.

David Stewart: I strongly agree with the points that the member has raised. With regard to new technology, is he familiar with the new state-of-the-art telepresence system of videoconferencing, which the Open University is considering? It is a fantastic way of interacting with educational facilities throughout the world.

Christopher Harvie: I am—in fact, I have used a similar system to communicate between

Tübingen University and Aberystwyth University in teaching political science. The technology can also be applied to participating in, controlling and learning through experiments, because the degree of precision is so great.

It is an area that should be orientated towards the colleges rather than the humanistic universities. In an ordinary university, thanks to OU principles, the students can to a great extent be left to get on with much of their own learning—they can learn how to participate in groups and so on—but in a college system students are very dependent on the nature of the industry around the college.

On the continent, in France and Germany, a student in a major area of industrial development will spend as much as 75 per cent of their time in workshops or in learning facilities that are associated with private industry. We have a problem after a period of deindustrialisation—we have to make up for that. That is why those new and probably fairly reasonably priced forms of instruction will be important in the near future.

A further point is the importance of language teaching. That is not usually associated with the colleges, but they do a lot of work in it, including a lot of unrecognised work. We have to realise that it is no longer a question of saying, “We all speak English. Shout loud enough and they’ll understand.” In various central areas, we need to adapt to the fact that the language of command might well be German or Chinese because the developments have been carried out in Germany or China.

We need to do two things. First, we need to bring colleges up to date with the interchangeability of languages and the fact that it is important for our people to learn languages. Secondly, we need to realise that we have a large and often extremely talented migration into Scotland of people, largely from eastern Europe, who are very well qualified but who run into language and adaptivity barriers when they get here. We will need those people, particularly when we consider the future of areas such as renewable energy, because we will have to make up rapidly for the deficit of trained people in those areas. The colleges are in the front line of that work. I commend them on what they have done, and I look forward to even greater progress in the future.

The Presiding Officer: We come to closing speeches. I have no extra time available so members should stick to the times that they have been given.

16:31

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): When a member prepares to sum up a debate, they might think that they have

captured all the various points, but then Professor Harvie speaks and they realise that there are many more issues than simply those in the motion and amendments.

The rural aspects of further education college provision has been a consistent theme in the debate, as has the need for a concerted effort, as we tackle the recession and aim for sustainable economic growth, to ensure that colleges are at the heart of that agenda.

Mary Scanlon, Alison McInnes and others discussed rural colleges, and the issue is also mentioned in the Conservative amendment, which we are happy to support. We heard concerns about how greatest need is defined. It can be defined according to the head count or roll of colleges, according to their size and scale, or according to their role and impact on their area. The latter is much more consistent with the existing methods of distributing funding to our college estate in Scotland. The other approaches have excluded a number of colleges in rural areas where job losses have been such that their need can be considered equal to if not greater than that of urban areas.

In my area, the Borders, there have been more than 1,000 job losses in recent months. On a per capita basis, that is equivalent to 20,000 job losses in greater Glasgow. Such losses have a significant impact on rural areas, and the local college has a critical consequential role in supporting the area. Recently, the Princess Royal opened a £31.5 million campus at Borders College—a project that was started under the previous Administration. It is inconsistent that the Borders has seen that scale of investment but that the college is turning away students and is told that its critical role in supporting the Borders economy is now considered not to be needed. I hope that that inconsistency will be reflected on not only by the Scottish funding council—it is good that the chief executive of the SFC was at the college’s award ceremony last week, at which I was happy to raise the issue with the principal of the college—but by the Government.

The Government states that, within its fixed budget, it is increasing funding for the college sector by 17 per cent during the spending review period. Of course, any growth is welcome, but we should consider that in the context that the previous two Administrations provided growth of not 17 per cent but 73 per cent. It is the trend in Government spend within the budget that is the critical aspect. Some members talked about enrolments; in the first decade of devolution, there have been an additional 78,000 enrolments in the college sector.

What Parliament wanted from the Government’s skills strategy was some direction on how we

might build on that unprecedented level of support for our college estate to deliver even more ambitious change. Parliament has yet to endorse any Government skills strategy because it considered the original strategy to be neither strong nor ambitious enough. Moreover, it did not have proper baseline data, identify any needs audits across areas or contain any indicators on which we could judge the success of Government policies. It is necessary for the Government to return to Parliament with that agenda.

Although the debate is concerned with the role of colleges in the economy's recovery, we cannot dissociate that debate from the wider changes that have been made to the enterprise networks. The relationship between colleges and Scottish Enterprise has been diluted, and in a debate on colleges, skills and the role of further education in the Scottish economy there has been barely a mention of either the Government's new centralised quango Skills Development Scotland—which, as we recall, was the hallmark of the Government's skills strategy—or its future approach.

Not only am I curious about that; I find it worrying, particularly given recent discussions that I have had about the Scottish textiles sector, which is a key employer in some of the country's rural areas. In the spring, we will lose Skillfast-UK, the sector skills council for fashion and textiles, and nothing will take its place. Skills Development Scotland has no approach to the industry sector, and Scottish Enterprise no longer has a key role in ensuring that business need, local economic development need and college supply are properly matched. As I said, I am worried about that, and I hope that the Government acknowledges that the textiles sector might well face a gap in skills provision. If so, I hope that the cabinet secretary will agree to meet me and the industry to discuss the way forward.

We know that, from hairdressing to land-based studies and science, colleges provide employable students and work-ready individuals. The economy will need them—after all, this generation of 18-year-olds is the biggest that Scotland has had since devolution. Colleges require continued support and the Government needs to focus on ensuring that the economic development environment in which they work is equally supportive. So far, we are going in the wrong direction.

16:37

Elizabeth Smith (Mid Scotland and Fife)
(Con): As exemplified by the main motion and the three amendments, this debate has been very constructive. Members right across the chamber have shown a widespread recognition of the

increasingly vital role that our colleges play not only in the economy but in the education and lifelong learning sector. As David Stewart said in his remarks about UHI, colleges have a great diversity and flexibility that other educational institutions lack. That reflects the fact that the labour market is increasingly demanding such features and, in many cases, much stronger links have been built between colleges and the workplace and between schools and colleges. That can be only a good thing.

