

MEETING OF THE PARLIAMENT

Thursday 19 November 2009

Session 3

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Scottish Parliament

Thursday 19 November 2009

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

Business Motion

The Presiding Officer (Alex Fergusson): Good morning. The first item of business is consideration of business motion S3M-5321, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Schools (Consultation) (Scotland) Bill.

Motion moved,

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

Group 1: 35 minutes.—[*David McLetchie.*]

The Presiding Officer: Superbly moved, Mr McLetchie.

Motion agreed to.

Clostridium Difficile

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-5221, in the name of Jackie Baillie, on tackling *Clostridium difficile*.

We have a little time in hand in this debate. Jackie Baillie, you have around 13 minutes in which to speak to and move the motion.

09:16

Jackie Baillie (Dumbarton) (Lab): I need no further invitation to speak at length, Presiding Officer.

I believe that hospital-acquired infections are the greatest challenge that faces our health service. We in this chamber have a duty to meet that challenge head-on so that the people whom we represent in all parts of Scotland can feel confident that, when they enter their local hospital for treatment, they will be treated in safe and clean conditions. Our natural expectation is that we go into hospital to get better, not to be made more ill.

I recognise that some progress has been made and that the overall number of cases is reducing, but that improvement is not reflected equally across Scotland. Persistent problems remain in some hospitals in various parts of the country.

I pay tribute to the staff for all their efforts in trying to drive down infection rates. Often, they are working in difficult conditions, without the right resources to do their jobs. Many places are understaffed and ill-equipped. Staff are faced with a plethora of initiatives, different sets of guidance and no clarity about priorities. They clearly need our support and our help in the fight against C diff, but they also need clear leadership.

I recognise that C diff will always be with us. Experts tell me that it cannot be eradicated but, more important, they also tell me that deaths are preventable. That is the nub of the matter. The real challenge for us all is how we can minimise the number of people who die as a result of C diff and, ultimately, prevent anyone from dying from it.

I pay tribute, too, to the C Diff Justice Group. From a small number of families who were affected by the outbreak at the Vale of Leven hospital and came together to share their grief, the group has grown in numbers and in determination. Its members have pursued the Government relentlessly, demanding action and fighting hard to secure a public inquiry. Their purpose is simple and clear: no other family should have to go through what they have been through.

Since the outbreak at the Vale of Leven, however, we have witnessed outbreaks in Balfour

hospital in Kirkwall; Caithness general hospital in Wick; Dr Gray's hospital in Elgin; Woodend hospital; Aberdeen royal infirmary, which had the highest number of cases, with around 438 people infected in a year; and Ninewells in Dundee. Our thoughts are, of course, with the families who have suffered the loss of a loved one to C diff. However, I suspect that, like the families from the Vale of Leven, they would much rather have action than warm words.

Brian Adam (Aberdeen North) (SNP): The member said that there were more than 400 cases at Aberdeen royal infirmary. I hope that she is not trying to imply that all those cases were acquired in the hospital, because many of the cases occurred in the community. The fact that more than 400 people with the infection have been identified does not mean that they acquired that infection in the hospital.

Jackie Baillie: I agree that there is a problem in the community as well, but it is regrettable that one action that we have previously talked about in this chamber and which would do something about that problem—monitoring what goes on in care homes—has yet to be properly taken. I hope that Brian Adam will support the extension of rigorous inspection to care homes.

Last week, we learned that five of the eight patients who contracted C diff in ward 31 at Ninewells hospital had died. On 14, 17 and 18 October, three patients were confirmed as having C diff. On 19 October, an outbreak was declared, and the cabinet secretary was told on 21 October. It emerged that Health Protection Scotland visited the hospital on 29 October—15 days after the first case was identified. On 11 November—a full 28 days after the first case—the new health care environment inspectorate went in. That is, frankly, extraordinary. I do not think that the scale of the problem has quite been grasped.

Last week, the cabinet secretary told us that we should not make comparisons with the Vale of Leven. The outbreak there affected 55 people, 18 people died, and it occurred over a six-month period across six wards. The mortality rate—the worst in the United Kingdom at the time—was 33 per cent. At Ninewells, the mortality rate is 62 per cent and the infection appears to be concentrated in one ward, yet it is 15 days before Health Protection Scotland shows up and 28 days before the new inspectorate pitches up.

Did it not occur to anyone that the staff at Ninewells could have done with some support, advice and guidance on what needed to be done? It is shocking to discover that our procedures for dealing with food poisoning outbreaks are more robust than those for tackling C diff, which we know is more deadly and has claimed more lives.

Professor Hugh Pennington said:

“current policy leaves the failing hospital to investigate itself at the most important time in an outbreak—its early stages, when prompt action is most likely to nip it in the bud.

In regulatory terms, the contrast with the action that is taken in response to a food-poisoning outbreak is stark. Such outbreaks are caused by microbes that have mortality rates much less than C.difficile ... But as soon as they are declared they are investigated by independent outbreak control teams with speedy action as their hallmark. The inspectors dig deep at once. They have powers to close premises, which they use. They prosecute. On the other hand, for the NHS in Scotland just now, it is like a supermarket with a food-poisoning outbreak being left to investigate itself and handle its own media inquiries, only being inspected weeks later.”

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I am sure that Jackie Baillie does not want to give a misleading impression. However, will she accept that she is giving the impression that, when the outbreak was declared at Ninewells, nothing happened for several days? Will she state her acceptance of the fact that, as soon as the outbreak at Ninewells hospital was declared, the ward was closed, the outbreak control team was established and the outbreak was being actively managed by the staff?

Jackie Baillie: The cabinet secretary knows very well that I am not suggesting that at all; I am suggesting that the Scottish Government must act. We need earlier intervention. The inspection team must be in right away, not 28 days later. It must have the powers to close wards, tackle the problems and ensure the safety of patients. That would be a sensible measure that recognises the seriousness of the problem, yet the cabinet secretary resists it. Families will be left wondering why.

I will now deal with the information that is provided to patients, relatives and the public. I strongly believe that the public have a right to know what is happening in their hospitals and will be our partners in tackling C diff.

I invite members to consider the commitment that was made by the cabinet secretary some time ago, and which was repeated in a press release in January this year, to establish hospital-by-hospital reporting on a web portal that the general public could access. How many members have looked at that portal? It takes the form of a web page, tucked away on the Scottish Government website, that provides links to non-standardised, complex information that is, incidentally, two months in arrears. That is nowhere near good enough to allow people access to information. Some health boards do not provide information about individual hospitals, and others do not provide any information at all. The recent report by NHS Tayside, which was considered by the board on 5

November, says nothing about the outbreak because it is out of date. We need a single website, updated in real time, showing the performance of every hospital across Scotland.

We also need to issue guidance to national health service boards about when and how they should report outbreaks. I regret that it was three weeks before NHS Tayside reported the outbreak publicly and that only then did the cabinet secretary make a statement to the Parliament. I also deeply regret that her statement was misleading. I do not believe for a minute that that was her intention, but that was the outcome.

Let me back up that charge. Members will recall the cabinet secretary making it clear that the patients and relatives were kept fully informed at all times. I have been contacted by a family that lost a loved one in the recent outbreak at Ninewells. I have their permission to describe their experience, and I will quote from their letter:

"Never at anytime were we aware or had we been told that it was the virulent 027 strain. This information we have distressingly had to read in our local newspapers therefore the quote in today's Evening Telegraph that 'families were kept informed at all times' is utter rubbish! We (the family) were extremely upset by the lack of continuity between staff with their hygiene. So this confession of an outbreak of C Diff in Ward 31, Ninewells Hospital to the press and television comes as no surprise although very distressing."

The cabinet secretary told members in the chamber that patients and relatives were kept fully informed at all times. I am sure that she will want to reflect on what NHS Tayside told her, because the clear view of that family is that that was not the case.

Here are some of the family's other concerns:

"The smell from the bin, which was full of soiled pads, was absolutely disgusting and I asked a Senior member of staff if it could be emptied ... her reply 'use the airfreshner spray, that's what it's for!'"

Joe FitzPatrick (Dundee West) (SNP): The member might reflect that that kind of line of argument is seen by staff in our NHS and in particular in the hospital concerned as a direct attack on their professionalism. [*Interruption.*]

The Presiding Officer: Order.

Jackie Baillie: I think that it is appropriate to reflect the very real concerns of patients. I said at the start that I think that our NHS staff do a tremendous job, but I also think that they need to be resourced and properly equipped and that they should not be understaffed.

The family's letter continued:

"Staff would come in to the room at night no apron, no gloves and remove the water jug and glass that was used throughout the day then again move on to another patients room. The oxygen mask, blanket and pillow were lying on the floor at visiting time. At this point we had been told that

the infection was now airborne the nurse picked up the mask, pillow and blanket and put the mask back on her face and the pillow and blanket that had been on the floor back onto the bed! When I arrived she was sitting in her chair by the sink in the room. There was faeces on the floor, in the sink, on mum's nightie and all over her slippers."

The most basic lessons from the Vale of Leven hospital have not been learned at Ninewells, and that family's experience is heartbreaking.

Let me turn to another patient at Ninewells, this time from another ward a few months earlier. The patient had been discharged from hospital while she was still feeling unwell. Here is what she had to say:

"On arriving home I received a call from ward 14 to inform me that a stool sample had tested positive for C Diff. No information was provided by Ninewells on how to manage the infection. To be quite frank and honest I had no idea exactly what c-diff was or how to manage it. My mother who is registered disabled and has previously had 2 strokes and 2 heart attacks took over my care as I was so unwell. As you can appreciate I was extremely concerned throughout for her health and wellbeing and the thought that I could pass the infection on to her."

That lady was not readmitted to hospital or advised what to do. She was left to manage herself with the help of her aged mother and her local general practitioner, whom she had the presence of mind to contact. She has been ill for three months now.

The lady was also not on ward 31. Clearly, other wards at Ninewells were affected over a relatively similar time. Did the look-back consider those, or did it just consider ward 31? What was the trigger-point in that other ward? Would that lady have even been counted in the statistics, given that she was already at home? Is that the kind of experience that patients should expect?

I say to the cabinet secretary that, frankly, this is not good enough. We need the Scottish Government to be more ambitious in tackling C diff. Let me encourage the cabinet secretary to look again at Labour's 15-point action plan. The Government claims to have accepted five points, but that is stretching credibility. I can identify only three points, and one is so grudging that it only qualifies as a half. We suggested more robust inspections, and we do so again today. We suggested hospital-by-hospital reporting, as we do again today. We suggested a more ambitious health improvement, efficiency, access and treatment target, as we do again today. The current HEAT target is to achieve a reduction of C diff in Scotland of 30 per cent by 2011. England has managed a reduction of more than 40 per cent in just one year. We believe that the target should be 50 per cent. Is the cabinet secretary content that Scotland should aim lower? Let us remember that behind each of those statistics are real people and their families. We should be much more

ambitious in our determination to tackle C diff and prevent needless deaths.

Determination needs to be backed by resources. I was bemused by the cabinet secretary's claim to have increased funding for C diff by 260 per cent, so I went on a journey of discovery, assisted by the Scottish Parliament information centre. Members may recall the cabinet secretary leading a debate in Parliament on hospital-acquired infections in March 2008. There was no mention of C diff in her contribution; the focus was only on MRSA. She did announce in the debate increased resources of £54 million over three years, starting in April, but that was months before the outbreak of C diff at the Vale of Leven. That budget line has not increased, despite the plethora of initiatives. The Royal College of Nursing rightly made that point during the most recent budget round, and it remains true today.

The Presiding Officer: I must ask you to close now, please.

Jackie Baillie: Okay, Presiding Officer.

The cabinet secretary said that the NHS would learn lessons from the Vale of Leven. On 18 June, she told the Parliament:

"I am determined to ensure that the lessons learned from the exercise will help us to drive C difficile ... rates down and reduce the risks to patients."—[*Official Report*, 18 June 2009; c 9893.]

She said that again in August 2008. On 11 September 2008, she said that wider lessons need to be learned. On 10 February and 22 April 2009, she said that she would "learn lessons". She repeated that on 24 June and 24 August, and just last week in the chamber, she said:

"It is important to learn lessons."—[*Official Report*, 12 November 2009; c 21105.]

I say to the cabinet secretary that it is almost two years on from the outbreak at the Vale of Leven hospital, and two years on from people dying of C diff.

The Presiding Officer: Ms Baillie, you must close now, please.

Jackie Baillie: The families of all those who died then and have died since want to know how long it will take the Scottish Government to learn those lessons.

I move,

That the Parliament commends all NHS staff for their efforts in the fight against *Clostridium difficile*; recognises that significant challenges remain in reducing the number of deaths from *Clostridium difficile* in all NHS board areas; calls on the Scottish Government to establish a more robust inspection regime that provides for an immediate inspection of any hospital at which there is an ongoing outbreak to provide advice and ensure that guidelines are properly followed; considers that the inspectors should

have the power to close wards, or any other part of the NHS estate, that might contribute to the spread of infection; regrets the delay by the Cabinet Secretary for Health and Wellbeing in making matters public following the outbreak at Ninewells Hospital; believes that patients, relatives and the public have a key role to play in preventing the spread of *Clostridium difficile*, and further believes that there should be a single website, updated in real time, showing the performance of every hospital in Scotland and guidance provided to NHS boards on reporting outbreaks immediately.

09:31

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): I will first pick up on Jackie Baillie's closing statement. I say again that the Government will always look to learn lessons—we do learn lessons and we will continue to do so—but I also point to the fact that, since the Government took office, rates of C difficile in our hospitals have come down by more than 40 per cent. That is not good enough, but it is progress that I think Jackie Baillie should acknowledge and should have acknowledged more prominently in her speech.

I welcome this debate because it gives me further opportunity to reinforce the importance that I attach to driving down levels of infection and it allows me to set out the detail of the actions that we are taking to reduce the risk of health care associated infection-related harm. It also gives me the opportunity again to offer my condolences to the families of those patients who died following the recent outbreak in Ninewells hospital.

On Ninewells, Jackie Baillie raised a number of serious concerns that were expressed by a relative of a patient who died at Ninewells. I advise members that the concerns were contained in a letter to me last Thursday evening. That letter was copied to Jackie Baillie and, I believe, to Ross Finnie. I responded to the letter on Friday, advising the relative that I had asked NHS Tayside to carry out a full investigation of the concerns raised in it. The relative will obviously be kept fully informed, as is her absolute right. I have also offered to meet her to discuss the serious concerns that she raises. However, she did ask me to treat her letter confidentially, and I will continue to respect that.

Jackie Baillie: Does the cabinet secretary acknowledge that I stated in my speech that I had been given explicit permission by that lady to raise the substance of her case?

Nicola Sturgeon: Jackie Baillie may have taken what I said as a criticism of her, but it was not intended to be. She may have the permission of the relative to discuss the detail, but I do not. I will therefore respect the confidentiality that she requested.

The fact that any patient contracts infection in any hospital in Scotland frankly appals me. As I have said in the chamber before, I have personal experience of a relative contracting *C difficile* in a hospital. I know how deeply distressing it is. That is one of the reasons why I have said and will continue to say that tackling infection is my top priority. It is a challenge—I will never hide the fact that it is a challenge—and I hope that all members, throughout the chamber, will unite in addressing it because it is too important to be subject to party politics. I agree with Jackie Baillie that it is the biggest challenge that our NHS faces, and the NHS has a right to expect the support of all of us in facing and meeting it.

We know that regular and effective hand hygiene with soap and water is key to preventing the spread of *C difficile*. It is also vital that the hospital environment is kept scrupulously clean, especially when patients are known to have *C diff*. It is for those reasons that we have introduced a zero-tolerance approach to hand hygiene, provided additional funding to pay for extra cleaners, and deepened and made more robust the cleaning specification and the monitoring framework. To ensure that all those measures are having the desired effect, we have established the health care environment inspectorate—the HEI—which I will say more about later.

Prudent antibiotic prescribing is another vital element in reducing the incidence of *C diff*. The Scottish management of antimicrobial resistance action plan is currently being implemented by the Scottish antimicrobial prescribing group, which details the national programme for the promotion of prudent prescribing in both primary and secondary care. All NHS boards now have an established antimicrobial management team, and we have provided additional funding for the appointment of antimicrobial pharmacists to ensure that that is the top priority that it needs to be. Quality measures for antimicrobial prescribing have also been integrated into the HEI process.

The independent review team that I established to look into the events at the Vale of Leven hospital last year produced a report containing seven key recommendations. Those were translated into an action plan for NHS Greater Glasgow and Clyde and were also used to inform the national action plan for all NHS boards to drive improvements in the key areas of governance, leadership and surveillance.

The action plans were in addition to the comprehensive work programme that is being overseen by the HAI task force. The task force includes members with clinical, scientific and education backgrounds as well as, crucially, members of the public. The work programme, in

its entirety, is backed by record investment of more than £50 million over three years

In addition to all that, initiatives such as the new national uniform and the piloting of approaches to bed management and infection tracking that have been promoted by the Conservatives will all help us, over time, to continue to drive the rates of infection down even further.

Recent events at Ninewells have once again brought into sharp focus the importance of ensuring that we are doing everything possible to control infection. I said last week and I say again today—this is relevant to Ross Finnie's amendment—that I will reflect carefully on the outcome of the investigations into that outbreak and I will ensure that any action that needs to be taken is taken. The HEI carried out a follow-up visit this week to ward 31 and the findings of that inspection will, of course, be made public.

I am very aware of people's anxiety about the risk of infection in hospitals. That is why we must continue to ensure that all our health care environments have robust processes, policies and procedures in place to minimise the risks.

Dr Richard Simpson (Mid Scotland and Fife (Lab)): Will the cabinet secretary give way?

Nicola Sturgeon: Not just now. I want to make progress in outlining the action that we are taking.

The new health care environment inspectorate is vital to the process of ensuring that health care environments are up to the standard that patients have a right to expect. When the inspectorate inspects a hospital, it has the power to make whatever recommendations it thinks fit. I believe that the HEI, which was recently established, should now be allowed to get on with its work and make a difference in hospitals across Scotland.

Of course, no inspectorate—neither the one in existence nor the one that Labour now seems to think should be in existence—can be in every ward all of the time. That is why it is so important that, when infection is identified, the staff on the ground can take all the necessary action to safeguard patient safety. It is important to stress, again, that it was the staff at Ninewells who took the action to close ward 31. They did not need to wait to be told by an inspectorate; they took the right action at the time.

Dr Simpson: No one is suggesting, no one has suggested and no one will suggest that the actions of the staff after the outbreak occurred were anything less than excellent in controlling the outbreak, but the fact remains that neither the HPS nor the HEI—the two bodies charged by the Government to oversee—offered on-the-spot guidance from their experience of the four previous outbreaks. That is the point that we are

trying to make; we are not criticising the staff at Dundee.

Nicola Sturgeon: In these circumstances, staff groups and boards will take advice and guidance from HPS on an on-going basis, whether or not HPS is on the ground in the hospital. It is important to say, because I do not think that Jackie Baillie stressed this as strongly as she should have, that the ward was closed. It did not need an inspectorate to close the ward, because the staff took the right action.

I believe very strongly that transparency is important. That is why we introduced local reporting, hospital by hospital, on performance on MRSA, C diff, hand hygiene, environmental cleaning and the causes of adverse incidents. We have also introduced a single website portal, which was never previously in existence, so that there is access to the information. There is now greater transparency, around C diff in particular and hospital infection in general, than there has ever been.