As Claire Baker said, the fact that colleges make no distinction between adult and young learners and their ability to provide more educational opportunities to those from deprived backgrounds are important in upskilling and motivating both groups. However, we must also pay heed to the comment made by employers, including many members of the Confederation of British Industry, that too often in the past our workforce has not had the right skills, particularly in literacy and numeracy. As a result, it is good to hear that the Scottish Government is concerned about the matter.

Like many people, we feel that the valuable role that Scottish colleges can play in the development of apprenticeships must be a priority. In recent years, there has been excellent progress on that front. Indeed, on Monday, Murdo Fraser and I had the pleasure of meeting three outstanding college apprentices at Vector Aerospace in Almondbank and hearing about their future aspirations. Their technical skills and motivation were plain for all to see, and there is no doubt in my mind that this must be the way forward. At long last, we seem to be getting over the unfortunate myth peddled by some that college apprentices are somehow lower class citizens because they are not interested in attending university or do not have the ability to do so. Anyone who has been persuaded of that view should take the time to visit companies such as Vector Aerospace or some of the state-of-the-art technology companies that are forging ahead as a result of existing top-class college apprenticeship schemes.

As Professor Harvie said, we should take note of the highly successful dual system in Germany, where a combination of formal curriculum learning and work-based experience is the basis for teaching vocational courses. Indeed, that is often a recommended, and sometimes a mandatory, part of a university degree. As a result, competition for apprenticeships is strong, which is far removed from the idea that they might be a last resort.

We must be absolutely clear that the reform of the Scottish Qualifications Authority exam system provides the opportunity to realign the qualifications structure, which forms the basis for

the choices of our young people. We should not repeat the mistake of 1992, when Professor Howie's excellent paper on reforming the secondary school system was ignored because of political dogma and a failure to recognise that comprehensive education did not best serve the needs of pupils in secondary 4 to 6. I think that, 17 years on, we all regret that. Professor Howie's recommendations for a two-route system beyond S4 were eminently sensible, and colleges have a huge role to play in delivering just that.

If apprenticeships are the way forward, so too are business bursaries that are similar to those in the US. The system allows an employer to set up a contract with a college and receive a weekly allowance for releasing an apprentice. At a time when colleges are rightly pointing to the additional demand that is being made on their resources, extra money from the private sector can provide an important boost for the employment chances of many people.

On resources, I reiterate the important plea that my colleague Murdo Fraser made in his opening remarks when he identified discrepancies in the support for colleges that serve rural communities. That is surely not acceptable. I am pleased that the cabinet secretary has accepted the specific request from the Scottish Conservatives. Let us be clear that those colleges do a first-class job and that they should not in any way be the victim of financial discrimination.

Successful colleges are all about matching up the incentives among the student population with those around the economy. It is good to hear that the Scottish Government recognises the need for better local interpretation of national and regional data, the lack of which has been a major issue for teacher recruitment in schools. I hope that the Scottish Government means business in that respect: students will have a far greater chance of success if they are provided with clear routes into employment opportunities and a good knowledge of what is on offer in their local community.

A major part of that is whether the student feels that he or she has adequate support in tackling hardship and, as the Liberal Democrats have highlighted, in accessing child care. The Scottish Government has finally come to terms with just how urgent that matter is and with the need to produce policies that provide better support for those who are most in need so that our students are offered much greater flexibility whatever their personal circumstances. How sad it would be if Scotland had to sacrifice any part of its economic potential just because a large number of students could not find the means to support themselves throughout their studies.

As with everything in education, there are no easy answers. Success in the future will depend

largely on careful analysis of how the economy tomorrow can work and on harnessing the rich potential of all whose motivation and enthusiasm directs them towards a college career so that they are better prepared to enter the workforce. Our part in the Parliament is to help to implement policies that will make that process much easier than it is for many people in 2009.

16:43

Ken Macintosh (Eastwood) (Lab): I thank the cabinet secretary for bringing forward today's debate although, if we keep having education debates with the current frequency, many members who are present will qualify for a friends and family discount.

Murdo Fraser: The Labour Party is having another one next week.

Ken Macintosh: Exactly.

I say "friends and family" because the debate has been relatively friendly and amicable, notwithstanding Mr Purvis's contribution, although I welcomed his speech, which struck a robust but corrective note. He reminded us of some of the weaknesses in the skills strategies and that some rather glib statistics have been bandied about. However, the debate has been constructive and nearly every speaker has recognised the contribution that Scotland's colleges make to our economic development and the fact that they are uniquely well placed to respond to the particular demands of the downturn.

As we have heard, one of the biggest challenges that has arisen in the past year has been the tremendous surge in the number of applications for college places—it is in the region of 24 to 28 per cent, according to figures supplied by Scotland's Colleges. That has been a huge increase in demand, and it is remarkable that, so far, our colleges have coped so well. I am pleased that, as my colleague Claire Baker highlighted, our colleagues at Westminster recognise the seriousness of the economic situation and have announced more than £0.5 billion in extra education funding. I am pleased, too, that the Scottish ministers have passed on the consequentials and have announced £28 million over two years for Scotland's colleges.

I say that the colleges have coped well "so far" simply because the underlying problems are still with us. The colleges are now full but unemployment continues to rise, so we could see an upsurge in demand for college places from the higher number of January school leavers. Anecdotally, I hear that between 700 and 800 youngsters in Edinburgh alone returned to school unexpectedly after the summer because of difficulties in the jobs market. Many of those pupils

will not stay on after Christmas, but they might find that the college place that they expected has already been allocated. Therefore, I urge the cabinet secretary to address those concerns now by acting in advance, rather than wait for the possible upset—and, obviously, the cost—of high youth unemployment.

The wider issue of displacement needs to be considered by the Scottish Government and its partners in the colleges. Because of the economic circumstances, young people who require more choices and more chances will now—I think that Murdo Fraser made this argument—be competing against a more qualified peer group. As Willie Coffey, Angela Constance and others mentioned, colleges play a particular role in addressing the needs of young people and adults with additional support needs. Would we want such vulnerable groups to miss out because of the current economic circumstances? For example, we know that the bursary for an applicant with additional support needs could fund up to six other students. Colleges wrestle with such issues all the time, but we do not want the situation to be exacerbated by the current economic conditions. Therefore, I ask the cabinet secretary what assurances she can give us that vulnerable students will not miss out.