I have said before and I say again that I think that reducing infection should be above and beyond party politics. Nevertheless, I cannot ignore the fact that for most of the previous Administration's time in office we had no idea how many cases of C diff there were, either locally or nationally, because prior to the end of 2006 the information was not even collected on a mandatory basis and was not published for the first time until early 2007. That was the reality under the previous Administration, whether Labour members like it or not, and we now have greater transparency around C diff than ever before, which I believe is right.

I acknowledge the concern that has been raised about when it is appropriate to inform the public of an outbreak. I hope that all members will recognise that, in the case of Ninewells, the reason for not doing that immediately was to allow the staff to focus on managing the outbreak. I also hope that all members will recognise that early public notification would have changed not one single thing about the management of the outbreak. However, given the concerns that have been raised, I have asked the HAI task force to review the arrangements in place for notifying the public about outbreaks of C difficile, with a view to issuing guidance to NHS boards. I have also asked the task force to ensure that any change ensures consistency of approach across the NHS but does not detract from the absolute priority that staff on the ground have of protecting patient safety and ensuring that the interests of patients and their families are preserved at all times.

I make no apology for the fact that this Government has, for the first time, set challenging targets for the reduction of C diff. The 30 per cent

reduction is the minimum that we expect to be achieved and we will ensure that it is subject to on-going review, but let us not lose sight of the fact that progress is being and has been made. The latest figures indicate that there has been a 14 per cent reduction in C diff from the previous quarter and a 42 per cent reduction compared with the same period in the previous year and, as I said earlier, since this Government took office there has been a 44 per cent reduction in rates of C diff.

Is that good enough? No, it is not, because, as I also said earlier, every single time a patient contracts an infection in hospital it appals me. While that is still happening, I will take the view that we have more work to do. However, staff should be given the credit for the progress that has been made and, more important, they should be given the support of all members in the chamber as they strive to make even more progress.

I move amendment S3M-5221.1, to leave out from "commends" to end and insert:

"agrees that tackling Healthcare Associated Infection (HAI) must continue to be a top priority for the Scottish Government; notes the range of actions that are now in place to drive down infections, backed by an investment in excess of £50 million; welcomes the establishment of an independent Healthcare Environment Inspectorate that has begun its programme of announced and unannounced visits to all acute hospitals over the next three years; acknowledges that the establishment of a public inquiry into the events at the Vale of Leven Hospital last year will ensure that any additional actions are identified to help prevent such a tragedy happening again; further acknowledges that the HAI Taskforce has fully considered the Labour Party 15-point action plan and has agreed to further consider those measures not already included in its current three-year work programme; recognises the progress that has been made on a national staff uniform for NHS Scotland; further notes that the Scottish Government has agreed to pilot approaches to electronic bed management and tracking infections and will fully evaluate these pilots and take whatever action is appropriate, and further notes that the Cabinet Secretary for Health and Wellbeing will continue to ensure that systems and processes for the notification and management of outbreaks are improved in light of experience."

09:44

Ross Finnie (West of Scotland) (LD): There is no dispute across the chamber that hospital-acquired infections and C difficile, in particular, continue to be a significant problem across Scotland. I do not think that there is any doubt or disagreement about that, nor is there any disagreement about the need for concerted efforts to be made to tackle such infections. The recent outbreaks of C diff at Ninewells and at other hospitals have served only to underline how susceptible our hospitals are and—as Brian Adam made clear in his intervention—that is also the case in our communities.

It is perfectly understandable, therefore, that the Labour Party should choose to use its debating time to discuss an important topic that has already occupied, quite rightly, a great deal of the Parliament's time and attention. However, a consistent difficulty in such discussions is that, although we want of course to concentrate on reducing and containing infections, we all admit that we cannot guarantee that we will be able to eliminate them. Therefore, I have some difficulty with any speech that gives the impression that, somehow, if we all do what we have said, we will never again have an outbreak of C difficile. That is not compatible with acknowledging that totally eliminating such infections is not within our capability.

Although I accept that it is perfectly legitimate—indeed, it is the correct process—that those of us who occupy the Opposition benches should question the cabinet secretary and call her to account on the efficacy with which the recent raft of initiatives has been introduced and on how those initiatives are working, I am not at all clear why Jackie Baillie, having used her speech to list a litany of what she believes to be errors in the efficacy of those measures, suggested that the solution is to introduce a new regime. I can understand individual criticisms and requests that certain recently established bodies should do better, but I have difficulty with her call for a new regime.

Having considered Jackie Baillie's motion and her speech, I still find much more sympathy with the Royal College of Nursing, whose briefing expressed concern that the number of action plans, initiatives and strategies is causing stress and confusion among national health service staff.

Jackie Baillie: The member might recall that Labour's 15-point action plan specified the need for a tough inspection regime, which was followed up by the establishment of the health care environment inspectorate. All that we seek is for that regime—the existing regime—to move in much earlier.

Ross Finnie: If I may say so, that is not entirely clear from the wording of the motion. Jackie Baillie's speech was, I might respectfully suggest, slightly clearer about the purpose of today's debate than is the motion on which she seeks the Parliament's support.

A second point that the RCN makes is that it believes that the updating and consolidation of existing plans should continue, but there should be a moratorium on any new initiatives or action plans on HAs unless they are demonstrably needed. That is quite an important point.

As the cabinet secretary pointed out, and as all members are fully aware, the independent health

care environment inspectorate was established only in April this year. Like other members who have expressed concern, I was concerned at the time that its first inspection was not conducted until September. Criticism has been made by Jackie Baillie about the length of time before the inspectorate started working. However, that is a criticism not of the regime but of the way in which the inspectorate appears to be tackling its job. I have no doubt that the HEI ought to understand that greater urgency is required in the way that it deals with such infections if it is to discharge its duties properly, but we do not need to invent a new regime for that. We can make that point without demanding that new plans, procedures and processes be created to carry out those duties. We accept the criticisms, but we have no problem with the nature, way and purpose of the inspectorate. From its existing reports, actions and findings, it is absolutely clear that the HEI is designed to establish infection control regimes and to ensure better awareness of surveillance procedures and greater consistency across the NHS. That is what the inspectorate was set up to do in April this year. However, I join those who say that greater urgency is needed.

Nor, indeed, do I have difficulty with the strategic approach for tackling such infections, which was the task given to the HAI task force that was established in 2003—a date I well remember because, of course, we had a much better Government in place then—and is now dealing with its third programme of work. Again, I find difficulty with the suggestion that, at that strategic level, we were wrong—or, indeed, that the current Government is wrong—in asking the HAI task force to devote itself to five areas of work: patient safety, practice and culture; education; surveillance, information and audit; guidance and standards; and the physical environment. We believe that that was the right approach. Again, the need for urgency is an issue, but that does not mean that we need a fundamental and radical change. Rather, we need to address the issue through the existing bodies.

However, as a party, we are certainly not unconcerned about recent circumstances. Like Jackie Baillie, I received a copy of the letter that she quoted from. Indeed, I immediately sought information from the cabinet secretary on what exact steps were being taken and what inquiries were being made with the hospital about those appalling circumstances, but I was not aware whether those circumstances reflected the situation in the hospital as a whole or only a particular case in one part of the ward. I sought that information, but for reasons of confidentiality—on which Jackie Baillie has clearly received different guidance—I am not able to pursue the matter further in this debate.

It is clear that all parties in the Parliament can claim credit for supporting and introducing the many initiatives that have been brought in—there has been a very large number of them—but, as the RCN reminds us, the NHS Quality Improvement Scotland report that was published in June found areas in which implementation of the initiatives still needs to be improved. I have no difficulty in making that point.

We will continue to support the Government's overall strategy on combating HAI—much of which was in place before the current Government took office—but, as an Opposition party, we will continue to look very critically indeed at the monitoring and reporting of the strategy. However, one issue that continues to cause us concern is the terms of reference of Lord MacLean's inquiry into the C diff outbreak at the Vale of Leven hospital—

The Presiding Officer: I must hurry you.

Ross Finnie: I appreciate that there are stateable reasons for distinguishing the Vale of Leven outbreak from other outbreaks. I also appreciate that paragraph f of the terms of reference allows Lord MacLean to consider other outbreaks if he so wishes. However, I believe that it would be in the public interest for the cabinet secretary to change those terms to call on Lord MacLean expressly to consider the circumstances of the other outbreaks. Although I believe that the public will welcome Lord MacLean's reporting on the outbreak at the Vale of Leven, I think that they will think it more than a little odd if the findings of his report are not informed by the circumstances surrounding those other outbreaks.

I move amendment S3M-5221.1.1, to insert at end:

“, and calls on the Scottish Government to review the remit of the public inquiry currently being conducted by Lord MacLean so as to require that inquiry to consider the circumstances of other cases of *Clostridium difficile* in hospitals across Scotland to verify that the measures taken by the Scottish Government are sufficient to meet the needs of all Scottish hospitals.”

09:53

Mary Scanlon (Highlands and Islands) (Con): On behalf of the Scottish Conservatives, I join others in extending our sympathies to all those who have lost family members to *Clostridium difficile* outbreaks in Scotland. I acknowledge the tone of Ross Finnie's speech, which stressed that we have a constant battle against C diff and other health care associated infections.

Let me start by addressing the issues that are contained in the Labour motion. First, the motion calls on the Scottish Government

“to establish a more robust inspection regime that provides for ... immediate inspection”.

However, I understand that the six-month-old health care environment inspectorate, which issued its first report into Forth Valley NHS shortly before the Ninewells outbreak, already has the power to make an immediate inspection if that is felt to be necessary.

Secondly, as Ross Finnie referred to, the motion states that

“inspectors should have the power to close wards”.

The Labour Party's adviser, Professor Hugh Pennington, commended NHS Tayside for closing the ward immediately on 19 October when an outbreak was determined. The call for inspectors to take the necessary action to close wards illustrates little trust in the competence of NHS staff to deal with the outbreaks. We think that NHS staff need support and guidance, but equally we think that they are trained and competent, and committed to tackling infections.

I do not think that I can make my next point as sensitively as it needs to be made against the background of the tragic circumstances that we are talking about. Mandatory surveillance of C diff in England commenced in 2004, but the Liberal-Labour Executive in Scotland introduced it only in the last quarter of 2006, or two years after it was introduced in England. Why did the Labour Party take two years longer to commence mandatory surveillance in Scotland? C diff cases in England have fallen by more than 60 per cent, compared with 44 per cent in Scotland. That is undoubtedly the result of reporting measures having been put in place in England to ensure that outbreaks are known about, and of outbreaks having been recorded and appropriate action having been taken there.

I say as sensitively as I can against the background of tragic circumstances that Labour was in charge of the health service for 10 years prior to the outbreak at the Vale of Leven hospital. As a Highlands and Islands MSP, I have met campaigners in Argyll who were very worried about the running down of services at that hospital. If Argyll patients came to me and to Jamie McGrigor to express their serious concerns about that hospital, surely Jackie Baillie was aware of the problems there, given that the hospital is in the heart of her constituency. I had hoped that the Labour Party would apologise to families and patients today.

Jackie Baillie: That is outrageous. If Mary Scanlon had been around the Vale of Leven hospital and had paid attention to the C diff outbreak there, she would understand that there was a lack of surveillance. It was not a question of whether the hospital was being changed or altered

in any way. The member does the families a disservice if she does not acknowledge that.

Mary Scanlon: To be honest, if I had Jackie Baillie's pride in what went on there, I think that I would be hiding behind my desk rather than jumping up to make an intervention.

The findings of the independent review into the C diff outbreak at the Vale of Leven hospital confirmed that there had been underinvestment in upgrading and maintenance for a decade, and ineffective isolation and infection control. Facilities were described as inadequate for effective patient isolation. The findings confirmed that there had been a lack of leadership and no clear line of professional responsibility, which led to the inadequate management of outbreak cases, poor hand-washing facilities, insufficient toilets, inappropriate spacing between beds, poor information on hand washing and laundry, a failure to monitor antibiotic levels, and very low staff morale due to the uncertainty surrounding the hospital. I could continue, but the picture is clear. I am sorry to say that all that happened on Labour's watch. Jackie Baillie can have as many debates on C diff as are necessary, but she cannot shirk from her party's responsibility in government when it was in charge of the NHS in Scotland.

I raise again the issue of electronic bed management and infection tracking, particularly given the C diff case in Ninewells hospital in August, two months before the outbreak. Such a system records each patient journey by bed space and ward, and gives a history of bed space, including patient occupancy and cleaning information. It also allows the easy and quick identification of contact trace adjacent patients. That would undoubtedly have been helpful in the Vale of Leven hospital and in the recent outbreak at Ninewells hospital. An audit trail is essential in such situations. The benefits of such a system are that it reduces infections, the antibiotics that are used and lengths of stay in hospital, and it leads to the more effective use of resources, the safer management of beds and the integration of infection control into daily staff routines. That is why we promote it and are committed to it.

I was not going to say what I am about to say until I heard Jackie Baillie talking about patients in Dundee and in the Vale of Leven hospital. My mother died in a hospital in Dundee in 2001. An in-house tender had been used, and the hospital was anything but clean. I complained and raised the issue then, but nothing was done. I am sorry to raise that matter; I would not normally bring a family member into such debates.

I thank the Labour Party for lodging the motion on the basis that, although considerable action has been taken, we can never be complacent in our efforts to tackle *Clostridium difficile*. The Royal

College of Nursing made an important point about the existing initiatives, which my colleague Nanette Milne will expand on in her speech. We will not support Labour's motion, but we will support the Government's amendment.

10:01

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): Given the tone of the debate, I do not think that anybody could question Jackie Baillie's commitment to the C difficile campaign or to the Vale of Leven hospital. I did not intend to say that, but an approach seems to have been taken that personalises the motion. I regret that.

Tackling *Clostridium difficile* is an important issue that matters to people in Scotland and throughout the UK. I want to put it in context. In 2007, a major outbreak of C diff prompted an inquiry at Maidstone district general hospital in Kent. Following that inquiry, Maidstone and Tunbridge Wells NHS Trust set in place an action plan. In 2008-09, there was a reduction of more than 60 per cent in C diff infections in that hospital, compared with the figure for the previous year. The hospital has maintained that improvement. That is an important point. There has been a further 26 per cent year-on-year reduction in such infections to the end of September this year. That means that the hospital has exceeded its 2010-11 targets two years ahead of schedule. I was interested in how the hospital had achieved that improvement—its reduction is well in advance of our targets—so I visited it during the October recess.

The first thing that visitors see when they arrive at the hospital is a large display that explains the trust's crusade against hospital-acquired infections. A hand-gel process is meant to be used by everyone who enters the building. If anybody passes by without using the gels, they are immediately met by a volunteer or a member of staff, who points out the hand hygiene policy and ask them to comply with it. That is before the person gets as far as even the main reception desk, never mind a ward or clinic.

A number of important factors have been progressed in Maidstone. Permanent isolation wards have been opened, a restricted antibiotic policy has been introduced, and new rapid risk assessment procedures have been introduced for patients with diarrhoea. Those measures have helped to reduce C diff cases and have dramatically reduced the number of beds that have been closed because of norovirus over the winter months. Every case of C diff or HAI is now subjected to a root cause analysis. Only two episodes of cross-infection, which affected four patients, occurred there in 2008-09. Efforts have also been made to tackle MRSA by screening all

patients who come into the hospital for elective treatment, and improving procedures on blood culture practice. In that context, perhaps it is worth comparing HAI rates in England and Scotland in the past couple of years. MRSA rates have reduced by 57 per cent in England; the 23 per cent reduction rate in Scotland lags somewhat behind that figure.

Maidstone and Tunbridge Wells NHS Trust has done other things that we are seeing happening here or want to see happen here. It has introduced a new uniform and dress code, including a bare-below-the-elbows regime, and more than 4,000 staff members have attended additional training sessions in hand hygiene. When I spoke to staff, they said that those sessions had been useful because they explained why the new procedures were being introduced. That is important in the context of the RCN's comments. The trust plans to continue that training and also plans to increase the use of hydrogen peroxide fogging to decontaminate side rooms and isolation wards. It will extend its root cause analysis to include surgical wound infections, and it intends to extend the screening for MRSA of patients on admission.

All those measures are vital—I acknowledge that they mirror some of the things that are happening here—but perhaps the most significant thing in Maidstone was the fact that there had been a radical change of culture within the hospital and the organisation. Clear responsibilities were laid down, with senior staff in microbiology and nursing leading the work but on the basis that every member of staff in the trust also had a responsibility. That was very important. The appointment of an additional consultant microbiologist and two senior matrons to work on infection control was seen as absolutely critical to making the improvements. On a tour of the wards, I had the opportunity to hear from those matrons and the consultant microbiologist exactly what had happened at ward level.

Jackie Baillie spoke of the need for information to be provided on the NHS website, and I agree with her comments. It is difficult for members of the public to find that information. In Maidstone hospital, the information on instances of C diff in particular wards is displayed on posters at the entrance to each ward so that people going into the hospital—visitors and patients—can see it. That is also a reminder for the hospital staff of how important the infection control measures are.

Nicola Sturgeon: I am happy to learn lessons from anywhere, Maidstone included. However, has Cathy Jamieson visited any of the Scottish hospitals that are participating in the patient safety programme? If so, she will have seen the same poster displays showing improvement in performance in a range of areas. It is fine to draw

lessons from elsewhere, but it is not fine to ignore the similar progress that is being made in hospitals in Scotland.

Cathy Jamieson: I hope that Nicola Sturgeon heard me say that I recognise that the measures that are being taken in Maidstone mirror some of the initiatives that are being pursued in Scotland. I am aware of the patient safety programme, but I am trying to get across the change in culture that is needed.

All the measures that I have described were important in Maidstone. It was not about taking individual measures; it was about using those measures to change the culture. The nursing staff in Maidstone felt that that was very important. One member of staff described how, during previous outbreaks and episodes of infection,

“numbers had been collected, but no-one spotted what was actually going on”.

Another member of staff told me that, previously, everybody had been working in their own areas and the bigger picture had been missed. That is relevant to the suggestions that have been made today that, somehow, in calling for additional work to be done we are attacking staff in the NHS. Far from it—we want to recognise the work that is being done by NHS staff and to support them.

Several members of staff whom I met in Maidstone made the point that much of what is being done could be described as common sense; yet, it needs constant monitoring and direction to ensure that the good practice and the consistently applied standards do not slip. The situation is mirrored in Scotland, and that is important in the context of our motion. Everyone in Maidstone is acutely conscious of the fact that it is about not just ticking boxes, but saving lives. We will, no doubt, learn further lessons from the Vale of Leven inquiry, but we cannot stand still in the meantime. I am glad that Nicola Sturgeon is more than happy to learn lessons from anywhere, whether in Scotland or elsewhere in the UK. There are lessons to be learned from what has been achieved in Maidstone, and I hope that we can stretch our aspirations further than the very modest targets that have been set in Scotland.

10:09

Ian McKee (Lothians) (SNP): At the risk of annoying Cathy Jamieson by personalising matters further, I congratulate Jackie Baillie on her restoration to a position on the Opposition front bench. She is renowned for her intelligence and perseverance, and I wish her well. I also join others in expressing my condolences to those families who have been affected by the terrible outbreaks of C diff that we are debating. However, I am sad to say that I am more than a little

disappointed by the terms of the motion. I will take a little time to say why.