Similar questions of equity and fairness arise in child care provision, which was mentioned by many members, including Claire Baker, Mary Scanlon, Alison McInnes, Karen Whitefield and others. Both this year and last, all members will have dealt with cases of institutions simply running out of such funds. That is bad enough in any institution, but colleges specialise in attracting part-time students, mature students and lone parents, who are the very people who most rely on child care. We were all relieved when the Government announced funds to address last year's crisis, but we all agree not only that the situation must not arise again but that the distribution of child care funds should be monitored. Therefore, I was pleased to hear the cabinet secretary's announcement on that in her opening remarks.

Alongside child care, the broader issue of hardship dominates students' lives, although the Scottish Government so far appears to have had difficulty in recognising that. I urge the cabinet secretary to consider the fact that all the Opposition parties and Scotland's students have at least agreed the principles on which student hardship should be prioritised.

Fiona Hyslop: Does the member recognise that resources are already being put into student support, including £38 million for part-time students? Does he recognise that the additional availability of ILA 200 and ILA 500 means that far

more training places can be available for students who need financial support?

Ken Macintosh: I welcome extra funds for the education sector wherever they come from, but the difficulty with the Government's approach has been that it has focused on debt to the benefit of graduates rather than addressed student hardship more widely. We should prioritise the poorest students and consider addressing the issue of commercial debt. We should prioritise hardship so that we support students in their day-to-day experience.

I am conscious of the time, so let me turn to apprenticeships. Our colleges are central to the delivery of Mr Swinney's promise in last year's budget that the Government would provide an extra 7,800 apprenticeships. Again, I welcome the cabinet secretary's announcement on that in her opening remarks, but I ask the minister to confirm how many of those places have been identified and how many individuals have started their training so far. Given the concerns that members have raised about the number of new applicants generally, is she aware of any issues surrounding the capacity of colleges to cope with that expanded demand?

On a related issue, I am also aware that the colleges are already helping to support many second or later year apprentices who have been laid off because of the downturn. However, my impression is that such people find their way to colleges under their own devices and that hundreds more redundant apprentices are dropping out altogether. Is the cabinet secretary monitoring what is happening to the 1,100 or so apprentices who have been made redundant, and will she direct Skills Development Scotland to play a more active role in supporting those apprentices, rather than leave them to their own devices?

Several members, including Murdo Fraser, Mary Scanlon and Alison McInnes, mentioned the particular importance of rural colleges, and Karen Whitefield, in her glowing description of the bold, open and vibrant Motherwell College talked about the needs of Lanarkshire. My party and the Liberal Democrats have indicated our support for the Conservative amendment. In his winding up, will the minister address the specific funding concerns raised by my colleague David Stewart about the disproportionate number of unfunded places at UHI and the fact that, although further education attracts additional funding for rurality, that does not apply to HE?

I want to raise a topic that is close to my own heart: the proposed new East Renfrewshire college. Not only are plans for that much-needed resource well advanced; funding has been put in place by the funding council and the local authority. However—I hate to disturb the

consensus here—the project is under political threat from that auld enemy, the Tories. I am afraid that some leopards never change their spots. So far, the local Scottish National Party councillors have been very supportive, so I hope that we can count on the support of the cabinet secretary to ensure that the many school leavers, returners, the unemployed and those who wish to retrain and reskill in East Renfrewshire have the opportunity to do so.

Scotland needs as skilled a workforce as possible, but there is an added imperative to respond quickly to changing circumstances, to be flexible in provision, to address local needs and to provide opportunities to retrain. Coping with that demand is one of the strengths of the college sector. It is our duty in Government and Parliament to support it.

16:51

The Minister for Schools and Skills (Keith Brown): The Cabinet Secretary for Education and Lifelong Learning has clearly laid out the role that Scotland's colleges have in contributing to economic recovery. The Government has always been a strong supporter of our colleges. The contribution that they make to providing better opportunities for the people of Scotland becomes even more important during a recession. They help to provide—and will continue to do so—the skilled workforce that we need if we are to achieve the sustained economic growth that we all want in Scotland.

Our colleges continue to reposition themselves to address the new circumstances and challenges that have been brought by the recession, and to engage with students, employers and communities to develop the confidence and employability of our young people. As a result, we will see more confident individuals, stronger communities and competitive businesses that are able to tap into the full potential of their employees.

Some of the points that have been made are worth repeating. In January, the funding council allocated £7 million in 2008-09 and 2009-10 to support colleges' participation in our partnership action for continuing employment. With more choices, more chances, every young person has a choice of provision at every level for every style of learning everywhere in the country. Our 16-plus learning choices scheme offers a suitable place in learning well before the individual's school leaving date, at any transition point during the senior phase.

Over the period 2007-08 to 2010-11, this Government plans to invest £2.685 billion in the college sector—a 17 per cent increase on the previous Administration's investment. I say in

response to Jeremy Purvis's point that it is important to try to focus on the crucial figure, which is how much—what proportion of the budget—was spent on colleges under the respective Administrations. Under the previous Administration, it was around 2.3 per cent and under this Administration it is around 2.37 per cent. We have also accelerated capital spend—£8.5 million for colleges from 2010-11 into 2008-09 and 2009-10.

As a number of members said, we have brand new, purpose-built, world-class facilities, such as Anniesland College, South Lanarkshire College and Stevenson College—the cabinet secretary mentioned other colleges in her opening speech.

We have also heard a great deal of mention of the UK budget consequentials of £28.1 million that have been allocated to colleges to support young people and capital investment. That money was for the areas of greatest need—that was the guidance that was given by the cabinet secretary to the funding council, which was in charge of the final distribution.

The draft budget for 2010-11 includes a £45 million increase on 2009-10, which is more than 5 per cent above inflation.

I want to address some of the points that were made during the debate. As the cabinet secretary made clear, we acknowledge the point that was made by the Conservatives in particular that rural colleges have concerns. I met the college principal, whom Mary Scanlon described as “a first-class principal”—I certainly agree—of North Highland College in Thurso. Those concerns have not been ignored, but have been listened to. The guidance that was given to the funding council instructed it to focus on young people in the areas of greatest need. When speaking to the principal of Northern College and other principals in rural areas, I had the impression that their concerns are not limited to the funding allocation from this set of budget consequentials. They also feel that they sometimes suffer as result of their remoteness and size, which affect the extent to which the funding council hears their voices. The cabinet secretary and I have listened to those concerns and will take on board the points that are made in the Conservative amendment.

It is worth pointing out how well our young people did in the recent Worldskills International tournament in Calgary. We had our biggest-ever representation in the UK delegation, which achieved its highest-ever place in the tournament. The Scottish representatives accounted for two of the three gold medals that were won; had Scotland been accounted for separately, we would have had the top results in the world. That is a fantastic achievement by the young people who were over in Calgary.

I have spoken to many principals, both publicly and privately, who recognise the pressures that the recession creates, some of which have been mentioned by members. However, they also see in the recession an opportunity to place colleges up front and at the centre of public life in Scotland. As Kenny Gibson in particular pointed out, colleges believe that vocational education deserves parity of esteem with academic education. It does.

Margaret Smith referred to differences in child care funding between Scotland and England, where such funding is an entitlement. It is, but the system that we have was supported by the previous Administration. I am grateful to Margaret Smith for acknowledging the additional moneys that the cabinet secretary has managed to invest in the area.

David Stewart mentioned Dornoch, which I have visited, and the work that has been done there on the Scots diaspora. Also worthy of mention is the work that has been done on hospitality, for which a new facility is about to be created. The North Highland College has concentrated on front-of-house training for our hospitality industry, which is an area in which we were not so strong in the past.

David Stewart: I strongly support the points that the minister has made. Will he respond briefly to my question about the timescale within which he expects university title to be granted to UHI?

Keith Brown: I am coming to that. It is for UHI to decide on the precise timing of its application for university title. The institution wants to be sure that it can meet the Scottish criteria for university title. I assure David Stewart that Scottish Government officials are supporting that work and will continue to do so.

Jeremy Purvis made an important point about the loss of Skillfast-UK. In the response that I sent to Lord Mandelson in the UK Government, I made clear the importance and uniqueness of Scotland's textile sector. We have made the point that is critical that there is in the textile sector a strong employer voice in respect of skills. If Skillfast-UK is not performing effectively, strong alternative arrangements must be put in place to deliver that. SDS is involved and will engage with the sector over the coming weeks and months. I am scheduled to meet the member's colleague shortly to discuss the issues.

As the cabinet secretary commented, no one can fail to acknowledge the commitment that Scotland's colleges have shown in their response to the economic recession. At our request, and in response to the demands of the recession, they have reprioritised their learning provision to ensure that what they offer gives students the best possible chance of employment.

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

Keith Brown: The document to which the cabinet secretary referred, "Skills for a Successful Scotland", is testament to the work that colleges have done, and to their commitment to assisting both individuals and businesses in maximising their potential.

However, as a number of members have said, we cannot become complacent. We must continue to expect our colleges to deliver for our key sectors, for businesses across Scotland and for individuals who are affected by redundancy. The sector will need to continue to speak to employers locally and nationally to ensure that it is providing the skills that are required. Colleges will need to take account of the needs of individuals to ensure that they have the right skills to enhance their employability prospects. As a Government, we will continue to show our support for our colleges, as they play a central role in supporting our future economic success.

Point of Order

have oral and written parliamentary questions for that—indeed, it is their very purpose. It is certainly not the role of the Presiding Officers to do so.

16:59

Patrick Harvie (Glasgow) (Green): On a point of order, Presiding Officer, I seek your guidance on a matter of parliamentary procedure that may become relevant later in the year. Today, Aberdeenshire Council refused to rule out the possibility that compulsory purchase order powers may be used against residents, leaving open the possibility that residents may lose their homes for the sake of a golf resort that is being promoted by the allegedly respectable Mr Donald Trump.

If residents cannot find protection in such matters from their council, then Scottish ministers will, once again, be drawn into the issue, despite having expressed repeated support for the developer. I ask for your guidance, Presiding Officer, on the means by which Parliament can hold ministers to account for their role in this matter.

The Local Government and Communities Committee had cause to examine the Government's role in the Trump development. By majority, it levelled serious criticisms against the First Minister for directly facilitating a meeting between Trump representatives and the Scottish Government chief planner. The issue has national importance in terms of the operation of the planning system, which has already been brought into disrepute for the convenience of the Trump Organization.

Normally, people expect their local council to stand up for their rights. If that protection is not offered, they seek support from their local member of the Scottish Parliament. In this case, the local MSP is the First Minister—the man whose Government will approve or block the use of CPO powers, who has expressed support for the developer and who would be asked to judge any breach of the ministerial code—

The Presiding Officer (Alex Fergusson): I am keen to hear a point of order, Mr Harvie.

Patrick Harvie: My point of order is to ask for guidance, Presiding Officer. Is it the case that members of the Scottish Parliament—yourself included—can exercise no power in relation to ministerial decisions of this kind, should they arise? Will we be limited to publishing critical reports once the bulldozers have rolled through the homes of those whose democratic representatives have stood up for Mr Trump and not their citizens?

The Presiding Officer: You are asking about the procedure of holding ministers to account, Mr Harvie. The procedures are clearly laid out. We

Decision Time

17:02

The Presiding Officer (Alex Fergusson):

There are five questions to be put as a result of today's business. The first question is, that motion S3M-4940, in the name of Duncan McNeil, on the Local Government and Communities Committee's report, "Equal Pay in Local Government", be agreed to.

Motion agreed to,

That the Parliament notes the conclusions and recommendations contained in the Local Government and Communities Committee's 12th Report 2009 (Session 3): *Equal Pay in Local Government* (SP Paper 292).

The Presiding Officer: The second question is, that amendment S3M-4956.2, in the name of Claire Baker, which seeks to amend motion S3M-4956, in the name of Fiona Hyslop, on the role of colleges in the economic recovery, be agreed to.

Amendment agreed to.

The Presiding Officer: The third question is, that amendment S3M-4956.1, in the name of Murdo Fraser, which also seeks to amend motion S3M-4956, in the name of Fiona Hyslop, on the role of colleges in the economic recovery, be agreed to.

Amendment agreed to.