Clostridium difficile is a bacterium that is resident in the digestive systems of up to 5 per cent of the general population. It usually lives quite happily alongside the many other flora that inhabit the gut; however, things can go wrong when antibiotics—especially those belonging to a group called the fluoroquinolones—that are taken to treat serious infection also wipe out large numbers of harmless gut bacteria. In such circumstances, left to its own devices, *Clostridium difficile* multiplies and spreads to take up the extra available space. C diff produces toxins—potential poisons—that normally do no harm because they are produced only in small quantities, but it is a different story when C diff multiplies. Large quantities of the toxins cause symptoms such as bloating, constipation and diarrhoea. Those symptoms would be bad enough, but if the person is debilitated with other conditions—if they are immunosuppressed for some reason, or if they are very elderly—C diff diarrhoea can be fatal, especially if the strain is an extra-toxic one such as the 027 strain. It must, therefore, be taken very seriously. Furthermore, as C diff is spread from person to person via the faecal-oral route, those who live closely together for a period of time, such as long-term nursing home residents, are at greater risk. It has been suggested that 50 per cent of patients who are in hospital for longer than four weeks will acquire the bacterium.

As the cabinet secretary has said, C diff multiplication within a person is a side-effect of antibiotic consumption. Therefore, it follows that the most important way of preventing overt infection is to modify antibiotic prescribing policies, especially in the categories of patient that I have mentioned. Yet, the motion does not even mention antibiotics let alone suggest that anti-microbial prescribing policies need to be reviewed. It is estimated that much of present-day anti-microbial use is inappropriate. The situation is easy to identify but extremely difficult to remedy; nonetheless, we should at least acknowledge the fact. To use an old cliché, I suggest that the proposals in the motion, although important, are like concentrating on pulling people out of a river rather than on preventing them from falling in in the first place.

Dr Simpson: I fully understand Ian McKee's analogy. The concept of an antibiotic policy was introduced in around 2003 or 2004. We did not mention it in the motion because it is not new. The problem is the implementation of the policy, not the policy itself. The motion simply refers to the robustness of the regime that we have.

Ian McKee: I accept Richard Simpson's point, but it is strange that the motion misses the most

important way of preventing the multiplication of *Clostridium difficile*, given that we are spending a whole morning in discussing *Clostridium difficile*.

I am saddened by the fact that an element of party politics has been introduced into the debate. I could respond by pointing to Labour's extremely poor record in the field when it was in power, which Mary Scanlon mentioned. I could remind members of the 145 per cent increase in the number of C diff infections between 2001 and 2006 or the seven long years that it took Labour to set up a monitoring system. I could also mention the increase of 8 per cent in the number of C diff infections in England's Labour-run health service in the last quarter of 2008-09. We have heard boasts today of a 40 per cent decrease in that number, but the *British Medical Journal* five days ago said that the trend has been reversed and that the number of cases is starting to increase again in England. There are also accusations that some English hospital risk managers have felt obliged to record C diff outbreaks as being due to norovirus, as an increase in the number of C diff cases would have led to the risk of their being sacked. Perhaps that had something to do with the 40 per cent decrease in the number of notifications that has been mentioned. However, I will not dwell on such matters. Health care acquired infections, including C diff, are a growing problem throughout the western world and we will not succeed in taming them by bickering among ourselves.

We now have Professor Pennington's 15-point plan, although to call it Labour's action plan is a bit like someone claiming authorship of "War and Peace" simply because they have borrowed a copy of it from the library. I have already described how C diff spreads from person to person. Its spores can survive a long time and are resistant both to heat and to alcohol cleansing. It contaminates all areas around an infected patient, but is susceptible to bleach and chlorine; as a result, it is most important to thoroughly clean areas around an affected patient, to nurse such patients in isolation and to ensure that thorough hand washing is done. As the cabinet secretary has pointed out, she has treated Professor Pennington's recommendations very seriously indeed.

As in many other aspects of life today, we are faced in this situation with quantification of risk. Of course, I could take things to a ridiculous extreme and suggest that the C diff problem could be resolved almost overnight if we stopped all broad-spectrum antibiotic prescribing. However, many more people would suffer serious illness and die from untreated infections. Only to prescribe such antibiotics when one could prove that they were absolutely necessary would still lead to fatalities, as it is impossible to make such decisions with absolute certainty, and some patients in need of

treatment would be denied it. The dilemma is difficult, but we must face up to it by reviewing and refining our antibiotic policies, which is indeed what is happening in every clinical setting.

Other measures that have been outlined today are important, and we need to tackle with care the problems that Jackie Baillie has highlighted. However, I gently point out to the member that, in the years when I was in general practice and the Labour-Liberal Democrat Government was in charge, I heard almost daily similar stories of what was going on in hospitals. Every case needs to be investigated, but to lay the blame for what happens in an individual hospital at a particular time at the feet of the cabinet secretary is carrying things too far.

I support Nicola Sturgeon's amendment.

10:16

Marlyn Glen (North East Scotland) (Lab): I welcome the opportunity to take part in this debate on tackling *Clostridium difficile*. As I said last week, I am simply seeking reassurance for the public in Tayside after the outbreak at Ninewells hospital. I note that ward 31 has reopened. It is essential that patients and visitors to the ward and, indeed, to the rest of the hospital are confident about its safety—a hard task, considering the frightening mortality rate that has been reported.

Last Friday, local MSPs attended a useful briefing on C diff. I am convinced that staff at Ninewells did their utmost clinically to deal with the outbreak. I commend NHS staff for their efforts in fighting C diff but, as Jackie Baillie's motion makes clear, significant challenges remain. After such an outbreak, the public's trust in both the NHS and the Scottish Government has to be rebuilt.

Patients, their relatives and the public can play a key role in preventing the spread of infection. I believe that many people understand that and, indeed, play that role, although it would not surprise me if it turned out that some people were confused, particularly with the wider availability of alcohol gel, even here in the Scottish Parliament. For example, we must be confident that everyone is getting the message that hand washing with soap and water is also necessary.

I am quite distressed by some of the personal reports that are emerging from Ninewells. Visitors have seen and reported real problems with hygiene handling around their relatives, from the lack of Hibiscrub soap to what appears to be a lack of urgency in responding to patients' basic care needs. That is not so-called scaremongering by the media or others; those are serious complaints that are being followed up.

The Scottish Government could also help public understanding by changing its style of communication. First, it must demonstrate by its actions that it regards tackling C diff as a priority. Secondly, it needs to take decisions more quickly. For instance, in a Labour debate on HALs that took place in February, the cabinet secretary's amendment stated:

"the Healthcare Associated Infection Task Force has been asked to consider implementation of the elements of the Labour Party's 15-point plan not already underway".

Nine months later, we learn from the cabinet secretary—through the media—that five of the 15 points are to be assimilated into new health regulations.

Nicola Sturgeon: As I am sure Cathy Jamieson will confirm, the gap in question has not been from February to November. In fact, Mrs Jamieson was advised some months ago of the HAI task force's conclusions and the points in Labour's 15-point plan that were being taken on board. I have no problem with members holding this Government to account, but I do have a problem with the trend this morning of Labour misrepresenting the reality of the situation.

Marlyn Glen: My point is about communication, not just personal one-to-one communication with MSPs but communication with the general public.

Ian McKee: What about communication within your own party?

Marlyn Glen: And that as well, if I can respond to the comment that has come from a sedentary position. My point is that information has to be given to the public, because if we are to do anything about the problem, the general public need to be absolutely clear about the message.

Full information has to be provided at the same time. In April, RCN Scotland called for a

"co-ordinated and well planned course of action to reduce the occurrence of healthcare-associated infections"

and added:

"Rarely a week goes by without a new way to tackle HAIs being announced. It is imperative that all of these initiatives are given focus and direction."

That perhaps explains why, in June, NHS Quality Improvement Scotland reported widespread confusion about C diff guidance. After looking at three health boards, one of which was NHS Grampian, it concluded:

"We found widespread lack of clarity at all levels within the organisations—from ward to Board—around the status, uses and application of the large number of documents, tools and guidance produced at national level."

We need clear and unambiguous information on funding and action plans, because anything else

simply raises false expectations about health boards' resources for tackling C diff.

In last week's statement, the cabinet secretary implied that spending on tackling C diff had increased by 260 per cent. However, as Jackie Baillie made clear, that applies to the total budget for screening for HAIs, including MRSA, over the whole budget review period. We have to face up to the fact that tackling C diff and other HAIs is not cheap. However, it is estimated that simply doing nothing will cost the NHS in Scotland more than £180 million a year, with upwards of 380,000 bed days lost through delayed discharge, ward closures and cancelled operations.

After the tragic deaths at Ninewells, people need reassurance, and confidence about their safety at the hospital must be restored. In that respect, I welcome the review of arrangements for when such matters should be made public. People need to be convinced that, as far as is practicable and wherever they are in Scotland, everyone is receiving the same standard of protection from C diff and HAIs. That might not be particularly easy, but the spread of C diff is certainly preventable. We need a comprehensive and professionally endorsed strategy that in the short and long term does what is necessary to tackle C diff. I believe that the 15-point plan provides a comprehensive guide and that, with the right support, NHS staff are our best resource. However, they need that support urgently. There are still many detailed questions about, for example, patients' laundry and nurses' uniforms to deal with but, in general, we need transparency and speedy intervention.

10:22

Joe FitzPatrick (Dundee West) (SNP): I, too, give my condolences to the families of those who died in ward 31 of Ninewells hospital as a result of the recent *Clostridium difficile* outbreak.

Although the debate is important and although I welcome the opportunity to discuss the issue, I have to say that I have been disappointed by the tone of some of the speeches. I believe that it is possible for an Opposition to challenge the Government; indeed, in her speech, Marlyn Glen adopted the right tone and showed how that might be done. Perhaps some of the Labour front bench will consider her example later.

Last week, there was a ministerial statement on C difficile at Ninewells. The Labour Party has brought today's debate; the Conservatives have contributed to it by championing electronic bed management; and Ross Finnie has always treated the issue in a constructive manner. It is not often that the Parliament unites over an issue but, this morning, we are united in the common goal of

seeking to reduce the number of deaths in Scotland from C difficile.

Health Protection Scotland's latest figures show that the number of C difficile cases is continuing to fall, with a reduction of 14 per cent in the last quarter and 42 per cent over the past year. As the cabinet secretary has made clear, that is still not good enough, and we must continue to drive down those figures. That said, although the fact that we have reduced the number of C difficile cases to the lowest level since mandatory surveillance began will not give much solace to those who have lost loved ones, we should be encouraged by the speedy progress that is being made under the cabinet secretary's leadership.

What happened at Ninewells was very serious. However, the outbreak was not allowed to develop in the same way as last year's outbreak in the Vale of Leven hospital, which spanned six wards and led to the death of 18 patients.

Jackie Baillie: I think that all members struggle to understand the high mortality rate at Ninewells hospital. When the board briefed members, was that explained?

Joe FitzPatrick: Yes. The ward in question was for the care of elderly patients, many of whom had problems that required the very antibiotics that Dr McKee talked about earlier. Also, we must be careful when using percentages when we are talking about single-figure numbers, because a single incident can put the percentages out by tens. Statistics are useful but, in the case of small numbers, percentages are not particularly useful. Obviously, mortality depends on the health of the individuals concerned, and we must always remember that we are talking about individuals.

At Ninewells, early intervention contained the outbreak, but we need to learn lessons about not just what went wrong there but what went right. When the Minister for Public Health and Sport, Marlyn Glen, Dr Simpson and I were at Ninewells, we heard about some particularly good practice that we might need to ensure is used elsewhere.

The SNP Government, with support from across the chamber, is making progress on the issue. Lessons have been learned from previous outbreaks and new procedures have been put in place to reduce the risk of harm from infection. A national health care associated infection action plan has been put in place, and an independent health care environment inspectorate has been created. An extra £5 million has been made available to pay for more domestic staff throughout the national health service.

Further measures are also being taken, such as the revamp of the senior charge nurse role and various electronic bed management and infection tracking pilots, all of which should help to ensure

that the number of infections continues to drop. It was right of the cabinet secretary to acknowledge the positive contribution of the Conservative party, and Mary Scanlon in particular, in pushing those measures forward.

Although the Scottish Government and NHS Scotland are doing more than ever, we cannot afford to be complacent. The Opposition continues to play an important role in ensuring that that does not happen.

Before I finish, I would like to touch on an issue that was raised at last week's briefing, which I attended with Labour Party colleagues. I was shocked to hear of the verbal abuse to which staff from ward 31 have been subjected as a result of the deaths. We also heard about how upset the staff were at the language that was used by some politicians, which was then twisted and manipulated by the media in a way that the staff viewed as a direct attack on their professionalism. I know that that was not the intention behind the comments, but that is how they were seen by the members of staff, so we have to be careful about the language that we use, and ensure that our contributions are seen as helping the debate, not as attacks on staff, although I acknowledge that that was not the intention.

Marlyn Glen: Will the member take an intervention?

Joe FitzPatrick: I am sorry, but I am in my final minute.

This is a very serious issue, and NHS staff are the front line against hospital-acquired infections, so we must support them in their work. Yes, we must debate the important issues, such as the outbreak at Ninewells, but we must be careful not to fuel the media witch hunt that often ensues, with blame being directed at the front-line staff.

Today's debate is evidence that all parties take the regrettable outbreak at Ninewells seriously. I am sure that none of us wish to have to have such debates but, as I have said, they are important to ensure that lessons can be learned and that we reduce the incidence of such tragic events. Action was taken swiftly in the case of Ninewells, and across Scotland action is being taken that is leading to a reduction in the number of hospital-acquired infections. We must continue to build on that.

10:29

Nanette Milne (North East Scotland) (Con): As the RCN reminded us in its briefing for the debate, health care acquired infections are not new, be they MRSA, *Clostridium difficile* or anything else, but they have become a serious problem within our hospitals for two main reasons.

First, strains have developed that are resistant to antimicrobial drugs, and secondly, the organisms have ready access to an increasing number of patients who are susceptible through frailty or immunosuppression.

Like all other organisms that cause HAIs, *C diff* is present in the community. Indeed, some strains exist in healthy people as part of their normal gut bacterial flora, as Ian McKee pointed out. My husband tells me that when he was in general practice, it was not uncommon to get a report indicating the presence of *C diff* in a specimen, and the bacteriological advice was usually that no treatment was required.

However, when infection occurs, causing symptoms such as diarrhoea, *C diff* spores can survive in the environment for many months. Infection, particularly in older and frail people can, as we know only too well, be fatal, or can result in serious complications or many months of morbidity or hospitalisation. The problem therefore has to be tackled from several different aspects, as the Government and health boards have been doing in recent months, with some success, although more remains to be done.

Much of the ground has already been covered in previous speeches, so I will speak about just three issues, two of which have already been mentioned.

The first is antibiotic prescribing, because that has probably been one of the main causes of our present problems with antimicrobial resistance. GPs are still under severe pressure from patients who want an instant cure for their symptoms. They resent having their lives disrupted by minor ailments, and they see antibiotics as the instant cure for everything, even though the viruses that afflict us all from time to time are impervious to them. The prescribing of such drugs for illnesses that are usually self-limiting has undoubtedly resulted in the development of resistant strains of bacteria, but still the pressure is on GPs to prescribe them. A tough, on-going education regime is needed to make people understand that antibiotics are not a panacea, and GPs have to be strongly discouraged from indiscriminately prescribing them.

Secondly, cleanliness, both personal and in the community, our hospitals and other health care settings, is an essential part of tackling HAIs, and on-going education campaigns to encourage regular hand washing are of major importance in containing the spread of organisms such as *C diff*. Rigorous enforcement of hand washing before visitors and staff make contact with patients can make a huge difference, and I welcome the role that has been given to senior clinical nurses in overseeing that on wards.

Thorough cleaning of clinical areas is also essential, and the highest standards are expected. Frankly, I do not care whether that is done in-house or by outside contractors. The end result must be scrupulous cleanliness, and it can be achieved by any provider if it is properly supervised. If that is not happening, it should be.

The interesting fact that hospitals that are cleaned by outside staff actually appear to have a somewhat better record on C diff infection puts the lie to the dogma that only in-house cleaning is effective. The service for patients is what is important, not the provider of that service, and that is where I part company with those who believe that private provision is automatically bad for NHS patients.

Finally, and importantly, I want to consider those who are in the front line of health care provision in our NHS hospitals, particularly the nursing staff, who have a huge role to play in infection control, and who, by and large, do a fantastic job for their patients. As Ross Finnie said in his speech, when the Royal College of Nursing focuses its briefing for the debate on its concern about the plethora of strategies for controlling HAIs that are being pushed at nursing staff, to the extent that staff are becoming stressed and confused, the Government must sit up, take notice and do something about it.

Undoubtedly the HAI task force delivery plan, the national action plan arising from the Vale of Leven C diff outbreak, and the health care environment inspectorate that was set up earlier this year are important initiatives, but when a further nine or 10 strategies and standards are thrust at front-line staff as they face the challenges of seriously ill patients, something has to give.

The NHS QIS report that was published earlier this year after it visited three health boards that experienced C diff outbreaks clearly indicates the need for a fresh look at how front-line interventions in the management of HAIs are coordinated. It found

“widespread lack of clarity at all levels”

within health boards, due to the

“perceived large volume and complexity”

of the national, specific and general guidelines, tools and documents on managing HAIs.

I conclude by urging the cabinet secretary to take heed of that report, and to examine how things can be simplified for those who are in charge of patient care. Perhaps one advisory body to set the standards and one other to monitor their implementation would clarify the situation for health care practitioners, and would lead to better infection control.

Like others, I look forward to the outcome of the public inquiry into the Vale of Leven C diff outbreak, but in the meantime we should do everything possible to support our hard-working front-line staff in their on-going battle to protect patients from the HAIs that can all too easily endanger their lives.

10:34

Helen Eadie (Dunfermline East) (Lab): This morning, as we debate the issues arising from C difficile, we feel for the relatives of those who were involved in the tragedy at Ninewells hospital and the NHS staff. The debate is about the expectations of all our constituents throughout Scotland, not just those who use Ninewells, and their desire to feel safe when they go into hospital. For example, in my work as a constituency member, complaints have reached me about Queen Margaret hospital in Dunfermline. My constituents are also treated at Ninewells, although I have never been invited to a meeting with Tayside NHS Board regarding the tragedy there.

In the year to June 2009, 244 cases of C difficile occurred in Fife. I have been unable to determine how many of them were in Queen Margaret hospital and other Fife hospitals. My constituents have raised a range of concerns about infection control and information sharing with relatives and patients. For example, families can be told that C difficile was the cause, or a contributory cause, of the death of their loved one, but that is not recorded on the death certificate. I raised the issue with the Scottish Government and was given assurance that guidance would be issued on the matter. In at least one case in my files, the experience that was described by the patient who wrote to the cabinet secretary and Jackie Baillie matches almost word for word with the experience of my constituent at Queen Margaret hospital.

Statistics from the General Register Office for Scotland show that, in 2008, C difficile was a cause or contributory cause of death in 765 cases, compared with a figure of 597 in 2007. That is an increase of 28 per cent. Improvements in later quarters of 2008 suggest that deaths could have been avoided if the SNP had acceded to Labour's demands earlier.

The issue that Joe FitzPatrick raised about members' comments related to hospital staff wearing uniforms in Tesco. In my opinion, that is a legitimate concern. Marlyn Glen has just passed that information to me.

Joe FitzPatrick *rose—*

Helen Eadie: I welcome the fact that Fife NHS Board has tackled the issue of staff wearing scrubs outside hospitals.

Joe FitzPatrick: Will the member take an intervention?

Helen Eadie: No. I am sorry, but the member has already spoken.