The Presiding Officer: The fourth question is, that amendment S3M-4956.3, in the name of Margaret Smith, which also seeks to amend motion S3M-4956, in the name of Fiona Hyslop, on the role of colleges in the economic recovery, be agreed to.

Amendment agreed to.

The Presiding Officer: The fifth question is, that motion S3M-4956, as amended, in the name of Fiona Hyslop, on the role of colleges in the economic recovery, be agreed to.

Motion, as amended, agreed to,

That the Parliament recognises that Scotland's colleges are central to the Scottish Government's plans for tackling the recession and preparing for economic recovery; agrees that through the provision of flexible, locally relevant skills and training they are helping individuals and employers build for recovery; welcomes the fact that, as a result and working in partnership with other agencies, colleges are helping the communities that they serve to adapt to changed economic circumstances; notes the particular support that colleges provide to young people, and notes the continued financial support that the sector receives from the Scottish Government; notes the contribution that colleges are making in further developing links with industry that can help deliver the 7,800 apprenticeships promised in the 2009-10 budget; recognises the concerns that exist regarding the ability of colleges to fully accommodate the increase in applicants, including the 2009 Christmas school

leavers, and to cope with pressures on childcare and hardship funds, and calls on the Cabinet Secretary for Education and Lifelong Learning to report to the Parliament on how she intends to address these concerns; urges the Scottish Government to encourage the Scottish Further and Higher Education Funding Council, in allocating funds to the sector, to recognise the particular needs of colleges in rural areas and calls on the Scottish Government to review the current system of discretionary childcare funding, to work closely with the Scottish Further and Higher Education Funding Council to develop articulation routes between further and higher education, helping to address problems that students face during transition and enhancing and developing links between the sectors, and, in recognising the valuable role of Scotland's colleges in skills development, to bring the revised skills strategy before the Parliament to allow detailed debate of its recommendations."

World Pipe Band Championships

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-4701, in the name of Stuart McMillan, on the world pipe band championships. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates Simon Fraser University of Vancouver, Canada on winning the World Pipe Band Championships; notes the success of the event, held at Glasgow Green, which attracted over 40,000 spectators and bands from 16 countries; further notes that Strathclyde Police Pipe Band was the highest-placed Scottish band, finishing an excellent fourth overall out of over 200 bands, and considers that its future success will be jeopardised if planned cuts to Strathclyde Police Pipe Band are implemented.

17:04

Stuart McMillan (West of Scotland) (SNP): I thank all members from the Scottish National Party and the Conservative and Labour parties who supported the motion and therefore allowed me to bring this members' business debate to the chamber. It is a bit disappointing that no Liberal Democrat member felt the need to back an element of Scottish cultural heritage. Indeed, no Liberal Democrat member is in the chamber for the debate. Unfortunately, we will not hear what the Liberal Democrats think of Scottish culture.

The motion congratulates the pipe band of Simon Fraser University in Canada on winning this year's world pipe band championships. To win the top prize in any competition requires hard work and dedication. I am a piper, so I appreciate the band's achievements. It is good that a pipe band from another country can win the world championships, because that demonstrates the internationalism of piping, but I look forward to the title returning home in the near future.

The motion also mentions the Strathclyde Police pipe band and considers its future. I have the utmost respect and admiration for the pipers and drummers of the pipe band and for the band's history.

I stress that I fully support the hierarchy of Strathclyde Police and the force's initiative to get more officers on the streets and away from their desks. It is imperative that as many police officers as possible are on the streets and that the increased police presence should be visible to the public. Constituents have told me that they have noticed a higher police presence on the streets. I wanted to get that on the record.

The Strathclyde Police pipe band formed in 1883 as the burgh of Govan pipe band. It became

the city of Glasgow pipe band in 1912 and then Strathclyde Police pipe band in 1975, after reorganisation. As the Strathclyde Police pipe band, the band has won 12 world championship titles—most recently in 1991—including six in a row from 1981 to 1986. When I was growing up and learning the chanter and the pipes, I remember that every year the question was who would come second in the championships, because the Strathclyde Police pipe band was so good and always won.

This summer, the band finished in fourth place at the world pipe band championships. Indeed, it finished in fourth place in all five majors: the Scottish pipe band championships, the British pipe band championships, the European pipe band championships, the Cowal pipe band championships at the Highland gathering and the world pipe band championships. After all the championships, the band was ranked as the fourth best band in the world—I repeat, the fourth best band in the world. That is a marvellous achievement by anyone's standards, but the band is also ranked as the best Scottish and British band. As members will easily understand, we are talking about a group of individuals who perform and compete on the world stage at the highest level.

The band's results in 2008 were slightly lower than its results this year and its achievements this year have been all the more remarkable given the internal pressures that have been placed on it as a result of reorganisation within the force. The band is based in A division in Glasgow. Band members are on different shifts, which means that they have less time to practise together. Numerous grievance procedures have been lodged against the divisional commander—of course I will not comment on those. The band has been forced to scale back its community activities and allegations have been levelled at it, such as that its members spend too much time practising together and not enough time out on the streets doing police work. As members can imagine, that has not been a barrel of laughs for the players in this world-class band. Their achievements this year are therefore even more admirable and astonishing.

I do not have time to go into much detail on all the points that I have mentioned, but I will delve into a couple of them. Of the 40 band members, only 13—less than a third—are serving police officers, so it is disingenuous of opponents of the band to claim that all 40 members should spend more time on the streets. Of the 13 serving police officers, three played in their own time 100 per cent of the time; the other 10 played when their police duties allowed. The serving officers operate at a ratio of 86 per cent of time spent on the street to 14 per cent spent on piping activities.

The pipe band is more than just its title. Its members are musical and cultural ambassadors. They have a community policing role when they are out on the streets. They also act as a recruiting tool. I have been informed that the band's existence has been the deciding factor for people who were considering which police force to join. There can be a greater return for Strathclyde Police on investment in the band than some people perceive to be the case.

Members might have noticed that there are very few people in the public gallery. I have been told that some band members wanted to come to hear the debate but were fearful that there would be recriminations if they supported the motion. I have spoken off the record to a number of police officers, and almost to an officer they wholeheartedly support the band and realise what it contributes.