Members had major concerns about the Vale of Leven hospital tragedy. Then, in the first five months of 2009, we had C difficile outbreaks in the three hospitals that my colleagues have mentioned, in Orkney, Caithness and Elgin. I, too, read the NHS QIS report on those three outbreaks, which was published in June. The report is a damning indictment of the lack of action by the Scottish Government, but it does not go far enough because, on every occasion, it suggests that communication should stop at board level. The whole thrust of our argument is about urgently communicating to everyone in Scotland appropriate and up-to-date information. Where is the action to follow through with the appropriate urgency on command and control? That is not apparent. The people of Scotland have a right to expect urgency, to feel safe and to expect that their loved ones will come home from hospital.

The issue is about local surveillance matched with national action. The NHS QIS report said that surveillance is a specialist area, but basically it is information for action. The report stated:

“As an activity, local surveillance needs to be applied in a highly systematic, structured and well-managed fashion”.

Such surveillance is a vital part of infection control. We require effective local reporting procedures for the collection and feedback of real-time data to everybody, from local ward and managerial staff to those at the very top of the NHS and politicians. That must occur as events happen, not weeks later. Labour's demand for a single website should be agreed without further delay. The website should be updated in real time, showing the performance at every hospital in Scotland. Guidance should be provided to health boards on reporting outbreaks immediately. The current portal, which is buried away on the Scottish Government website, is totally inadequate and has information that is months out of date.

There is no reassurance from the NHS QIS report or from anything that the Scottish Government has done. We continue to have complacency. Where are the indications of urgency or of any clear command and control on the C difficile issue? What action has the SNP Government taken on the NHS QIS report? Not long ago, we learned through the work of my colleague Richard Simpson that Health Protection Scotland could not provide the figures, broken down by individual hospital, for the number of fatalities in which the infection was the primary or a contributory factor. A year later, that information still does not seem to be available, or it has not

been published on the Health Protection Scotland website.

Last week, I tried to get information from the NHS Fife website about Fife hospitals. Even that proved impossible, with my first efforts showing that reports and the minutes of summer meetings were not posted. Thankfully, there has been a degree of progress this week. However, one has to dig deep into the reports that are published on the website and, even then, one finds that barely three lines are devoted to what is a hugely important health concern for the people of Fife. That is not acceptable. The Scottish Government should show leadership and should require Health Protection Scotland to provide detailed data on each hospital. The Scottish Government should also require the NHS chief executive to take action on the points that have been raised by NHS QIS. Targets are not enough, cabinet secretary—the public want and demand information on their local hospitals so that they can work in partnership with others in the health service.

As members have said, the Ninewells incident has raised concerns about transparency and the speed of intervention. Nicola Sturgeon was aware of the deaths for nearly three weeks before NHS Tayside made them public. After the first positive case on 14 October, it took about two weeks for Health Protection Scotland to visit the hospital. The health care environment inspectorate did not arrive until its previously scheduled inspection date of 11 November, which was nearly a month later.

The NHS QIS report that I mentioned highlighted the need for a “fresh look”. The points that Marilyn Glen and Nanette Milne made about clarity and complexity are vital. The Royal College of Nursing in its briefing to MSPs for the debate strenuously shared those concerns. The college says that the enormous amount of information causes huge stress and anxiety among its members.

The Scottish Government's actions so far look like a job half done. Ministers are still overreliant on self-assessment, which was shown to fail in the Vale of Leven. We still do not have adequate information about the performance of individual hospitals. The recent outbreak in Orkney indicated that many health boards are failing properly to implement guidance on infection control. That is why Labour calls for a fully independent inspection regime.

10:42

Brian Adam (Aberdeen North) (SNP): I am pleased to support the cabinet secretary's amendment. We have heard some fairly measured speeches and some that were perhaps rather more heartfelt than measured. I point Helen Eadie

to the cabinet secretary's amendment, which states:

"the Scottish Government has agreed to pilot approaches to electronic bed management and tracking infections and will fully evaluate these pilots".

That is not about publishing data with a hospital-by-hospital approach; it is almost a bed-by-bed approach. It will be interesting to see the outcome of the pilots and to find out the contribution that the approach can make to managing infection control.

I was disappointed when Jackie Baillie mentioned a very large number of reported C diff infections in patients in Grampian. The implication in what she said and in her response to my intervention was that C diff is acquired only in hospitals and care homes. Although I acknowledge that the infection can be acquired in those places, they are not necessarily the primary source. Many people—perhaps as many as one in 20—have C diff in them.

Jackie Baillie rose—

Brian Adam: If Jackie Baillie wishes to correct the impression that she gave earlier, I am delighted to give her the opportunity.

Jackie Baillie: I am clear about the impression that I gave. Given that we know that, aside from hospitals and wider settings, care homes are a significant problem in the incidence of C diff, does the member support the inspection of care homes?

Brian Adam: There is no doubt that, in both types of place, there is a greater risk of the transfer of infection, because people there are more vulnerable. The question of surveillance in care homes is interesting. I am happy to pass that challenge to my colleagues the minister and the cabinet secretary.

On the information that needs to be provided, much has been said today about the need to have a single website. I am not sure how other people approach their health care, but my first reaction when something goes wrong is to get it dealt with; I do not go to a website to find out just how good, bad or indifferent the local hospital might be. I am not certain that any choice that I might make as a consequence of consulting such a website would be meaningful. It is important that information on the level of health care that is on offer is available to the public, but on the basis of giving confidence that the health professionals who are responsible for delivering that care are on top of any problems. However, to suggest that a single website containing public information is a meaningful contribution to tackling the problem stretches credulity almost to breaking point.

On supplying information to the public, the primary role should be to encourage appropriate

behaviour in managing our resources and to give the public confidence. However, the way in which some members have spoken about the subject today has the consequence—perhaps unintended—of raising anxiety levels. The last thing that we want to do is to go around suggesting that if someone goes to hospital, they are very likely to catch some horrible disease and die. To suggest that that will never happen would be inappropriate, but to use language that suggests that it is a likely outcome is irresponsible. Others have dealt with the subject in a more realistic way and taken a sensible and measured approach: that was particularly shown by Ross Finnie in his sensible analysis of where we are at. What we really want to do is to ensure that we can reduce—because we cannot eliminate—the risks associated with C diff and other health care associated infections, to use the current jargon, which has moved on from the hospital-acquired infections that we debated in the early days of this parliamentary session.

We need to look at the unintended consequences of actions in health care settings. My colleague Dr Ian McKee pointed out rightly that many of the problems associated with hospital-acquired infections relate to the use of broad-spectrum antibiotics. That is an unintended consequence. As to how we deal with the action plans from the Government and as suggested by the Labour Party, perhaps we ought to consider carefully the unintended consequences. Nobody thought that we would see situations involving MRSA, let alone the difficulties around C difficile, among others. Who is to know what the next infection might be? We ought to try to anticipate what might happen.

When we debated MRSA, I recall that manufacturers of linoleum products suggested that lino had inherent antibiotic properties that would prevent onward transmission of infections. There might have been unintended consequences in moving to vinyl from lino. I am not in a position to give a definitive answer on whether any unintended consequences resulted from changing linoleum floor coverings for vinyl, but when we make such changes, particularly as part of the current significant building and refurbishment programme in the NHS, we ought to consider what the unintended consequences might be.

Christopher Harvie (Mid Scotland and Fife) (SNP): Should we decide to go back to lino from vinyl, 500 or so people in Kirkcaldy would be glad of the decision.

Brian Adam: We need to get the balance right in any debate about such infections. We must be careful not to raise anxiety levels unnecessarily. We need appropriate information, but most of all

we need to take appropriate action that has no unintended consequences.

10:50

Hugh O'Donnell (Central Scotland) (LD): My colleague Ross Finnie laid out more than adequately the Liberal Democrat position in this debate and it is not for me to try to outdo either his clear knowledge and understanding of the issues at hand or his entirely effective oratory. I simply observe that, as I understand it, were the Labour motion to be accepted by the Parliament, we could end up in a situation in which inspectors inspect inspectors who inspect inspectors, but nobody has any time to inspect C diff.

Jackie Baillie: Will the member take an intervention on that point?

Hugh O'Donnell: I would like to make some progress.

Brian Adam mentioned the website, and I have some sympathy with his position. A relative of mine recently went into hospital. My concern was with her wellbeing rather than with infection levels in the hospital she was taken to. Patients—and their relatives—seldom have any choice in where they go, and I am not sure that a website with information about infection levels would be their first port of call. However, I recognise that there is a need for information about what is going on to be put into the public domain.

My recent personal perspective illustrates the challenges that are faced by front-line staff who are fighting hospital-acquired infections generally, as well as C diff in particular. I recently saw for myself some of the difficulties that front-line staff in a Glasgow hospital face in extending the zero-tolerance approach to try to combat HAIs in Scotland. There is no doubt that the effective practice of hand hygiene is one of the keys to preventing avoidable infections, although in fairness to other speakers, including Dr McKee and Nanette Milne, I accept that our historical overreliance on antibiotics might be the genesis of much of our current difficulty.

To go back to my recent experience, I watched and participated in the hand-washing process that involves visitors being prompted by ward staff and instructed by them in the use of alcohol scrubs that are located on the ward. There seems to be a problem with scrubs that are located outside wards: some tubs have disappeared when they were out of view of staff.

Given the short time that people have to visit relatives in hospital, the start of visiting time was—understandably—a bit like the start of the grand national. The ward doors opened and everyone charged forward to approach the bedside of their

relative or friend, barely stopping to use the hand wash, let alone take instructions from the staff who were positioned to give them guidance on its use. The poor staff barely avoided being bowled over by the onslaught, let alone had time to give proper guidance to the throngs of visitors who were more interested in dispensing grapes, magazines and Lucozade to patients. There is no question but that that is a major challenge for front-line staff. Although what I have said might conjure up quite a comical picture, the consequences for those who contract an HAI or C diff are far from funny.

Although the hand-washing regime is well known by staff and facilities are adequately posted around hospitals, unforeseen consequences and situations arise. The regime will work properly in addressing the communication of infections from outside into our hospitals only if everyone buys into the process with consideration. Given my recent experience, my perception is that not everyone does that. Not only was the issue of hand-washing a problem but people—quite understandably—were coming to the hospital straight from work, wearing work uniforms or muddy boots and so on. It is very difficult to legislate for how front-line staff should proceed in those circumstances. If a patient was told that their relative did not get in to see them because they were not clean and their hands were not washed, that would add to the stress that everyone who is in hospital feels.

I do not think that a new inspection agency will deal with those issues, but having a few extra staff to manage and instruct the visiting hordes who descend on our hospitals at visiting time might give us a better chance of cutting infection, at least from that angle.

10:56

Rhoda Grant (Highlands and Islands) (Lab): I have previously called for the Vale of Leven inquiry to be extended to cover all C diff cases in Scotland, and I continue to make that call.

Each time there is an outbreak, we realise that the lessons that were learnt from previous outbreaks have not been passed on. Each hospital appears to be working in a vacuum, with little central advice and guidance.

It is hugely frustrating that there is no clear patient pathway to deal with outbreaks. The Government needs to issue clear advice to boards and their staff on best practice during an outbreak to ensure that it is dealt with appropriately and efficiently.

Let me be clear: health professionals deal with this deadly infection daily and most do so in a way that halts the spread, but they never make the headlines. We need all outbreaks to be dealt with

in that way, which requires more information and support from the centre. I appreciate that the Government will wish to take on board the findings of the Vale of Leven inquiry and reflect them in central guidance, but that should not be used as an excuse not to issue clear and accessible guidance now. However, it is a reason to extend the inquiry to the rest of Scotland. Information needs to be made widely available to patients and visitors in hospitals and to people in the community in general.

Although it should be easier to deal with the risks of infection spread in the care home sector, given the use of single rooms, there are still issues for staff, clients and visitors to bear in mind in order to stop the spread. We have anecdotal evidence from health professionals that some care homes do not deal adequately with infection spread, which leads to emergency admissions to hospital and the subsequent spread of infection while the problem is being diagnosed and dealt with.

There must be clear information for the public about what they should do to stop the spread of infection. That very much applies to my region, where hospitals tends to cover large areas and visitors might know several people in the hospital and visit them all at the same time.

Jackie Baillie mentioned the website. I looked at the Government's website as I was preparing my notes for the debate. I found it easily, given that SPICe had sent me a link to it. I looked to see what advice was available to members of the public. In the "frequently asked questions" section, I clicked on the question:

"What can I do to prevent infections?"

The answer started off well enough:

"The most important thing you can do is to wash and dry your hands".

However, that was followed by:

"(or use alcohol gel if provided)."

The use of the word "or" implies that using the alcohol gel is an adequate substitute for washing hands, but it is not, because C diff is not killed by alcohol gel—and yet that is the advice on the Government's own website. Our hospitals have a profusion of bottles of alcohol gel, which provide a false sense of security that is backed up by misleading information on the Government's website.

The only way that we can deal with hospital-acquired infections is to wash our hands when arriving, when leaving and between visits to different patients. We should also use the hand gels that are provided for additional protection against MRSA. Until that message is common

knowledge, hospital staff will be fighting a losing battle.

In addition to advice and guidance on best practice being made available to patients, they should also be informed of outbreaks on the wards where they are placed. That information, together with additional guidance on hygiene, would be helpful in allowing patients themselves to tackle the spread of infection and it would remove some of the concern that people have when they go into hospital. If they were assured of open, honest information, they would be much more at ease with the prospect of being hospitalised and the risks involved.

There needs to be the same emphasis on cleaning in hospitals that there is on general patient care. We have heard reports of patients having to use soiled toilet facilities and of very ill patients attempting to clean up after themselves without equipment or disinfectant.

A reactive cleaning service needs to be available to nursing staff when a patient soils a communal area. It is unacceptable that the patient should be left to try to clean up or that that task should fall to already overstretched nursing staff. We need specialist, trained cleaners to be available to provide a rapid response.

We also hear of families being asked to wash soiled linen with no advice on how they should do that to eradicate infection. Although families might wish to do washing for loved ones, they should be advised against doing so. If that means that the hospital needs to provide night clothes and gowns—in place of the patients' own clothes—during an outbreak, that is what should happen. In some hospitals, a patient's laundry is given to the family in sealed bags that dissolve in the washing machine. We need good advice and investment in good practice.

The Government's purchase of steam cleaners for hospitals was welcome, but that intervention cannot sit alone.

When patients are diagnosed with an infection, the risk of spread is apparent. C diff can remain on hospital surfaces and, unless they are cleaned sufficiently with disinfectants that contain bleach, the threat of infection spread remains. Such cleaning must be applied to infected patients' hospital beds and cabinets, which might be moved between wards and single rooms during a patient's treatment. On the patient's recovery, those items should be deep cleaned in the same way that the rooms are deep cleaned, because moving that furniture back into a ward will only spread infection.

I am conscious that everything that I have said is about protocols, systems and guidance, which are imperative. However, we cannot afford to lose

sight of the individual stories behind the debate of those who have lost loved ones and those who have been struck down by these infections—their feelings, their dignity and their pain. As we strive to eradicate these deadly infections, we should never lose sight of the fact that each statistic represents a human cost. Each of the families involved is entitled to an inquiry, and those families are being failed by this Government.

11:03

Gil Paterson (West of Scotland) (SNP): Like many other members, I start by expressing my condolences to those who have lost loved ones to C diff. Losing someone in those circumstances is a difficult and distressing event.

We must acknowledge that the spread of C diff did not happen overnight. Dr Ian McKee has already highlighted the fact that there was a 145 per cent increase in the number of C diff-related deaths between 2001 and 2006. Thankfully, cases have decreased considerably over recent years, but the disease has still resulted in unfortunate loss of lives.

We have to realise that it will take a long time to tackle the problem, although the disease will not be completely eradicated from our hospitals, as the cabinet secretary confirmed after her statement last week when she was asked questions on the matter.

Mary Scanlon: I ask the member to acknowledge that, from 2001 to 2006, there was a code of voluntary reporting, so, although the figure is exceptional, it might have been grossly underreported.

Gil Paterson: Mary Scanlon makes a very good point that has enormous resonance, so I do not think that I need to answer it.

What is important is minimising the spread of any infection that is found in our hospitals and prioritising a reduction in cases. I am glad that the Scottish Government is working towards those aims.

Many members have spoken about actions that the Government has taken to tackle the problem of C diff head on, which must be welcomed. Actions speak louder than words. For instance, under the cabinet secretary's stewardship, the number of cases in Tayside has reduced by 25 per cent. Since this lady came to power, additional money has been provided for extra domestic staff; a zero-tolerance approach to non-compliance with hygiene policies has been introduced; and a national HAI action plan has been implemented to ensure that NHS boards have in place the necessary policies and practices to drive improvements in key aspects of governance,

leadership and surveillance throughout Scotland. All those actions combined appear to be working, but we must not rest on our laurels. More must and will be done to continue the battle against C diff and other infections that endanger our people.

The Vale of Leven hospital has been one of the worst-hit hospitals for deaths from C diff. Why? What factors contributed to the Vale becoming vulnerable to the spread of infection? Could one factor have been the fact that, under the previous Labour Administration, services were cut—slice by salami slice—to the extent that the hospital was about to close, as we all know? Mary Scanlon was bang on—the effect on morale and the constant worry among staff about their hospital and their future must have made a major contribution to the Vale's appalling record and the tragic consequences for some of its patients. That is my view and that of many others.

Jackie Baillie: Were the circumstances similar in the outbreaks at the Victoria hospital in Glasgow and in the NHS Orkney, NHS Grampian and NHS Tayside areas?

Gil Paterson: I say with all due respect to Jackie Baillie that the circumstances are not comparable. The circumstances at the Vale of Leven hospital were without doubt a factor—the record speaks for itself. The place was practically ready to fall down, never mind be shut, as she well knows.

Rhoda Grant: Will the member give way?

Gil Paterson: No—I will press on. If the member wants to intervene later, I might give way.

The cabinet secretary has made the difference. Nicola Sturgeon saved the Vale of Leven and she is making the difference in the attack on C diff.

Of course, another dimension to C diff and other illnesses that are caused by infections comes from the privatisation of cleaning services. The control of cleanliness is now managed outside hospitals. Oh, for the days of the ward sister, who knew her ward inside out, who had the staff under her control and who had at her disposal the power to ensure that cleanliness was not only a must but so basic in a day's work that it was almost taken for granted.

The Government and the cabinet secretary have reversed trends and started to end the use of outside contractors—or should I say privateers?—in health service cleaning contracts. Further, the Government has deepened the cleaning specification and monitoring framework to ensure the highest possible standards of cleaning throughout NHS Scotland.

Action to tackle C diff and other infections comes from all directions but, as we tackle one infection, we must be ready to tackle the next. The

Government has put in place measures to ensure that our NHS is ready to fight any new infections that occur at our hospitals.

We owe it to the families who have lost loved ones to ensure that no other family goes through what they have gone through in the recent past.

11:09

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I echo my colleague Ross Finnie's comment that, even with the best will in the world, C diff cannot be eliminated. No matter what science might try to do, the organism will be around for a long time to come. Against that backdrop, every speaker in the debate has agreed that we must maximise the safeguards against acquiring the infection for vulnerable patients—and any other patients.

I have heard members speak of the tragedies at Ninewells and the Vale of Leven and I understand completely the emotion that lies behind and charges the debate. I heed Mary Scanlon's caution about using personal examples, but I recall—although the story had a happy ending—that when my wife went into Raigmore hospital some 10 years ago for dangerous surgery, she contracted MRSA. I sympathise absolutely with Jackie Baillie's sentiment that people hope to get better and not to catch something nasty when they go into hospital. It was a sickener for me, my family, my wife and all our friends to find that my wife would have to remain in hospital for far longer than we expected.

In fairness, I pay tribute to both colours of Scottish Government regime that we have had since devolution. When I think back to the hygiene regimes that I saw when my wife was in Aberdeen royal infirmary and in Raigmore, I have no doubt that we have moved light years forward. I recently visited Caithness general hospital in Wick, where I was impressed by the hand-cleaning regime that I was shown. All the doctors will smile at hearing that I thought that I had cleaned my hands properly, but when they were put under an ultraviolet light, I realised that I had not done a proper job—bacteria or dirt remain under nails and in unexpected parts of hands. The professionalism of that regime is to be applauded.

I am glad that Jackie Baillie set the scene by referring to the patient's confidence that they will get better, which I mentioned. She was right to pay tribute to staff. They are on the front line and all of us agree that we must support them at all costs.

I welcome the fact that Nicola Sturgeon said that a full investigation would be made into the circumstances that the harrowing letter that Jackie Baillie read out described, and that Nicola Sturgeon will reflect on the outcome of the

investigation into the outbreak at Ninewells. That is important.

Before I return to my colleague Ross Finnie's speech, I will pull out nuggets from the speeches that have been made from all sides of the chamber. I was particularly interested in Cathy Jamieson's comments about the regime at Maidstone, from which we have much to learn. I accept that the cabinet secretary said that we are already on that path, which is fine. We must keep the radar switched on and learn everything that we can.

Dr McKee's expert description of the problems and of how the organism operates was most informative. He and other members zeroed in on the problems of the antibiotic policy.

I liked Marlyn Glen's point that we must involve the public in the approach to tackling the problem. Of course, a balance must be struck between giving information to the public and the danger of frightening the public, as Brian Adam said. However, involving the public in the hygiene regime and in every other front on which we tackle the infection is crucial.

Joe FitzPatrick made an important point about the small sample base for the statistics. If I understood him, the point is that one or two fatalities more in a small sample can skew the statistics in a big way.

Dr Simpson: I accept that one must be careful with statistics, but the problem—which has not been acknowledged in the debate—is that the 027 strain is involved. That strain is regarded as hypervirulent and hypertransmissible—it transmits well and it kills. We have not had that problem before.

Jamie Stone: I respect Dr Simpson's view and his knowledge of the subject. I imagine that the cabinet secretary will cover that issue in summing up.

I thank Nanette Milne for her speech. She displayed impressive knowledge of what is happening. Some of us might take issue with the question whether in-house staff or contracted-out staff achieve better cleanliness—we could talk about that. However, the point is that both types of cleaning staff must observe the highest levels of professionalism.

That takes me back to last week's statement, when I asked the cabinet secretary about the training regime that would be put in place for the new staff who would be hired. She assured me that such a regime was in place, but we must always be vigilant on that front.

As Ross Finnie said, we already have a regime in place. I do not see the point of putting another

regime in place on top of it. The point is to make this regime work.

On the Liberal Democrat amendment, I support the idea that Lord MacLean's work should be widened out to cover other outbreaks in Scotland. That would give us the fullest terms of reference and allow us to consider which is the right approach. I beg members to support the amendment in Ross Finnie's name.

11:15

Jackson Carlaw (West of Scotland) (Con):

And so we come to the closing stages of this further extended debate on a Labour motion on tackling *Clostridium difficile*. Although this is not the first debate on the matter in the chamber—neither was last week's statement the first—it is the first debate to be introduced by Jackie Baillie in her new role. I mention in passing the occasionally formidable act, Cathy Jamieson, which Jackie Baillie has to follow.

This is also my first chance to welcome Jackie Baillie as a health team season ticket holder. I do so with a genuine sense of anticipation. As a fellow West of Scotland member, I can attest to her splendid ability—repeatedly demonstrated—to distance herself so adroitly from not just the record of the previous Administration but, as Murdo Fraser pointed out recently, her own previously published positions, recently so heavily advertised on her website. We must all hope that, under Jackie Baillie's direction, much of her party's previous dogma, which was so instrumental in securing its place in opposition, will be abandoned. Jest aside, Iain Gray has taken something of a political gamble in Miss Baillie's appointment, for reasons I shall touch on later.

As I observed a moment ago, we have debated the subject previously. That is not to detract in any way from the importance of sustained intervention to tackle this scourge, and the scourge of other health care acquired infections. It remains a tragedy that patients continue to succumb to a fatal, yet potentially largely avoidable infection. Ross Finnie spoke effectively to that point. Also tragic are the 38 deaths in recent months from H1N1 or related complications, and the deaths from malnutrition and many other conditions, about which less time has been spent discussing remedies and action plans.

Progress has been and is being made on tackling HAs, and C diff in particular, as a result of events, discussions in Parliament and Government action. The cabinet secretary, Mary Scanlon and other members referred to that. All that is to be welcomed and, in welcoming it, let no one suggest that any of us or anyone in the NHS is complacent. I know from visiting hospitals that

they are not complacent. Anyone visiting a patient in hospital this afternoon or tonight will be acutely aware of the new emphasis on hygiene and infection control, although I noted with interest the contribution from Rhoda Grant.

The Scottish Conservatives have contributed to two areas of policy in particular. First, we strongly support the senior charge nurse programme, although we remain to be convinced that, in practice, that position will be able to exercise the authority that we believe is necessary. I have met the RCN to establish whether it is aware of slippages in any health board, and it has told me that it is not. By 2010, all hospitals should have an empowered champion against HAs.

Secondly, the Conservatives have championed the introduction of electronic bed management and infection tracking in our hospitals. We persuaded the Government to run various pilots, which are on schedule. We believe in such a system not just because a relatively cheap, bolt-on, all-systems-compatible package would make the management of hospital beds simpler and more efficient, but because infection tracking could play a substantial role in tackling and controlling future hospital infections.

Electronic tracking can monitor the bed space, the bed frame, the mattress, the cleaning records and the patient occupation records. It will allow staff to see who may have introduced infections, who is potentially at risk and where those individuals moved to and from. It is a tool designed in consultation with front-line clinical staff, and it means that those staff can have confidence in the quality of information produced and in the simplicity of the system's operation. We are pleased that the cabinet secretary has kept us informed of the progress of the pilots and we look forward to seeing the detailed results in early course.

I regret the thinly-veiled partisan tone of Labour's approach. How can Labour express regret about the conduct of this health secretary, who is tackling the issue, yet not find the courage to express regret to the people of Scotland for its woeful negligence over the previous decade? At the heart of that is the disaster at the Vale of Leven. It will be extraordinary if the public inquiry does not seek to establish the consequential effect of a decade of uncertainty, underinvestment and downright neglect of the hospital. The regret that needs to be expressed today is about that lack of investment and the disregard of the calls to action by the NHS staff in that hospital. We are entitled to ask what advice Professor Hugh Pennington offered to the former Government. Was Professor Pennington concerned about the litany of disaster, outlined in detail by Mary Scanlon, or did he find a voice and an action plan only when he became a

Labour adviser, rather than tackling Labour's lack of action when it was in government?

Contrast that with the transformation at the Vale now. I recently visited the hospital with my Westminster colleague Andrew Lansley, who was keen not to come and preach but to listen and learn so that he can benefit from our experience. What we saw was a committed, motivated staff, relieved that at last the investments were being made—investments instructed during the tenure of this SNP Government. Herein lies the nature of Iain Gray's political gamble for, if the public inquiry into events at the Vale criticises the actions and conduct of the former Scottish Executive, it will be intolerable for Parliament to be detained any longer by the views from the front bench of the local representative of an indicted and discredited former Administration. In short, in those circumstances Miss Baillie would have to consider her position, notwithstanding the obvious personal distress the experience of other families has caused her.

Tackling *Clostridium difficile* has become a priority for not just the Government but the Scottish Parliament and all those in Scotland's NHS. Many are the areas of policy in which the Parliament stands divided, but in our collective determination to make further early and significant progress on this challenge, we must not allow C diff to be one of them. The motion, however, seeks to make the challenge partisan and is not consensual so, although we welcome the chance afforded by Labour's choice of business to debate the matter again, we will vote for the Government's amendment tonight.

11:21

Nicola Sturgeon: I thank all those who have taken part in the debate. There have been a large number of good and constructive contributions. I single out two in particular, from Mary Scanlon and Ross Finnie and I do so to make a serious point. I know from experience that, in the position of Opposition spokesperson—on health or any other issue—it is often difficult to rise above the simple party politics of the issue. Mary Scanlon and Ross Finnie did great justice to the subject matter, although they both regularly subject me to as much scrutiny as any other member, on a range of issues.

I welcome the debate and I do not shirk from the scrutiny that it subjects me to. That is my job—it is the lot of any minister. However, what I sometimes find difficult is the notion that someone or some party has all the answers to the problem that is C diff, and that cases or outbreaks of C diff are evidence that the rest of us—me in particular—are somehow negligent in our handling of the matter. While I accept absolutely that the buck stops with

me—and I will never shirk that responsibility—the picture is significantly more complex than that painted by Labour.

First, Mary Scanlon and Jackson Carlaw pose valid and legitimate questions. Why were none of the measures now advocated by Labour implemented during its years in office? Why were the figures on C diff infection in our hospitals not collected by the previous Administration on a mandatory basis until the tail end of its time in office? The result of that is that while we know, because of the voluntary surveillance mentioned by Mary Scanlon, that there were many thousands of cases of C diff during that period, we do not know exactly how many. Mary Scanlon is therefore right to say that the figures quoted by Ian McKee are, in all likelihood, an underestimate. Of course, that is history, but it is important to recognise that there is now transparency on the issue—transparency that has allowed members to make the informed contributions that we have heard today. That is progress.

The second reason for the complexity of the picture is the truth that no one has all the answers on how to tackle C diff. Cathy Jamieson was right to say that we should learn lessons from wherever we can find them. Part of the problem that we face with C diff is that no one fully understands it yet. However, among the many improvements that are being made is a better understanding of the different C diff strains, through the work of the national reference laboratory. NHS Tayside had early information on the strain of C diff that was present in ward 31. Richard Simpson is right to point to 027 as a particularly serious and potentially deadly strain of the infection.

The third reason that the picture is more complicated is that a great deal of action is being taken. I will listen to anyone who says that there are other things that we should do and other ideas that we should pursue. I have already responded to many of the suggestions that have been made in the chamber—electronic bed management is a case in point.

I highlight four key strands of work, the first of which relates to surveillance. Jackie Baillie was right to say that one of the key failures at the Vale of Leven was a failure of surveillance, although she was wrong to say that that was the only failing. The failure of surveillance at the Vale of Leven led to the outbreak there going unnoticed for many months. Improvements in surveillance have meant that outbreaks since then have been identified quickly. Staff at Ninewells acted quickly and correctly. In my opening remarks, I said that the appropriate time at which to declare an outbreak publicly is an issue. However, it does a deep disservice to staff on the ground at Ninewells to suggest that the fact that the outbreak was not

immediately declared publicly changed in any way their handling of it.

The last point that I want to make on surveillance relates to care homes. Points have been made on the issue, principally by Jackie Baillie. Members should be aware that the Scottish Commission for the Regulation of Care inspects care homes and reviews infection control policies as part of that process. Anyone who has paid any attention to the HAI delivery plan will know that it included a trial of surveillance in care homes. That trial is under way and is due to be reported on before the end of the year. Members are welcome to raise concerns, but they should not misrepresent the facts of the situation.

The second key area of work relates to antibiotic prescribing. Ian McKee was right to highlight the issue. I have already referred to the work of the antimicrobial management teams that are now in place in every NHS board area and to the funding that has been made available for antimicrobial pharmacists, who are key to tackling C diff effectively.

The third area is the range of work that is being done to improve standards of hygiene and cleanliness. Nanette Milne was right to mention work on hand hygiene. There is no excuse for non-compliance with hand hygiene protocols by staff or anyone else in hospitals.

Rhoda Grant: In light of her comments, will the cabinet secretary ensure that the Government's website is amended to give the correct information about hand hygiene?

Nicola Sturgeon: I will check the point and inform Rhoda Grant of the outcome in writing. I make it clear for the purposes of this debate, as I have done on many previous occasions, that tackling non-compliance with hand hygiene protocols is a must. We have funded 600 extra cleaners—there are more cleaners in our NHS now than ever before. Cleaning standards are also tougher. We are taking those actions to address the legitimate concerns that have been expressed.

The fourth area of work relates to public assurance. None of our work really matters if the public do not think and see that it is making a difference. Public confidence in our NHS is crucial. We established the health care environment inspectorate to ensure that the right standards are maintained in our hospitals. I may be proved wrong, but I predict that, over the months and years to come, inspectorate reports will be used as a stick with which to beat the Government, if they identify problems in one hospital or another. So be it—if there are problems or failings in any of our hospitals, I want to know about them and want the public to know about them. More important, I want those failings and problems to be put right.

The inspectorate will ensure that that happens. However, the inspectorate is not a substitute for the responsibility of front-line staff to follow infection control procedures, both to prevent outbreaks and to deal with them when they occur. Staff at Ninewells did that and did it properly. Rightly, they did not wait for anyone else to tell them to close ward 31.

All the action that we are taking is having an impact. C diff rates are down and are at their lowest level since surveillance began. That is not good enough—I would never stand here and say that it is—but it is progress. Because I do not believe that it is enough, I make no apology for maintaining our emphasis and focus on the issue.

I reserve my last words for staff. Joe FitzPatrick was excellent on that point. We should never be blind to failings—no examples of unacceptable practice should be tolerated. However, I know of no member of staff who does not go to work every day wanting to do their best for patients. Outbreaks of infection devastate NHS staff. Recently I visited the staff who dealt with the outbreak at Dr Gray's hospital in Elgin, where I saw and heard about the situation for myself. Any distress that I feel—I do feel distress about C diff outbreaks—or that other members feel is as nothing compared with the distress that is felt by staff on the front line, who often feel responsible for what has happened. We all have a duty not just to stand in the chamber and say that we support staff but, through our actions and the tone and content of our debates on the issue, to demonstrate that we support staff. Scottish National Party members will always do that.

I commend the amendment in my name to the chamber.

11:31

Dr Richard Simpson (Mid Scotland and Fife (Lab): I hope that this has been a useful debate and will lead to some changes, although I am not convinced that it will.

Ross Finnie, Ian McKee and others talked about the history of the disease, which I do not want to reiterate. I take Brian Adam's point that, if in 1999 someone had told us that we would be debating C difficile as one of the main public health challenges that we face, we would have asked why. The reason is that the figures have changed. MRSA and C difficile were not a massive problem in 1999. They grew into a problem, which the previous Government began to tackle. I acknowledge that the present Government is trying to tackle it—I do not say that it is not. However, we in opposition are trying to point out where we think improvements can be made.

I recommend that members read the report published by the Public Accounts Committee at Westminster on 10 November this year, which shows that MRSA and *C difficile* account for only 20 per cent of health care acquired infections. A major problem is still ahead of us. If anyone thinks that *C difficile* is the last type of infection with which we will have to deal, they will be sorely discommoded.

The trends are there and are welcome. There is no doubt about the drop in infection rates that has occurred, in part because of the measures that the previous Government and its successor put in place. The cabinet secretary acknowledged the importance of surveillance. Initially surveillance was voluntary but, as *C diff* developed, it became clear that it needed to be mandatory. Although the drop in *C diff* rates is welcome, Cathy Jamieson made the point that it is not as great as that which has taken place in England. We may not like that, but it is a fact. In some trusts in England, rates have dropped by 80 per cent, which is significant. We must think about why the drop in Scotland has been smaller.

Nicola Sturgeon: I appreciate Richard Simpson's tone so far. Will he concede that one reason that the drop has been faster in England is that mandatory surveillance of *C diff* started there two years earlier than in Scotland, so the extent of the problem and how to tackle it was known much earlier?

Dr Simpson: I do not think that that is the reason. The PAC report to which I referred, and its previous report, indicate that the improvements were achieved by implementing a tough, robust, legislated-for inspection regime. That is what our motion is about. We are not calling for a new regime—I do not know how the Liberals got that idea. We are looking for a rapid, robust response by someone in Government when there is an outbreak.

There have been four outbreaks since that at the Vale of Leven—in Orkney, Highland, Grampian and, now, Tayside. This year alone, we have had three outbreak reports and new guidance from Health Protection Scotland. As Nanette Milne and others indicated, we do not need a lot more guidance. We have had 130 pages of report this year, and there are 31 linked documents—to guidelines, protocols, toolkits and further guidance. There is a plethora of information that is stressing front-line staff, as the RCN says, because matters are not clear.

As if that were not enough—I repeat the comments that I made in the previous debate on the issue—there is a clutter of organisations, from the Government issuing chief executive letters, through the health care associated infection task force, HPS, health facilities Scotland, NHS QIS

and the health care environment inspectorate, to the care commission, which, I acknowledge, is beginning to do work on the matter. That is clutter. Nanette Milne called for clarity and I absolutely agree with her. Things must be much clearer so that the front-line staff understand the situation. If the cabinet secretary does not accept that point, let me refer to the HPS website. We read that there is no general access to the outbreak control information on the Scottish health protection information resource website, which says:

“we are developing a Managing Incidents and Outbreaks Section ... At present, SHPIR is not a publicly available resource ... although this may change in the future.”

That is what our motion is about: full, adequate information that should be given timeously.

I turn now to the Ninewells outbreak—as others have mentioned, I went to the briefing about it. I suggest that the cabinet secretary reads the report from the Scottish Public Services Ombudsman on the Mr A case, which demonstrates that there were significant problems. The complaint about things being unhygienic was upheld; there were lots of problems. With the individual's permission we have quoted from the letters that were sent on the matter. They describe the appalling, unacceptable circumstances that applied to one particular patient.

I agree with the cabinet secretary that the outbreak itself was handled extremely well by the hospital—that was not faulted. When HPS came in, 10 days later, it said that it had been handled well. I asked the hospital's management why it had not asked HPS to come in earlier. They said, “We didn't ask them until we saw some slight peculiarities that we needed advice on.” HPS were the experts, however. They had seen the previous outbreaks, and they should have been in there on day 1, albeit not to order people around—not necessarily to order the ward to be closed, even, as that had been done already. The management should be there to offer their experience and advice. The cabinet secretary has just said that that is not going to happen. That should happen—or the inspectorate should have gone in.

A further point is that confusion was caused by the press release that said that the index case was from 10 weeks previously. It looked as though there had been a cover-up and staff were dismayed by the resulting attack on their competence. When the three index cases occurred, the outbreak was declared and the ward was closed. The board took a deliberate decision, on the basis of protecting the patients and their families from press harassment, not to tell the public. The question is whether or not that was acceptable.

When I asked the management why they did not make an announcement until 6 November, they

said that they waited until the outbreak had concluded. I asked, "What if it hadn't concluded by 6 November? At what point would you have informed the public?" The managers' response was, "We would value clear guidance from the cabinet secretary as to how to manage the press." If that was the first such request, I would understand and I would not criticise, but it is in the NHS QIS report, too. There is a specific statement regarding Orkney and Grampian—the cabinet secretary may shake her head, but it is there—saying that there is a need for much clearer management of the media regarding the provision of public information.

I say to the Conservatives and the Liberals that we will support the Government on the measures that it is taking, but we will also criticise.

I return to the index case. NHS Tayside has a system under which it can identify the 027 strain within two hours of a sample being tested. I asked why staff were not testing all samples, and the reply was that it was too expensive. I pass that on to the cabinet secretary—and I am sure that the Minister for Public Health and Sport, who is also in the chamber, will also pass it on. If the index case had been seen and diagnosed in August from testing carried out at that point—which was not done for reasons of cost—I say that lives might have been saved. I know that that is a very serious statement to make.