Why is the future of a Scottish institution being threatened in the year of homecoming? How embarrassing is that for the police and for Scotland? What does it say to the rest of the world about how public bodies value Scottish culture and identity? The band can be compared to Chelsea Football Club. Chelsea is not the best club in the world—neither is Strathclyde Police—but it is not far from it. Nobody in their right mind would disband Chelsea, so why disband the Strathclyde Police pipe band? I have said that to a few people and they accept the point.

Papers released for this week's Strathclyde police authority meeting highlight the costs of the band. I have information to dispute some of the figures in those papers. It is stated that the band earned £5,000 last year, but I have been told that it earned £23,000. There is no denying that costs for the band have decreased dramatically. It is not possible to run any pipe band on a just-in-time inventory system—that is not feasible at all—so the senior management should just accept the point.

The College of Piping ran a campaign earlier this year and handed a petition with more than 3,000 signatures to the chief constable. The piping world is watching. I have written to Chief Constable House on a number of occasions asking to meet him to explain the importance of the resource that he has at his disposal. Unfortunately, to date, he has rejected every request. I make the offer once again.

I fully understand that the minister will say that he cannot intervene because the issue concerns operational matters. I respect that position and cannot disagree with it, but I hope that he will undertake to raise the matter with the chief constable from a cultural perspective, so that the Scottish Government is not embarrassed by the actions of a public body.

I look forward to hearing other members' speeches and the minister's response.

17:12

Jamie McGrigor (Highlands and Islands)
(Con): I congratulate Stuart McMillan on securing the debate on a motion that I was pleased to sign when he lodged it in August.

I, too, congratulate the Simon Fraser University pipe band from Vancouver on winning this year's world pipe band championships and the Strathclyde Police pipe band on being the highest-placed home band. I pay tribute to the organisers of that major event, which has become an important part of our tourism events in Scotland and injects a significant amount of money into Glasgow and the wider Scottish economy.

I hope that my Scottish Register of Tartans Bill ensured that Scotland is regarded as the centre of tartan. As we have heard, piping is also an intrinsic and emotive part of Scotland's heritage. It is right that we host the world championships and do all that we can to encourage piping here and abroad.

There are a number of first-class pipe bands in my region, including Kirkwall City pipe band, Thurso pipe band, Wick pipe band, Mull and Iona pipe band, Campbeltown pipe band and, of course, the Oban pipe band, which is led by Angus MacColl, who is himself a world champion.

In 2007, I lodged a motion—not dissimilar to Stuart McMillan's—that commended the success of the Inveraray and District pipe band from my native Argyll and Bute. Despite being reformed only in 2005 after a break of 70 years, the band has achieved amazing success under the leadership of renowned soloist piper and pipe major Stuart Liddell—whose grandfather was the famous Ronnie McCallum, the piper to the Argylls—and the excellent band manager, who is also the bank manager, Jim McMillan.

I cannot praise enough Stuart Liddell, Jim McMillan, Robert Stewart, Dougie Campbell, Steve McWhirter, Kate Paton and all the other organisers and members of the band. Within two years, competing at novice juvenile level, the band had won four major championships and become world champion and champions of champions. In 2008, competing at juvenile grade, it repeated that outstanding success. This season, the band, which is currently competing at grade 2, has won all five major championships: the Scottish championships at Dumbarton, the British championships at Banbridge, the European championships at Greenock, the Cowal championships at Dunoon and the world championships in Glasgow. The overall winner of

those world championships is commended in the motion that we are debating.

Inveraray and District pipe band has religiously backed the Strathclyde Police pipe band in everything it has done—and I think everybody else should, too. I wish Inveraray pipe band every success at grade 1—it will be at that level next year—and I am sure that it will once again reap a large harvest of competition successes. It is good to know that the junior pipe band is following in its footsteps: the junior band also did well, at the first attempt, in the European and world championships this year. It is run by Robert Stewart, who I have already mentioned.

Robert Stewart, Stuart Liddell and others give piping and drumming lessons in Inveraray primary school. The students are asked to contribute £2.50 per session, which is hardly a large amount for half an hour's one-to-one teaching by top pipers and drummers. The money goes towards equipment and clothing. The results of that tuition have been quite stupendous. I ask the minister to study Inveraray's example and to contemplate what might happen if there were such regular teaching of piping and drumming at more schools.

The success of Inveraray and District pipe band has given a huge lift to the area. The band was cheered all the way through the streets of Inveraray; it gives people pride and a sense of elation—especially at this time of credit crunch and financial doldrums. The effect of success on the youngsters at other local primary schools such as Dalmally has been that they have thrown away their Game Boys to take up the pipes and drums so that they, too, will be able to march with pride and discipline and play the rousing music that is so much a tradition of the Highlands, and indeed all Scotland.

Incidentally, Inveraray won shinty's Macaulay cup, so it has been a very good year for them.

The motion refers to

“planned cuts to Strathclyde Police Pipe Band”.

I recognise the strongly felt concerns of members and supporters of that band. We all recognise the pressure on police board expenditure, but I hope that the leadership of Strathclyde Police will take note of what is said in the chamber today and do all in its power to ensure that the excellence that has been built up in one of the oldest and most prestigious pipe bands in the world is preserved for future generations.

17:17

Elaine Smith (Coatbridge and Chryston) (Lab): I, too, congratulate Stuart McMillan on securing the debate—and for playing the pipes. I admit that I am not a piper myself, but I have a

personal interest in the debate, as both my husband and my son play.

There is a great deal of uncertainty about the origin of the bagpipes. I have looked into it, and it seems that they have existed in one form or another for as long as records have existed. In Scotland, they are thought to date back to about 100 AD. Over the centuries, they have inspired Scottish warriors and terrified their enemies.

After Culloden, the pipes were outlawed and much of the music was lost, because the tunes were not written down. The ban was lifted in the 1800s. Although they are not unique to Scotland, bagpipes are now synonymous with our country and our culture. The Scottish bagpipes are unique, however, in having three drones and for being used for military music by Scottish regiments.