The Minister for Public Health and Sport (Shona Robison): That is very serious.

Dr Simpson: Indeed—it is very serious. If the 027 strain is recognised, people become hypervigilant. The cleaning measures that have been described in correspondence as having occurred in September would have come in with a much greater intervention. I ask for that to be looked into.

Antimicrobial policy is being considered, and it is hugely important, but reports to the Government from NHS QIS have repeatedly said that there is a policy in place, yet it is not being followed. When I raised the problems of recruitment and retention among hospital pharmacists, I was blown off: "It's not a problem. That isn't the case," I was told. However, the management in Dundee admitted to me that the recruitment and retention of pharmacists is a problem, because community pharmacists are now paid much more. I ask the Government to look into that, too.

We need clear guidance, clear information, reduced clutter, robust and timeous inspection, clarity and resources in order to tackle the issue. That is all that we want. We acknowledge what the Government is doing, and we acknowledge that staff are making huge efforts, but we need clarity of purpose.

We need the cabinet secretary to acknowledge that the current web portal is sadly inadequate, and that the mechanisms for dealing with the media during an outbreak, which is her responsibility, are not adequate either.

I support the motion in Jackie Baillie's name. The Labour Party supports the Liberal amendment, but not the Government's.

Question Time

SCOTTISH EXECUTIVE

General Questions

11:40

The Presiding Officer (Alex Fergusson): I say to members at the outset of general question time that the Presiding Officers are all keen to tighten up the whole process of questioning and answering in order to get more members involved. I hope that members will respect that today. Having said that, I have acceded to a request from the Minister for Environment to give a brief update on the flooding situation in the south-west in response to question 1, so I will give her a small amount of leeway for that.

Scottish Environment Protection Agency (Flood Management)

1. Maureen Watt (North East Scotland) (SNP): To ask the Scottish Government when the Minister for Environment will next meet officials from the Scottish Environment Protection Agency to discuss issues relating to flood management. (S3O-8489)

The Minister for Environment (Roseanna Cunningham): As the member might expect me to confirm, I meet officials from SEPA very regularly to discuss issues relating to flooding. The most recent meeting was on 12 November, when we had a detailed discussion about the recent flooding events in the north-east of Scotland.

I have been involved in a teleconference this morning in respect of the situation that is beginning to unfold across much of the central belt and the south-west, where a very severe event is anticipated, as the Presiding Officer may know. The local strategic co-ordinating groups have been activated, and we are in as constant contact with them as is possible. We wish to reassure all members that everything that can be done in advance of any potential impact is being carried out. However, if individual members wish to know more specific information about their areas, I invite them to get in touch with my office directly.

Maureen Watt: I am sure that we all hope that the level of preparedness for the present flooding is better than it was previously.

The minister will be aware of the recent flooding in Stonehaven. Locals tell me that the Carron Water and the Cowie Water, which burst their banks, used to be significantly deeper than they are now. SEPA does not allow them to be deepened, as that would disturb wildlife habitats.

Will she ask SEPA to review that policy, which has resulted not only in the destruction of wildlife nesting sites but in the devastation of the homes and businesses of many families?

Roseanna Cunningham: SEPA allows dredging in certain places. It has a difficult decision to make when requests are made. Since 1997, local authorities have been under a duty to cleanse watercourses of debris and sediment where the authority considers that such works would substantially reduce the risk of flooding of non-agricultural land. That position might change very slightly under the Flood Risk Management (Scotland) Act 2009. Individual requests for dredging are dealt with on an individual basis. I am not aware of generalised requests having been turned down in Aberdeenshire. If there are specific ones that the member wishes to raise, I can get back to her.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The minister will be aware that there have been calls in Stonehaven, in my constituency, for a public local inquiry into the actions—or the lack of action, it has been suggested—of SEPA, Scottish Water and other agencies. Does she support the call for a public local inquiry?

Roseanna Cunningham: The setting up of a public local inquiry would not be a matter for the Government. I am aware that other members have added their voices to that call. How such an inquiry might be organised would be a matter for the various agencies involved. I certainly would not stand in the way of an inquiry taking place.

G20 Finance Ministers Meeting (Costs)

2. Tricia Marwick (Central Fife) (SNP): To ask the Scottish Government what the costs were of the G20 finance ministers meeting in St Andrews and whether Her Majesty's Treasury has agreed to meet all costs from HM Government budgets. (S3O-8478)

The Cabinet Secretary for Justice (Kenny MacAskill): We are in close contact with Fife Constabulary, which is currently collating information about the final costs of the event. We have asked HM Treasury to confirm that the United Kingdom Government will meet the costs associated with the event, in line with the statement of funding policy that was agreed between the Treasury and the devolved Administrations. A response is awaited.

Tricia Marwick: I note that the cabinet secretary is in touch with HM Treasury and that there is no agreement yet that the Treasury will meet the costs. The cabinet secretary is aware that the costs of the G8 summit in 2005 were more than £90 million, two thirds of which was eventually

paid by the Scottish Government. Such a situation would simply not be acceptable on this occasion.

The Presiding Officer: Question, please.

Tricia Marwick: Does the cabinet secretary agree that the costs of the G20 meeting should not be paid by the Scottish Government or Fife Constabulary?

Kenny MacAskill: That is certainly our position, which is why the protocol and arrangements were entered into. The G20 meeting was substantially smaller in scale than the G8 summit. It was remarkably well policed by Fife Constabulary and we are extremely grateful to the police that the event was trouble free and had only a limited impact on the community.

Arrangements are in place and we are in regular communication with HM Treasury. We do not want to anticipate a problem and we hope that there will be no problem, but we will seek to defend the interests of the people who pay their taxes and fund the police, whether through the Government or through their council tax. Let us see what the discussions bring.

Ted Brocklebank (Mid Scotland and Fife) (Con): It is always important to allocate the costs for policing big events appropriately. Does the cabinet secretary agree that it is also important to say, "Thanks for a job well done"? He concedes that the policing of the recent G20 summit in St Andrews was impeccable, combining excellent public order with a degree of flexibility. Although it is not—

The Presiding Officer: Quickly, please.

Ted Brocklebank: Although it is not the convention for ministers to sign members' motions, does the cabinet secretary agree that Tricia Marwick might consider signing the motion of congratulation to Fife Constabulary that was lodged in my name?

Kenny MacAskill: Every elected representative in Fife, whichever party they represent, is aware of the excellence of Fife Constabulary. Indeed, every member of the Scottish Parliament is aware that we have an excellent police force. Whether a member signs a motion is a matter for them, but I think that all members heartily pay tribute to Fife Constabulary. The event passed safely, with no disruption to the surrounding community, and there were only five arrests, after a small group of protesters chained themselves together. That is testimony to the excellent policing that was provided by the police in Fife.

All Wales Convention

3. Aileen Campbell (South of Scotland) (SNP): To ask the Scottish Government whether it

had an input into the Welsh Assembly Government's All Wales Convention. (S3O-8467)

The Minister for Culture, External Affairs and the Constitution (Michael Russell): The constitutional future of Wales is a matter for the people of Wales.

Officials have had limited contact with the All Wales Convention. However, the First Minister and I met the Independent Commission on Funding and Finance for Wales—the Holtham commission—which, given its remit to study the Assembly's funding arrangements, as well as tax-varying and borrowing powers, was of more relevance to Scotland's interests.

It is right for the people of Wales to have a say in their future, just as the people of Scotland should have their say on the constitutional future of Scotland in a referendum.

Aileen Campbell: Will the minister join me in welcoming the publication of the All Wales Convention's final report? He will be aware of the consensus in Wales in favour of a referendum to decide the country's constitutional future. Does he agree that it is untenable for politicians such as David Cameron to support a referendum on the constitutional future of Wales while opposing a referendum in Scotland?

Michael Russell: I can say without difficulty that I regard that position as untenable. The member will be aware that not just David Cameron's position but the Liberal Democrats' position is untenable. The one consistency to be found is within the Labour Party, which, despite its agreement with Plaid Cymru in the programme for government that it would back a referendum, is now saying that it is not sure whether it should do so. In Wales and in Scotland, the Labour Party is against reasonable change and letting people have their say.

The Presiding Officer: Question 4 has been withdrawn.

School Estate (Additional Support Needs)

5. Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the Scottish Government what plans it has to improve the school estate for pupils with additional support needs. (S3O-8522)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): Our new school estate strategy recognises the importance of good-quality buildings and facilities for all pupils, including those with additional support needs. It sets an ambitious target of having well in excess of 90 per cent of pupils educated in good-condition schools, and plans for the rest.

Following an invitation in the context of the next phase of the new school building programme,

Inverclyde Council submitted a proposal to us, which would improve the school estate for pupils who have additional support needs. Although I cannot say anything in advance of an announcement about the next phase of the programme, I assure Duncan McNeil that Inverclyde's proposal will be considered alongside all the others that were submitted to us and to the Convention of Scottish Local Authorities, with which we are working on the matter.

Duncan McNeil: I thank the cabinet secretary for her answer, which anticipated my supplementary question. She is aware that Inverclyde Council has spent a significant amount of money on the school estate. It would be a terrible tragedy if special needs children lost out on new schools. I am pleased that the cabinet secretary confirmed that the council's proposal is being properly considered. When will she meet council representatives to ensure that there is quick progress on the proposal?

Fiona Hyslop: As the member knows, the taxpayer is currently supporting Inverclyde Council to the tune of £5.73 million a year over 30 years for a school building programme, the financial close of which was October 2008. He was correct to identify the importance of driving forward the programme and proposals on the estate, particularly for pupils who have additional support needs.

The member will appreciate that I cannot pre-empt the discussions with COSLA. However, when the announcement has been made we will move swiftly to engage with all councils for which the announcement means that they will be able to progress the school building programme, and particularly with Inverclyde Council, should it be part of the programme.

Stuart McMillan (West of Scotland) (SNP): Does the cabinet secretary agree that local authorities should prepare robust proposals for additional support needs education? Does she also agree that pupils who require such education must not be used as a political football and should be considered on their own merits and needs?

Fiona Hyslop: The point is well made. It is striking that the successful councils in Scotland are those in which political parties come together. For example, the Scottish National Party group in Inverclyde Council has made representations, as has Duncan McNeil. It is important that the individual child's needs are supported. Political posturing by any party in that context can sometimes hamper rather than support education.

The Presiding Officer: Question 6 was not lodged.

South Lanarkshire Council (Meetings)

7. Karen Gillon (Clydesdale) (Lab): To ask the Scottish Executive when the Cabinet Secretary for Education and Lifelong Learning last met representatives of South Lanarkshire Council. (S3O-8506)

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): I most recently met representatives of South Lanarkshire Council on 2 July, as part of a programme of visits by ministers to all local authorities in Scotland, to discuss a range of education issues. The council noted that it has reduced class sizes in early primary classes and in deprived areas. It expects an educational impact, through active learning and greater interaction between pupils and teachers. Research shows us that smaller class sizes make a big difference in the early years.

Karen Gillon: I congratulate that Labour council on its work to secure good education for young people in Clydesdale.

What is the cabinet secretary doing about the increasing number of teachers who are seeking employment, who could be further reducing class sizes to meet the Government's manifesto objective of reducing class sizes in the early years to fewer than 18 pupils?

Fiona Hyslop: The Government moved swiftly to set up a teacher employment working group, all of whose recommendations are being enacted. I am pleased that, in South Lanarkshire, the proportion of P1 to P3 pupils who are in classes of 18 or fewer pupils increased from 9.4 per cent to 13.7 per cent last year. I look forward to seeing the figures in future.

It is important to remember that the resources that are being put into the local government settlement would enable councils to employ teachers. In particular, it is unfortunate that Glasgow City Council has reduced the number of teachers and teaching positions by 300 in one year—that represents 300 jobs that could have been available for post-probationers, had the council chosen to use the resources that it was given to employ teachers. [*Interruption.*]

The Presiding Officer: Order.

Linda Fabiani (Central Scotland) (SNP): Is the cabinet secretary aware of the concern of elected members of South Lanarkshire Council that restrictions on the future revenue budget are due to the increasing servicing costs of the private finance initiative/public-private partnership schools project?

Fiona Hyslop: South Lanarkshire Council has indicated that it wants to use the savings that it can make from falling school rolls to fund its ambitious programme of school building. At one

point, the biggest PFI school project in Europe was in South Lanarkshire. The continuing revenue costs, which are supported by the Government, continue to put pressure on the council's budget. The Government has had to find up to £60 million a year to fund unfunded PPP commitments from the previous Administration. We have honoured our promise to do that, but doing so puts constraints on other parts of the budget.

Andy Kerr (East Kilbride) (Lab): Does the cabinet secretary accept that South Lanarkshire Council has renewed all its secondary schools and is in the midst of a programme of renewing all its primary schools? Further, does she accept that it would have been in that position a lot sooner if funding had been made available from this Government? Does she accept that the revenue support that is made available for PPP projects has been reduced by the Scottish Government to less than it was under Labour and that, as a result of that policy, fewer schools will be built?

Fiona Hyslop: I am sure that the member is familiar with the Scottish Government's budget. I refer him to the pages that show how much revenue support is being provided by this Government for PFI and PPP programmes, many of which were unfunded when we came into office. I also point out that the reason why South Lanarkshire Council can put so much money into the capital funding of primary schools in particular is because this Administration has put £2 billion of capital funding into the local government settlement for 2008 to 2010. The member should welcome that.

Catalan Referenda

8. Gil Paterson (West of Scotland) (SNP): To ask the Scottish Executive whether it is sending representatives to observe referenda on the constitutional future of Catalonia that will be carried out in towns across Catalonia on 13 December 2009. (S3O-8486)

The Minister for Culture, External Affairs and the Constitution (Michael Russell): It is, of course, for the people of Catalonia to decide on their constitutional future. There are currently no plans to send representatives to observe the Catalan referenda, but I am following developments there with interest and I have enthusiasm for that democratic process.

Gil Paterson: It seems to be a normal part of the process of devolution in Catalonia to seek the views of the public on constitutional matters. Why is it that, according to the unionist parties, Scots should be denied the same opportunity to decide their constitutional fate? I certainly hope that the minister is not deflected from his purpose.

Michael Russell: I suspect that the significant difference between the situation in Catalonia and Wales, where these issues are current, and the situation in Scotland is that, in Catalonia and Wales, there is a range of political parties that are enlightened and democratic while, in Scotland, there appear to be only two—the Scottish National Party and the Green party.

Dyslexia (Mentoring)

9. Margaret Mitchell (Central Scotland) (Con): To ask the Scottish Executive what its position is on the setting up of a dyslexia mentoring programme in Scotland similar to the one that operates between the British Dyslexia Association and Sir John Cass business school, City of London, which involves successful businessmen and prominent people with dyslexia working with and encouraging students with dyslexia. (S3O-8460)

The Minister for Children and Early Years (Adam Ingram): Dyslexia Scotland was involved in the setting up of the United Kingdom dyslexia mentoring programme and is in the process of looking for more mentors to participate in the scheme in Scotland. To date, three people have registered in Scotland to take part as students, as well as one mentor, with other applications currently being processed.

Dyslexia Scotland plans to hold the first mentoring workshop in Scotland early in 2010. The Scottish Government welcomes the work that Dyslexia Scotland is taking forward with the mentoring programme and wishes it every success with its forthcoming workshop.

Margaret Mitchell: That is encouraging. The minister will be aware that one of the aims of the mentoring programme is to build confidence in people who have dyslexia. What is the Scottish Government doing to increase the support for detecting dyslexia in undiagnosed adults and children?

Adam Ingram: As the member will be aware from her role on the cross-party group on dyslexia, the Scottish Government has developed a framework for inclusion, which is being introduced in our initial teacher education colleges throughout the country. That will give our new teachers the tools to identify dyslexia in the children whom they teach. We are also developing continuous professional development to ensure that children with dyslexia have their needs met in the classroom.

Third Sector (Monitoring)

10. Tom McCabe (Hamilton South) (Lab): To ask the Scottish Executive, further to the answer to question S3O-7756 by Shona Robison on 10

September 2009, what third sector organisations are being tracked over the next five years to determine the impact of single outcome agreements and the ending of ring fencing and how those organisations were selected. (S3O-8518)

The Minister for Housing and Communities (Alex Neil): The organisations to be tracked are being selected by independent researchers. We expect to have the list by the end of December.

Tom McCabe: Will the Scottish Executive intervene at any point during the research if a third sector organisation is found to be struggling under the challenges that ministers have said that the organisations might face as a result of the concordat relationship?

Alex Neil: The organisations to be tracked are being selected by independent researchers. We expect to have the list by the end of December.

Tom McCabe: Will the minister clarify whether the Scottish Executive will intervene at any point during the research if a third sector organisation is found to be struggling under the challenges that the minister has said they might face as a result of the concordat relationship?

Alex Neil: We have regular discussions with all the third sector organisations. Irrespective of the research exercise, we would always be cognisant of and responsive to any concerns by any third sector organisation at any time.

The Presiding Officer: That concludes general questions. Before we come to the next item of business, I am sure that members will wish to join me in welcoming to the gallery the Speakers of the Parliaments of Penang, Uganda, St Lucia and the Pakistani province of the Punjab. *[Applause.]*

First Minister's Question Time

12:00

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-2018)

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

Iain Gray: This week, one of Scotland's leading think tanks reminded us of the First Minister's promise to raise Scotland's gross domestic product growth rate to the United Kingdom level by 2011. Is the First Minister going to keep that promise?

The First Minister: That is the target. I have to say that we did not expect in 2007 that the GDP of the United Kingdom would go into sharp decline—I do not think that anybody anticipated it. I certainly know that the then Chancellor of the Exchequer did not anticipate it, because he told us that he had “abolished boom and bust”. In fact, he abolished just the boom bit. Nonetheless, we should be encouraged by the fact that the Scottish economy, despite the concentration on financial services of one of the great impacts of the recession, has actually had a fall in GDP that is slightly less than that for the rest of the UK. We should also be encouraged that employment in Scotland is higher, unemployment is lower and economic activity is higher. On that basis, I think that our target is the right one to have, and this Government is intent on achieving it.

Iain Gray: In the First Minister's Brigadoon bunker in Bute house things may not be so bad, but the truth is that in the real world, under his Administration, we face a deeper recession and a slower recovery than the rest of the UK. The promise of matching Scotland's growth to that of the rest of the UK is just another broken promise, is it not? Two months ago, he was still promising to build a rail link to Glasgow airport. Business, trade unions and local government all agreed that that was just what the economy needed, so John Swinney cancelled it. When it comes to the economy, is the First Minister not all talk and no trousers?

The First Minister: Let us just tackle this nonsense and the argument that we are enduring a deeper recession than the rest of the United Kingdom. It is simply not true. From the first part of 2008, when the recession started in the UK, the decline in Scottish domestic product—gross value added—is slightly less than that of the UK as a whole. I do not claim that as a triumph, because it

is the sharpest decline in living memory. However, I will just say to Iain Gray that, given the nature of the recession—for which the Labour Government in Westminster must accept some degree of responsibility—is it not significant that construction has done significantly better in Scotland, that the production industry has done significantly better and that the primary industries have done significantly better? Indeed, with the sole exception of financial services—for understandable reasons—much of the Scottish economy is proving incredibly resilient.

As far as the rail link to Glasgow airport is concerned, the solution lies in the Labour Party's hands. Let it restore the £160 million year-on-year cut in the Scottish capital budget; then we will be able to fulfil the programme that we intended to fulfil.

Iain Gray: If the First Minister presents what is happening in Scotland's construction industry as an example of the success of his Government, he has lost touch with reality to a degree that even I find hard to believe.

The ridiculous Scottish Futures Trust has cost 25,000 construction jobs—that is the industry's figure—and cancelling the Glasgow airport rail link will cost another 1,300 jobs. If the First Minister cares in the slightest about growth in the Scottish economy, will he cancel the Scottish Futures Trust and reinstate the rail link?

The First Minister: I do not claim what has happened to the construction industry as an enormous success. It has had one of the heaviest falls in its output in history, but let us look at the exact figures. The Scottish construction industry has declined by 6.3 per cent. That is a savage decline, but that is with the Scottish Futures Trust coming in at present. The exactly comparable figure for the UK construction industry, without the Scottish Futures Trust, is a decline of 8.2 per cent. Will Iain Gray tell us why—despite the fact that the UK has managed to resist the idea that we should not in the future pay through the nose for private finance initiative projects—the decline in construction across the UK is greater than the decline in construction in Scotland, or does that rather inconvenient fact destroy his entire question?

Iain Gray: The fact is this: the Fraser of Allander institute's report says that this is the first time since world war two that Scotland has done worse than the rest of the country in a recession. That is the difference that the SNP is making.

If Alex Salmond thinks that the 25,000 construction workers who are looking for work will be impressed by those figures, he is losing it. Indeed, the business community is saying that Alex Salmond is losing it, the trade unions are

saying that he is losing it, economists are saying that he is losing it, his own party is saying that he is losing it and—yes—the people of Glasgow North East said that he is losing it big style last Thursday. Willie Bain, Scotland's newest member of Parliament, is sitting in the public gallery—that says it all. Alex Salmond—

The Presiding Officer (Alex Fergusson): I must press you for a question, Mr Gray.

Iain Gray: Alex Salmond is losing it. It is time he started listening and it is time he accepted that he is the problem. When will he accept that he is the problem?

The First Minister: I think Iain Gray went on a bit long in that answer, but let me be generous and welcome Willie Bain to our proceedings and congratulate him on his success in Glasgow North East. I hope that he is not one of those people who go for a dual mandate in various Parliaments—[*Interruption.*]

The Presiding Officer: Order.

The First Minister: I have a good memory and I remember welcoming with equal generosity the victor of the Glenrothes by-election to our proceedings just a year ago. I also remember Iain Gray being incredibly enthusiastic about that by-election victory. Six months later, the Scottish National Party wiped the floor with Labour in an election across Scotland—the European election—by a margin of 10 per cent.

I have heard a rumour that there might well be an election in six months' time in Scotland. We will see then whether Iain Gray has the same enthusiasm that he has today.

Lastly, I understand that we are also welcoming the Scottish Labour Party leader, Mr Jim Murphy, to our proceedings this afternoon. I hope that Iain Gray will accept that, when he says that he enjoys his election victory, I would not rob him of being content about that election success, for which I can easily congratulate the Labour Party. I can tell him, however—he should reflect on this—that many people, not just in the Labour Party but across Scotland, believe that with Iain Gray it is a question not of losing it but of never having had it in the first place.

Prime Minister (Meetings)

2. Annabel Goldie (West of Scotland) (Con): I would ask the First Minister who he thinks should be the next manager of the Scottish football team, but I will leave that to Tavish Scott.

To ask the First Minister when he will next meet the Prime Minister. (S3F-2019)

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

Annabel Goldie: I was alarmed and appalled when I discovered this week that, of 1,500 children who were admitted to the Royal hospital for sick children in Glasgow, more than 150 were suffering from malnutrition. That is a disgrace and an affront in modern-day Scotland. However, Government statistics that were recently obtained by the Conservatives claim that only 48 children across the whole of Scotland were admitted to Scottish hospitals suffering from malnutrition. Given the huge variation between those figures, and given that the figures cover only hospital admissions, can the First Minister tell me the true extent of child malnutrition in Scotland? If he cannot, why cannot he do so and what will he do to find out?

The First Minister: Several hundred thousand children in Scotland live in relative poverty. I will certainly investigate the malnutrition figures and try to reconcile the different figures that Annabel Goldie has given. Both the United Kingdom Government and the Scottish Government are committed to ending child poverty throughout the UK and Scotland. Of course, many of the instruments by which that can be delivered lie within the social security system, but others lie within the province of this Parliament. That is why I believe that the drive for early intervention in the education system is an effective and important measure. I also believe that this Administration's school meals policy, given what we know from the trial about the uptake figures and its success across Scotland, will be of substantial assistance in ensuring that every young child in Scotland has at least one decent square meal a day.

Annabel Goldie: It is worrying that the First Minister does not know the true extent of the problem. I urge him to find out, and to do so quickly, because unless we know the extent of the problem, we will certainly not know how bad it is or how to deal with it.

Let me make one suggestion to the First Minister. In the meantime, we can start by having more health visitors, who are the key to preventing child malnutrition. I have discovered that a general practitioner practice in Springburn with 7,000 patients on its books has only one health visitor. Another GP practice in Possil has no health visitor at all. That is totally unacceptable. The scandal of child malnutrition and the scandal of there being too few health visitors go hand in hand. Will the First Minister demonstrate his resolve in tackling child malnutrition by backing Conservative policy for more health visitors for all our children throughout Scotland?

The First Minister: I will certainly examine any constructive suggestions. On the specific case that Annabel Goldie mentioned, I know that the Deputy First Minister has written to Jackson Carlaw—who I think raised the issue as the area MSP—to point

out that the practice in question has a vacant position. I will certainly look at any constructive suggestions, whether from Annabel Goldie or from any other member, on tackling child malnutrition and poverty among children, which should concern the entire Parliament and go beyond party boundaries.

Cabinet (Meetings)

3. Tavish Scott (Shetland) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-2020)

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

Tavish Scott: The First Minister will have seen in this morning's papers the list of quango executives in Scotland who are paid more than him. Some of them are paid even more than his MP, MSP and First Minister salaries put together. Does he think that there are too many people on too much money?

The First Minister: The previous Administration set the terms and conditions of the vast majority of agencies and quangos in Scotland. I am trying to remember; Tavish Scott was not Deputy First Minister in the previous Administration, but I think that he was a minister in it.

The Cabinet Secretary for Finance and Sustainable Growth, John Swinney, has made clear, both to the Parliament's committees and more generally, the policy on unwarranted bonuses and rewards across the public sector in Scotland, which is that bonuses and rewards must relate strictly to performance. John Swinney has already acted to restrict the position. Is Tavish Scott suggesting that we should tear up contracts that were fixed by the previous Labour-Liberal Administration, or will he accept at some point that if he asks a question and gets an answer to it, he has a responsibility to explain how the situation came about in the first place?

The Presiding Officer: I have said many times before that it is for members to ask questions during First Minister's question time.

Tavish Scott: That was a "No", then.

Does the First Minister know that such reports only scratch the surface? Through freedom of information requests, the Liberal Democrats have discovered that at least 3,400 people in the public sector in Scotland are paid more than Scottish Government ministers and that they receive a total of £401 million in pay every year. People at the bottom of the income scale are being threatened with losing their jobs and the number of young people who are unemployed has never been higher—[*Interruption.*]

The Presiding Officer: Order.

Tavish Scott: In these tough times, does the First Minister think that the tiny proportion of people who get such a vast share of public money should shoulder a fairer share of the burden? As part of his budget, will he set a target to reduce that pay bill and to spend the money instead on creating skills and jobs for young people?

The First Minister: On leadership from the top, last year, Scottish ministers proposed and accepted—all of us—a pay freeze. I do not recall Tavish Scott or his MSPs reciprocating that to any extent. Indeed, Mike Rumbles thought that the suggestion was ridiculous. That was done and it set an example. John Swinney has already dealt with quango bonuses.

I have two things to say to Tavish Scott.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Answer the question.

The First Minister: I am answering it. I remind Tavish Scott that bonuses were set and settlements were made by a Labour-Liberal Administration in Scotland. I do not accept the Liberal Democrat party's proposition that the solution to this country's economic problems is to freeze the wages of people across the public sector. Every nurse and every policeman in Scotland would be a casualty of that Liberal Democrat policy.

The Presiding Officer: Bill Butler has a brief supplementary question.

Bill Butler (Glasgow Anniesland) (Lab): The First Minister will be aware that a ministerial statement on sectarianism was made yesterday. That statement is welcome as a first step, but it fell short of the coherent strategy that is required. The lack of a specific commitment to halt the decline in the number of school twinning projects is of particular concern. Given that education must be at the heart of any successful developed strategy, will the First Minister commit his Government to working with local authorities to reverse the alarming decline in the number of twinning projects?

The First Minister: In his statement, Fergus Ewing set out the range of activities that are taking place and the range of organisations that campaign and work daily against sectarianism in Scotland. All members should embrace that cause. I deprecate any attempt to take the battle against sectarianism into the party-political arena in Scotland. Therefore, we will discuss with our partners in the Convention of Scottish Local Authorities how valuable school projects can be sustained and maintained.

Of course, tackling sectarianism is an enormous priority for the Government. However, Labour

members will have to accept at some point that among the implications of the deep public expenditure cuts that are being directed from Westminster are pressure on local authorities, vital projects and the Scottish Government, and pressure across the public services and right across the country. I know that Bill Butler accepts that there will be consequences in Scotland if expenditure is cut back by Westminster. I hope that the Labour Party can explain that to the people when it is called to account next year.

Commonwealth Games 2014 (Support)

4. Bob Doris (Glasgow) (SNP): To ask the First Minister what support the Scottish Government is providing to the 2014 Commonwealth Games. (S3F-2032)

The First Minister (Alex Salmond): Earlier this week, the Glasgow 2014 organising committee announced an increase in the overall budget for the games. The additional budget was required mainly in response to an increase in broadcasting costs and the need to set aside a greater contingency fund. The new games budget is still only one 20th of the public funding that is being provided for the 2012 Olympics. The Scottish Government's contribution has risen by £59 million to £297 million at 2007 prices. That necessary increase is challenging for the public purse, but the funding boost will help us to stage an event that will have lasting benefits for generations to come. The games are good news for Glasgow and Scotland, which is why we have also recently launched a £23.5 million legacy plan for Scotland to capitalise on the opportunities of 2014.

Bob Doris: I want to ensure that, in terms of its budget, Glasgow's Commonwealth games is treated equally with the London Olympics by the United Kingdom Government. Will the First Minister back my call for Glasgow City Council to join me and the Scottish Government in insisting that the £300 million that is owed to Scotland through London Olympics regeneration funding is paid to Scotland? Will he also ensure that a significant share of those funds—if they are recovered—will be used for regeneration projects in Glasgow to build a lasting legacy of the 2014 games? I fear that, if that does not happen, the UK Government will not only rip off Glasgow, but will let down Scotland.

The First Minister: Glasgow City Council and the Scottish Government are co-operating fully on delivering the Commonwealth games for Scotland, as we demonstrated at a press conference in Glasgow on Monday. Nonetheless, I thank Bob Doris for his question and the points to which he has drawn attention.

I find it disappointing that Jim Murphy and Gerry Sutcliffe cancelled the meeting with the Minister

for Public Health and Sport on 10 November to discuss the return of £150 million of lottery money to Scotland. Scotland is losing out not just on the lottery money, but on another £165 million because of the UK Government's decision not to subject regeneration expenditure on the Olympics to the Barnett formula in the normal way. There should be support across the chamber, not just from Glasgow City Council, for Scotland to get its fair share. It is about time the United Kingdom Government stepped up to the plate on the issue and stopped ripping off Scotland.

The Presiding Officer: Several members want to ask supplementary questions on this important matter, and I am keen to allow as many as possible. Questions should therefore be short and sharp, as should the answers.

Jamie McGrigor (Highlands and Islands) (Con): Although we all want to see Glasgow hosting the best ever Commonwealth games in 2014, what specific guarantee can the First Minister give to council tax payers in Glasgow and all other taxpayers throughout Scotland that the increase of £81 million will be the final such increase?

The First Minister: What was announced on Monday was the result of many months of careful work. I have every confidence—as has Glasgow City Council—in the audit that has been done of the expenditure that needs to be devoted to the games.

Some people have argued that the broadcasting costs should have been better anticipated—I saw that argument deployed in one of our newspapers. The Government inherited the estimate that broadcasting rights would offset broadcasting costs on the home broadcaster, and I have no complaint whatever with the estimate that was formulated in 2007, which was based on the experiences of Manchester in 2002 and of Melbourne in 2006. It was an entirely reasonable estimate to make at the time—indeed, I still hope that the BBC can be prevailed upon to give Scotland the same treatment for 2014 as Manchester received for 2002.

Ross Finnie (West of Scotland) (LD): The Government reports of the overspend stated that £20 million of the £81 million that was needed to fill the gap would come from a reserve fund. Should further contingencies arise, how much will be left in the reserve fund?

The First Minister: There are two aspects: there is a contingency fund of £80 million, which has received a £48 million increase as a result of the announcements on Monday, and there is a reserve fund of £20 million beyond that. The reserve fund is the only part of the funding that does not ascribe to the formula of 80 per cent

coming from the Scottish Government and 20 per cent coming from Glasgow City Council. The reserve fund is funded entirely by the Scottish Government and the Scottish public purse. I think that that is right and proper, because although the benefit of the games will be felt predominantly in the city of Glasgow, their underlying benefits will stretch across the country.

At a time of severe pressure on the public purse, meeting the obligations will undoubtedly be a huge strain. Nonetheless, we should keep our eyes on the prize—the prize for Scotland is enormous. This major international event is going to have enormous beneficial effects not only on infrastructure and immediate building but for future generations of young Scots.

Margaret Curran (Glasgow Baillieston) (Lab): Does the First Minister appreciate the deep frustration that is felt by those of us in Glasgow who have worked so hard to bring the Commonwealth games to the city at his attempts always to pass the buck and blame other people whenever we raise an issue about them? Whether he likes it or not—

The Presiding Officer: Question, please.

Margaret Curran: How does the First Minister square in his own mind this great commitment that he parades so publicly with the cancellation of the Glasgow airport rail link project which, as he knows, was a vital part of the bid document? Will he attempt to reinstate his credibility by reinstating the GARL project?

The First Minister: Margaret Curran's view is not shared by the Commonwealth Games Federation, which pointed out that the project was not an integral part of either the games bid or their successful delivery. Now that the smoke of by-election has cleared, I hope that even the constituency member will somehow concede that the billions of pounds of infrastructure investment that is now being made in and around Glasgow is ample demonstration of this Government's commitment to that great city. Prime among these projects is, of course, the M74 motorway, which has been awaiting completion for the best part of 40 years and which will, under a Scottish National Party Government, finally be finished.

Custodial Sentences

5. James Kelly (Glasgow Rutherglen) (Lab): To ask the First Minister, in the light of the Justice Committee's rejection of the Scottish Government's plans to create a statutory presumption against custodial sentences of less than six months, whether the Scottish Government will now abandon these plans. (S3F-2036)

The First Minister (Alex Salmond): Custodial sentences of six months or less are simply not

working and do little to stop offending behaviour. Indeed, the Justice Committee itself acknowledges that short sentences

“have limited effect as a deterrent”.

The figures show that three quarters of those who are released from short sentences go on to reoffend within two years of getting out. In contrast, three out of five people who are sentenced to community punishment do not go on to reoffend over the same period. It is clear from the vast array of comments on the matter that more and more people agree with the Scottish Government's position, so we will continue to build on that growing consensus outside the Parliament, which I believe will be reflected in a majority in the Parliament.

James Kelly: Does the First Minister not realise that communities throughout Scotland are looking for tough action on crime? Does he not accept that the scrapping of six-month sentences, which will free 40 per cent of those who have been convicted of indecent assault, 71 per cent of those who have been convicted of housebreaking and 75 per cent of those who have been convicted of all crimes and offences, is the wrong policy and that it is time to follow the Justice Committee's sound advice?

The First Minister: I will tell James Kelly what tough action on crime is: it is having in Scotland a record number of police on the streets and the record low in criminal behaviour for a generation.

What James Kelly is proposing is a cycle and policy of despair. It is exactly the policy that the Labour Party tried when it was in office and exactly the policy that failed. I know that the member is a keen advocate of his party's policy, but I also know that other members on the Labour benches do not share his opinion. For example, one Labour MSP confided to the *Edinburgh Evening News* that he found his party's approach “depressing” and said:

“Anyone who knows anything about it feels uncomfortable with what we're saying.”

No wonder, because Labour does not have a single answer for improving Scotland's justice system and no policy except the counsel of despair, which has been tried—and has failed—for so long.

Linda Fabiani (Central Scotland) (SNP): Is the First Minister aware that former Conservative leader Iain Duncan Smith recently called for the scrapping of sentences of two months or less in England? Does he welcome this admission from the Conservative Party that short sentences are, to quote IDS, “farcical”? Does he agree—

The Presiding Officer: Hurry up, please.

Linda Fabiani: Does the First Minister agree that Conservatives and Labour members in Scotland should start to base their prison policy on evidence rather than perceived populism?

The Presiding Officer: As briefly as possible, please, First Minister.

The First Minister: If I remember correctly, Iain Duncan Smith has no reputation for being soft on crime or anything else, and I know that his remarks will weigh heavily with members in this chamber, as will the words of Cherie Blair, who is another advocate of the Scottish Government's approach to criminal justice.

Alcohol (Minimum Pricing)

6. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the First Minister when the Scottish Government will announce the minimum price per unit of alcohol that it plans to introduce. (S3F-2021)

The First Minister (Alex Salmond): Expert advice from the World Health Organization and many others tells us that minimum pricing will be a targeted and effective intervention that will save lives. If the bill is successful, it will be for ministers to propose to Parliament an effective minimum price, but we encourage debate on the illustrative example of 40 pence per alcoholic unit.

No single action will bring about the change that is required to rebalance Scotland's relationship with alcohol. That is why we have outlined a comprehensive range of measures in our alcohol framework, and why we want full and effective enforcement of existing laws.

Murdo Fraser: I am sure that the First Minister will agree that we need, before we can discuss the minimum price, to know whether such a policy would be legal. Three weeks ago in the chamber, the First Minister said about the legal advice that the Government had taken on minimum pricing:

“I hope and believe that such information can be made available to members to enable us to discuss and address the issue in a serious way.”—[*Official Report*, 29 October 2009; c 20682.]

The following week in the chamber, his deputy said:

“I want to work with other parties ... but we are working within the same constraints as the previous Administration. I have acres of quotations from previous ministers ... on why legal advice cannot be shared.”—[*Official Report*, 5 November 2009; c 20913.]

What is the Scottish Government's position? Is it that of the First Minister, who wants to share the legal advice, or that of his deputy, who does not?

The First Minister: If the member examines his quotations further, he will see that I said that we

are keen to share as much information as we possibly can.

The restrictions on sharing legal advice are well known. Murdo Fraser will also be aware of certain precedents that allowed information to be provided to members to help them to make the decisions.

I know that Murdo Fraser will take what I am going to say in the way in which it is meant. In addition to giving indications of support for the Scottish Government's criminal justice policy on short sentences, I notice that Iain Duncan Smith has come out firmly on the side of minimum pricing on alcohol, and has said that it is the key way to tackling the problem among young people. Given that Murdo Fraser once slavishly followed Iain Duncan Smith when he was Tory leader, will he now give some regard to those wise words from his former chief?

12:32

Meeting suspended until 14:15.