As Stuart McMillan outlined, the pipes are popular among people in occupations such as the police. As he said, Strathclyde Police's band is world renowned, and came fourth in the world championships in Glasgow this year. It has won on previous occasions. Stuart McMillan made an excellent case for supporting the band, so I take this opportunity to join him in his call for a rethink of the planned cuts. We can all understand how the pipe band seems like an easy place to make budget savings but, as Stuart did, I argue that what the band offers in publicity, profile and heritage—not only for Strathclyde Police but for all the Scottish forces—far outweighs the small cost.

I, too, lodged a motion about the world championships, and I attended the event at Glasgow green. I congratulate all the bands that participated in that excellent event. The lord provost, Bob Winter, remarked that Glasgow was proud to be hosting the event once again, and that it has become a cultural highlight of the council's calendar. It was particularly significant this year, as Glasgow became a UNESCO city of music—under the United Nations Educational, Scientific and Cultural Organization—and the championships were tied in with that. I have one small suggestion about the venue of Glasgow Green, which is that more random seating placed throughout the park would improve the experience for some visitors.

The highlight of my day was cheering for North Lanarkshire schools pipe band which, just five years after its formation, finished second in the novice juvenile section of the world championships. That talented group of young high school musicians faced off competition from 22 other bands across two heats, and were just pipped at the post by George Watson's College. I have to admit that my son Vann is a piper in the band, but he was not quite at competition level on the day of the world championships, so he was not in the competition. However, he did play in the

final Highland games of the season at Pitlochry, where the North Lanarkshire schools pipe band came first.

I come back to a point that Jamie McGrigor made about school bands. The North Lanarkshire schools pipe band was formed in partnership with the world-renowned House of Edgar Shotts and Dykehead pipe band and its pipe major, Robert Mathieson. The band rehearses on Wednesdays and Fridays at Coatbridge high school. Band members wear their own Spirit of North Lanarkshire tartan and they get personal tuition bi-weekly from Pipe Major Ross Cowan and support from the head of instrumental teaching, Jim Park. Councillor Jim McCabe, who is the leader of North Lanarkshire Council, also takes a personal interest in the band. He is proud of their achievements and was responsible for the establishment of the band. He ensures that funding is available for the kind of tutoring that Jamie McGrigor mentioned.

However, my son and other young people in Monklands might not have developed an interest in piping in the first place if it were not for the Airdrie Bagpipe Learning Centre in my colleague Karen Whitefield's constituency. It was set up by Pipe Major Jim Maitland, who is in his late 70s and teaches the pipes for no personal monetary gain but for the love of piping. Unfortunately, it has proved to be impossible to access any assistance to support the learning centre. Funding for it would help to buy much-needed equipment for youngsters who do not have the resources to buy it.

I want to use the debate not only to support Stuart McMillan's position on Strathclyde Police pipe band, which is at the top level of piping, but to make a plea for supporting investment in grass-roots piping organisations such as Airdrie Bagpipe Learning Centre, because they feed in to the upper echelons. These volunteer organisations help youngsters in working-class areas, such as my constituency, to gain a love of the pipes from an early age, and give older learners a similar opportunity. I commend those organisations: they should be supported. I again congratulate Stuart McMillan on securing the debate and I hope that it makes a difference to the future success of Strathclyde Police pipe band.

17:22

Anne McLaughlin (Glasgow) (SNP): I, too, congratulate Stuart McMillan on securing this members' business debate. On my way back from Aileen Campbell's wedding in the summer, I visited Stirling Castle, where I got chatting to some Canadian tourists—a father and son. The father told me that the son had just won the world pipe band championships. It turns out that he was a piper with the Simon Fraser University pipe band

of Vancouver. I congratulated him and remember telling him that I knew how good the band must be to have beaten Strathclyde Police pipe band, which had come fourth. I knew that because only a couple of months before I had been lucky enough, along with Stuart McMillan and the minister, to hear the Strathclyde Police pipe band play live at a reception in the wonderful College of Piping in Glasgow. I did not realise, as I chatted to the Canadian tourists, that a couple of months later I would be discussing both bands in a debate in Parliament.

As all the previous speakers have said, the bagpipes are a wonderful advert for Scotland. They are so distinctively Scottish and yet, as we have heard, they are played all over the world. To curtail the activities of the world-renowned Strathclyde Police pipe band will do nothing to continue to promote that positive image; worse than that, preventing one of the most popular pipe bands from entering the country, never mind the championships, as the UK Border Agency did this summer, is positively detrimental to it.

The Pakistani pipe band, also known as the Patiala pipe band, has been performing in the championships for the past four years. The championships are a truly global event with pipe bands from Canada, Australia, America and many other countries competing. The Pakistani pipe band brought its own unique flavour to the competition as the only Indian subcontinent pipe band that was involved. In previous years, the band has won many trophies and awards during the championships—often as much for the vibrant and distinctive dress of its members as for its performances. Anyone who attends the championships can see that these guys are often the centre of attention; children and adults from all backgrounds queue up to have their photograph taken with the pipe band from Pakistan.

The inclusion of the Patiala pipe band is a great advert for multicultural Scotland and goes a long way in showing that we truly are one nation, many cultures. The band's presence also provides a great morale boost to the local Pakistani community, who put on dinners and events to honour its participation in the championships. In fact, the last time the band came to Scotland, our very dear friend the late Bashir Ahmad MSP hosted them in Parliament.

Glasgow has a proud link with Pakistan, as many people will know—the city is twinned with Lahore. That arrangement has been beneficial for both cities. Exchanges have taken place in the medical field, in academia and in trade and business. All that has been jeopardised by an inexplicable move by the UK Border Agency, which has still to provide an adequate explanation for why the Pakistani pipe band was refused entry

this year, given that it had competed in the previous four championships.

The issue is not one that provides an opportunity to score party-political points. Many members will know that it was a Labour councillor in Glasgow, Hanzala Malik, who like me was one of the first to express disgust at the UKBA's decision. It is worth noting that not just the pipe band but more than 30 members of Lahore Chamber of Commerce were refused entry. As the First Minister highlighted yesterday, serious discussions must be held with the UKBA about its approach to entry to Scotland—our country. There have been far too many cases in which the potential has existed for Scotland's interests to be damaged as a result of inexplicable decisions by the UKBA.

I have three hopes for next year's championships. First, I hope that we will be able to welcome the return of the Patiala pipe band from Pakistan. Secondly, I hope that the Simon Fraser University pipe band does very well next year, although perhaps not quite as well as it did this year. My final hope is that the wonderful Strathclyde Police pipe band—I encourage anyone who has not heard it play to do so, because it is incredible—is given the support that it needs to ensure that it continues to be a first-class ambassador for Glasgow, for Strathclyde, for Strathclyde Police and for Scotland, and that that support enables it to take its place where it belongs, not just as the top-rated Scottish band, but as world champion.

17:26

The Minister for Culture, External Affairs and the Constitution (Michael Russell): I congratulate Stuart McMillan on bringing the debate to Parliament. I congratulate, too, the previous speakers, who have brought their keenness for piping to the fore. It is regrettable that no Lib Dem representative is present—I find it surprising that a group of people who are fond of blowing their own trumpet have not chosen to talk about piping—but it has been a good and useful debate.

I had the great pleasure to attend the world pipe band championships in August. I had a thoroughly enjoyable day. As Elaine Smith has indicated, Glasgow green is a wonderful location. To her suggestion that more seating should be provided, I would add a request for drier underfoot conditions—although the conditions were not the fault of Glasgow City Council. Bob Winter, the lord provost, played a pivotal role in making the championships successful, and I pay tribute to him for that. He and I have had some unusual musical experiences together. We enjoyed the pipe band event together and last night we were at the MOBO awards, which I will simply say were very

different indeed from the pipe band championships.

The world pipe band championships are truly international. I echo the points that Anne McLaughlin made about the pipe band from Pakistan. It was immensely regrettable that the UK Border Agency acted in the way that it did. Along with Councillor Malik, I was active in trying to have its decision reversed. Even though the diversity of the event was diminished as a result, diversity was nonetheless in evidence, and not just because the Simon Fraser University pipe band won. The president of the organisation is from Northern Ireland, and the chair is a Scot who lives in England and has been active there. At every level—we are not talking simply about the top level of pipe bands, although that is clearly what the world championships are about—the pipe bands come from a wide range of places.

The championships are truly an international event; they are also truly a community event. Elaine Smith's point about the community nature of piping and the need to invest in local organisations is well taken. Jamie McGrigor quite rightly drew attention to the successes in Inverary, which has reinvented a strong pipe band tradition and made it work; it is now all pervading, particularly in the schools.

It is impossible to take away from Simon Fraser University its wonderful success. For its pipe band to win the grade 1 competition again is truly remarkable. I have had the pleasure of visiting the university. It is a fine educational institution that is passionately pro-Scottish. The fact that its pipe band has taken the trophy back to Canada simply proves the point. However, I agree that if we are to find a Scottish band that is capable of taking the grade 1 championship, we must look to Strathclyde Police pipe band, which I will discuss in a moment.

To repatriate the issue from internationalism to Scotland, piping is an important part of our national identity. It is central to who we are and is embedded in our culture. On the weekend of the world championships, there were around 40,000 spectators in Glasgow, which is a massive number. The worldwide audience was made up not just of those who were able to travel because, for the first time, the championships were streamed on the web, where they attracted an enormous audience in Scotland and elsewhere.

The Government believes that Scotland's traditional arts require and deserve investment. The traditional arts working group, which has been examining ways to support all areas of traditional arts and culture, will soon bring its recommendations to me. The outcome of its deliberations will contribute to the work that is being undertaken to take forward the creative

Scotland idea. Piping and many other traditional arts will be among the concerns of creative Scotland.

I move from the generality to the particular issue that Stuart McMillan has raised. Strathclyde Police pipe band is one of the most lauded pipe bands in our national history. As he said, it finished fourth in the world championships and it has consistently produced world-beating performances. It won the world championships every year from 1981 to 1986.

As Anne McLaughlin pointed out, I was fortunate to meet members of Strathclyde Police pipe band and to be treated to a performance by them during a visit to the College of Piping in Glasgow earlier this year. I was struck not only by the quality of the playing, which was first class, but by the great camaraderie among the band's members.

Jamie McGrigor: The minister talks a great deal about pipers and piping, but does he agree that the drummers, including the snare drummers, are an important element of such bands and that they should not be forgotten?

Michael Russell: I plead guilty to not mentioning drumming or snare drumming, which are a vital part of pipe bands. I am sure that when Mr McGrigor hits his drum, everybody listens.

I want to make a point about the family of piping. The camaraderie in Strathclyde Police pipe band reflects the feeling in the whole piping community that everybody is in it together.

I make a personal plea. Tomorrow night, a concert is being held at the College of Piping. The concert has been organised by a distant relative of my wife, Alina Simpson, who has started a campaign to bring back the remains of John Archie MacAskill, who was a significant piper during the first world war. He emigrated to Perth, Australia, and fell on hard times. The campaign is well worth supporting for two reasons. It commemorates a great piper in a family of great pipers. Dr John MacAskill, who was a world-beating piper, played at my wedding. His photograph is in the College of Piping—a room is named after him. The campaign celebrates a great family of pipers, but it also proves the point about the family of pipers. Pipers feel strongly that such a great piper should be honoured and that his remains should return to Scotland. I commend the concert to members. If any member wishes to attend it, pay for a ticket and make a contribution, they will have my personal thanks as well as the thanks of those who are organising it. I know that members of Strathclyde Police pipe band will be there. Members of that band have proved themselves to be important members of the family of pipers and important exemplars for piping.

As Stuart McMillan said, I am in no position to interfere operationally with the work of Strathclyde Police, and I will not do so. However, I have been in touch with Strathclyde Police, as Mr McMillan raised the matter with me some time ago, and I have its assurance that the pipe band will not be disbanded. It will continue to be supported by the chief constable and the wider police service. I accept that operational matters always come first, and it is clear that members of Strathclyde Police pipe band are police officers. As serving police officers, their job is to contribute to and proactively develop policing services. However, that has always been the case. I believe that diminishing the band and its ability would diminish the whole of Scottish culture and the whole of piping.

I know that I have run out of time because the Presiding Officer is leaning forward. You are right to bring my speech to an end. I commend Mr McMillan, members who have spoken in the debate and Strathclyde Police pipe band. I look for that band to continue, to grow, and to win the world championships again. We will then have another debate in which we will celebrate that win.

Meeting closed at 17:34.

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 8 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.