14:15

On resuming—

Question Time

SCOTTISH EXECUTIVE

Finance and Sustainable Growth

The Deputy Presiding Officer (Alasdair Morgan): Before we come to questions, I echo what the Presiding Officer said earlier: in order to get as many people in as possible, we would prefer short and succinct questions, and answers to match.

Lloyds Banking Group (Glasgow Job Losses)

1. Sandra White (Glasgow) (SNP): To ask the Scottish Government whether it will provide an update on the proposed job losses in the Lloyds Banking Group and in particular the impact on Glasgow. (S3O-8491)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): On 10 November, Lloyds Banking Group announced a number of changes, which will affect around 5,000 roles in the group. I understand that they will mean a net reduction of around 2,600 permanent jobs across the United Kingdom by the end of 2010. The company has not announced a breakdown of the locations of the affected jobs.

I spoke to Archie Kane of Lloyds Banking Group on this matter on the morning of the announcement, and the company has made clear its commitment to work with the finance sector jobs task force. Combined with the work of the partnership action for continuing employment initiative, that will ensure that staff who are affected are provided with the employment and retraining opportunities that they need to get back into work as quickly as possible.

Sandra White: I thank the cabinet secretary for that concise answer.

It has been mentioned that up to 1,600 jobs might be lost in the city of Glasgow. What role can the Scottish Investment Bank play in safeguarding jobs and the creation of future opportunities in Glasgow and beyond?

John Swinney: The focus of the Scottish Investment Bank is to assist the process of employment creation in Scotland, and it will do that through the various initiatives in which it is involved.

On financial services employment, although there are regrettable announcements of job losses—I made clear in my initial answer the ways

in which the Scottish Government will provide support to the individuals who are affected—there are many announcements of new jobs being created in financial services in Scotland, particularly in Glasgow, with the welcome announcement by Tesco Personal Finance some weeks ago.

Andy Kerr (East Kilbride) (Lab): Great concern has been expressed about the role of the Scottish Investment Bank. It is a collection of previously existing money that has been repackaged, and commentators and others have judged its impact to be disappointing. What further steps can the cabinet secretary take in that regard?

With regard to the jobs that have been lost, we should reflect on the many jobs that have been saved as a result of the swift and sure action of the United Kingdom Government in relation to Scotland's financial services sector, and we should recognise that the UK Government, in partnership with the Scottish Government, must focus on those individuals who are in danger of losing their jobs or have already lost their jobs.

John Swinney: I agree with Mr Kerr. It is important that we acknowledge the support that has been given to institutions in Scotland—I make no secret of that. Equally, support has been given to institutions in the rest of the UK and around the world.

A lot of the commentary in Parliament, although not all of it, focuses on the need for us to present a strong and compelling case for Scotland as a financial services location. That was the focus of the First Minister's involvement in the European financial week activities in Frankfurt earlier this week.

As I said to Sandra White, the role of the Scottish Investment Bank is to support the development of new employment opportunities in Scotland. The Government will work to ensure that that activity has the maximum impact possible, and we will keep Parliament informed of the activities that we undertake and the progress that we make.

Gavin Brown (Lothians) (Con): The Scottish Investment Bank was unveiled with much fanfare in April this year. When will it start to lend money?

John Swinney: The Scottish Investment Bank is an initiative that gathers together a number of ways in which we can invest in supporting employment creation in Scotland. The concept is designed to ensure that we have a process and pattern of investment that will support employment. As I said in reply to Andy Kerr, the Government will, of course, report fully to Parliament on the work of the Scottish Investment Bank.

Scottish Futures Trust

2. Elizabeth Smith (Mid Scotland and Fife) (Con): To ask the Scottish Executive when the Scottish Futures Trust will be able to demonstrate the level of savings it has achieved in procurement costs. (S3O-8458)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Scottish Futures Trust's corporate plan for 2009 to 2014 will set out how the SFT will maximise value for money for the taxpayer from public infrastructure investment. The SFT's annual reports and accounts for 2009-10 will give details of the savings and benefits being delivered.

Elizabeth Smith: The Cabinet Secretary for Education and Lifelong Learning said in a debate on the school buildings programme:

"The SFT is expected to make savings of at least 3 per cent over the span of the programme".—[*Official Report*, 8 October 2009; c 20371.]

That implies that there is scope for further savings in procurement costs. Will the Cabinet Secretary for Finance and Sustainable Growth therefore confirm that meeting a target of at least 3 per cent savings is the criterion by which the success of the SFT will be judged?

John Swinney: I certainly can confirm to Elizabeth Smith that from the origins of the SFT—this was an implicit part of the business case around the SFT—savings of 3 per cent were envisaged. If savings in excess of 3 per cent can be achieved, nobody will be happier about that than me. Certainly, the focus of SFT is to maximise value for money in all projects, which will be the focus of its work.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The cabinet secretary has condemned public-private partnership/private finance initiative projects on a number of occasions. Indeed, the First Minister did so again today. Can the cabinet secretary therefore explain why the SFT is tendering for a PPP/PFI project called hub company for the reprovision of Gullane surgery and day centre, Blackburn partnership centre, Firrhill partnership centre and Muirhouse joint health and social care centre? The Cabinet Secretary for Health and Wellbeing answered a written question from me on Monday, indicating that the private sector will have a 60 per cent equity shareholding that can gain profit from those projects. What is the benefit for the PPP/PFI of the hub co projects that the cabinet secretary is taking forward?

John Swinney: As Mr Purvis will know, we inherited the hub co proposal from the previous Administration, and we have taken it forward, like a host of other projects, to ensure that the infrastructure that was committed to is delivered.

That is exactly the approach that we have taken to hub co and that is why it is part of SFT's work programme.

Car and Van Ownership (Glasgow)

3. Margaret Curran (Glasgow Baillieston) (Lab): To ask the Scottish Executive what percentage of people in Glasgow owns one car or van only. (S3O-8502)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The Scottish household survey estimates that 38.1 per cent of households in the Glasgow City Council area had access to only one car or van in 2007-08.

Margaret Curran: The Scottish household survey also said that 50 per cent of households in the 15 per cent most deprived areas do not have a car, whereas the figure is 25 per cent for the rest of Scotland, so people in Glasgow are particularly reliant on public transport for work and leisure. Is it fair to conclude that the decision to cancel the Glasgow airport rail link project will have a disproportionate effect on disadvantaged people, particularly in the east end of Glasgow? In light of that, does the Scottish Government believe that there is a case to reinstate GARL and that reinstating it would address the transport needs of people in the east end?

Stewart Stevenson: Perhaps the member should read some previous parliamentary answers with greater care. For example, she will discover that, 20 years after the establishment of GARL, according to the figures provided by Strathclyde Passenger Transport in 2006, the difference in car traffic to the airport on the M8 would be a mere 17 cars per peak hour. In addition, no more than 3 per cent of passengers going to Glasgow airport were expected to use the railway system to the airport.

We have decided to make £1 billion of rail investment between Edinburgh and Glasgow, and £200 million investment in new rolling stock to the west of Glasgow to complete the Airdrie to Bathgate line and to improve services on all the other connections into Glasgow. Aggregate spending in public investment on railways alone is approaching £2 billion, which is in addition to the improvements to the M74 and M80 roads in Glasgow. Members will see other improvements, such as the two additional platforms being put into Glasgow Central station. Glasgow luxuriates in the beneficence of this Government.

Concessionary Travel

4. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Executive whether it remains

committed to the provision of concessionary travel. (S3O-8496)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Yes. We remain committed to the provision of concessionary travel through the Scotland-wide free bus-travel scheme for older and disabled people and the national concessionary travel scheme for young people.

Claire Baker: Is the minister aware of concerns in Fife that the SNP-led Fife Council is to end the flat-rate concessionary rail ticket, which is a policy that brings clear health and wellbeing benefits to our more vulnerable constituents? Will he join me and my Labour colleagues in condemning the move? Will he intervene to ensure that a key benefit that is enjoyed by people throughout the region is not taken away?

Stewart Stevenson: Everyone is free to respond to the consultation that Fife Council is undertaking. The matter is of course one for the council, which, like councils throughout Scotland, has seen an increased share of the overall public funding that is provided by central Government. It is also important to bear in mind that, by continuing to support the scheme for older and disabled people and extending it to disabled ex-servicepeople, we are showing substantial support for social travel and travel for people throughout Scotland.

Liam McArthur (Orkney) (LD): Does the minister recognise the disappointment in my constituency at the Government's decision not to include either community transport or ferries in the concessionary travel scheme? Will he acknowledge that, for many of my constituents, ferries perform the same role as buses in Fife and elsewhere in mainland Scotland?

Stewart Stevenson: The member will be aware that free ferry journeys are already provided to island dwellers. Of course, it is the local councils in the northern isles, including the council in the member's constituency, that are responsible for the internal ferry services and, if they wish to offer concessions to the inhabitants of the Orkney islands, they are free to do so.

Waverley Line

5. Rhona Brankin (Midlothian) (Lab): To ask the Scottish Executive whether it will update the Parliament on progress on the reopening of the Waverley railway line. (S3O-8498)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Construction will commence in 2010 with the first of the ancillary works, and we expect that a contract for the construction of the railway work will be delivered in autumn 2011. This

Administration is committed to delivering a railway service to Midlothian and the Scottish Borders, and commencing the ancillary works will commit the Scottish Government to

“construct the whole of the railway”

under the terms of the Waverley Railway (Scotland) Act 2006.

Rhona Brankin: Perhaps the minister should be more cautious about how he answers in the future. He should possibly answer with greater care, to quote what he said earlier.

The answer finally confirms that the SNP Government has ditched its commitment, by saying that it is going to sign the contract by 2011. Is that not a slap in the face to my constituents in Gorebridge, Newtongrange, Eskbank and Shawfair, who want the same benefits of a passenger rail service as other communities in Scotland enjoy? The minister's answer is a clear change from what has been said in the past about when the contract will be signed.

Stewart Stevenson: The member is correct: there has been a change. I hope that she welcomes it, as people in the Borders and in her constituency undoubtedly will do. Our drawing forward of capital spending has enabled us to make a start to the project earlier than was previously announced. Our transport ambitions for Glasgow, for the Borders, for the north of Scotland and for roads in the Aberdeen area show that the Government is delivering throughout Scotland. That includes improvements to the railways to Inverness and Aberdeen, and terrific improvements throughout.

The only threat to the programmes would be the diversion of money from another scheme in Scotland back to the Glasgow airport rail link. I invite members on the Labour benches to consider that carefully.

Capital Expenditure (Acceleration)

6. Linda Fabiani (Central Scotland) (SNP): To ask the Scottish Executive what discussions the Cabinet Secretary for Finance and Sustainable Growth has had with the UK Government in relation to further acceleration of capital expenditure. (S3O-8472)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I wrote to the Chancellor of the Exchequer on 26 October, in the context of his forthcoming pre-budget report, to request that he provide access to further capital acceleration in 2010-11. Representations were also made by the First Minister at the joint ministerial committee on 16 September.

Linda Fabiani: I know that the cabinet secretary has welcomed the broad political and civic

consensus that further acceleration of capital expenditure would be advantageous to Scotland's economy and, indeed, to social housing as a stated priority of the Government. Has he had an indication that the chancellor's pre-budget report will give some comfort to all those who recognise the need for continuation of the accelerated capital expenditure programme?

John Swinney: I have not had a response from the chancellor—and I would not expect one—in advance of the pre-budget report, which is now scheduled for 9 December. I hope that, in the context of recent data from gross domestic product statistics that indicate that the United Kingdom was still in recession in quarter 3 when many had expected it to emerge from recession, the UK Government will recognise that further investment of capital is required to encourage the fragile economic recovery that is now, we hope, under way.

Andy Kerr (East Kilbride) (Lab): The Scottish Government's track record is not great in using such moneys effectively. We know that the previous accelerated capital was not used wisely, in that the money was used to purchase already-built property and land and only a small part of it was spent on new-build developments that create jobs. If the cabinet secretary is successful in his negotiations with the chancellor, will Glasgow's citizens be able to luxuriate in a new Glasgow airport rail link as a result of accelerated capital expenditure if, and when, that becomes available?

John Swinney: The acceleration of capital expenditure has had a significant effect in bringing forward developments in a whole host of projects, such as road improvements in different parts of the country, expenditure by Scottish Enterprise and Highlands and Islands Enterprise, and investment in higher and further education and in some rural affairs projects. I am somewhat at a loss to understand why Mr Kerr cannot welcome the way in which capital acceleration has been deployed around the country.

On the Glasgow airport rail link—I have made this point to Mr Kerr previously and, I am sure, I will make it again during the budget process—we must acknowledge that, notwithstanding capital acceleration, the rail link project will span four financial years. According to the chancellor's budget in April, an acute problem is coming our way in the size of capital budgets that will result in significant declines in the capital expenditure that is available to the Government in 2011-12, 2012-13 and for a number of years thereafter. Parliament must acknowledge that there is a problem in capital expenditure. That problem is not my invention but was set out in the chancellor's budget document and confirmed by the report of

the Auditor General for Scotland that was published about 10 days ago.

Parliament cannot keep piling on ideas and initiatives to be delivered by the Government when we all know that the financial resources that will be available to us will decline in the years to come. That is the reality that Parliament must face up to in the budget process and that the Government has faced up to in our draft budget. I encourage members to focus on that in the way that the Government has done.

European Commissioner for Competition Policy (Bank Divestment Meetings)

7. Stuart McMillan (West of Scotland) (SNP):

To ask the Scottish Government what discussions it has had with the European Commissioner for Competition Policy concerning the proposed divestment of the Royal Bank of Scotland and Lloyds Banking Group. (S3O-8484)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): On 3 November, I wrote to Commissioner Neelie Kroes about the proposed divestments by the Royal Bank of Scotland and Lloyds Banking Group to seek three things: information on how the divestment process will be taken forward; assurances that the process will not have a negative impact on the Scottish economy; and assurances that a dialogue will be opened up with the Scottish Government about the issue.

Stuart McMillan: The cabinet secretary will be aware that, as part of its banking inquiry, the Economy, Energy and Tourism Committee heard evidence yesterday from Irmfried Schwimann of the European Commission. Does the cabinet secretary consider that the divestment of jobs, branches and businesses, as agreed by Her Majesty's Treasury and the European Commission, could have an adverse effect on the Scottish economy and limit the potential of the institutions in the future?

John Swinney: Quite clearly, there is the potential for the divestments to have a negative effect on the Scottish economy. Equally, we need to take forward a set of initiatives to ensure that that does not happen. In the Government's mind, the divestment process that takes place should fulfil two objectives: first, it should inject more competition into the banking market, which I think Parliament has agreed is essential; and secondly, it should secure long-term benefits to the strength and comprehensive nature of the financial services sector in Scotland. That is why the Government will be actively involved in encouraging an outcome to the divestment process that is in the economic interests of Scotland.

Lewis Macdonald (Aberdeen Central) (Lab):

The cabinet secretary will be aware of the evidence that the Economy, Energy and Tourism Committee received yesterday. I draw his attention to the comments that were made by a senior officer in the European Commission's competition directorate-general. It was said that, if the Scottish Government had made representations on small business lending and the concentration of ownership in that market in only two banks, they would have been taken into account. Does the cabinet secretary regret that he did not make such representations before 3 November? Looking forward, a final decision on Lloyds has not yet been taken. Will the cabinet secretary now make such representations to ensure that choices are available to small businesses in Scotland when they seek lending opportunities in the future?

John Swinney: That is a somewhat odd question. Mr Macdonald knows full well that I have made direct representations for months to the Chancellor of the Exchequer and Her Majesty's Treasury, driven by the research that I commissioned about access to finance for small and medium-sized enterprises in Scotland. As a purported unionist, he knows that the United Kingdom Government is responsible for dialogue with the European Commission about the divestment activities that are under way. I would have thought that a representative of a unionist political party would be surprised that I drew information to the attention of the Chancellor of the Exchequer—who has responsibility for financial services regulation and who is, by chance, an MP who represents the city of Edinburgh, which has significant financial interests—that he might have taken into account in the negotiations that the Treasury was involved in with the European Commission. I was delighted to share information with the chancellor, and it was appropriate that I did so.

I assure Mr Macdonald that the Scottish Government will do everything in its power to maximise competition in the marketplace in Scotland. That is why Mr Mather and I have met the chief executive of HSBC in Scotland in the past few weeks and why I have had and will have discussions with Barclays and other institutions to encourage competition.

Non-domestic Rates (Relief Scheme)

8. John Scott (Ayr) (Con): To ask the Scottish Executive whether it intends to introduce a transitional relief scheme for the forthcoming revaluation of non-domestic rates. (S3O-8452)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I am currently considering that issue and will shortly

make a statement to Parliament on the revaluation of non-domestic rates.

John Scott: Given the importance of the issue to many businesses in Scotland, will the cabinet secretary clarify when a final decision on the principle and details of a transitional relief scheme will be agreed? Does he agree with the Scottish Conservatives that our business rates regime should always be as competitive as that in England or, ideally, more competitive than it?

John Swinney: Mr Scott will realise that the business rates approach in Scotland is more competitive because we have such an effective small business bonus scheme, which provides welcome assistance to small businesses throughout the country.

I said that I am actively considering the issue and that I will shortly make a statement to Parliament on the revaluation of non-domestic rates. It is appropriate that I should make that statement to Parliament and that I should clarify to Parliament exactly what steps the Government will take.

David Whitton (Strathkelvin and Bearsden) (Lab): I welcome the cabinet secretary's statement that he is still considering the matter, but he seems to have been considering it for a while. Such a scheme already exists in England. The cabinet secretary has just praised the actions of the chancellor. Perhaps he could try to copy the chancellor and get a bit of a move on in introducing a scheme.

John Swinney: If Mr Whitton was cognisant of statute, he would understand that there is a statutory obligation on the United Kingdom Government to have a transitional relief scheme in England, but there is not a statutory obligation on the Government in Scotland to have such a scheme. That is why the chancellor is so far ahead of the game, according to Mr Whitton. The law requires the chancellor to have such a scheme.

Mr Whitton is not satisfied with not asking the right question, so he is insisting on muttering from the sidelines the question that he possibly should have asked.

David Whitton: When will a scheme be introduced?

John Swinney: I am sure that Mr Whitton would be happy to have an extended debate on the matter.

In order to ensure that Mr Scott might be cheered by the fact that we have a competitive regime in Scotland, before I came to any conclusion about the level of business rates and the approach to transitional relief that we will have in Scotland I had to wait for the poundage rate in the rest of the UK to be announced. The

poundage rate in the rest of the UK was announced on 17 November. If Mr Whitton kept up with the news, as he used to do in his former profession, he would be aware that my decision on the matter will be timely.

Rural Telephone Exchanges

9. Liam McArthur (Orkney) (LD): To ask the Scottish Executive when it expects the details of the programme for the upgrading of Exchange Activate rural telephone exchanges to be agreed and made public. (S3O-8541)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The Scottish Government hopes to be in a position to announce the exchanges to be upgraded and indicative timescales by the end of this year. Further information will be posted on our website, in due course, at www.broadbandforscotland.co.uk.

Liam McArthur: I am pleased that the Government has been able to draw on the funds that were set aside by the previous Executive to continue the roll-out of broadband in rural areas such as my own.

Does the minister accept that it is passing strange that, having made the announcement about the upgrade programme back in September, he still cannot give us more detail about when and where the upgrade work will take place? Is he aware of the concerns in Orkney and elsewhere about the significant and growing gap between the speed of the service that is available to businesses and households in places such as Orkney and the super fast service that is offered in Edinburgh, Glasgow and other urban areas?

Jim Mather: I note the member's scepticism. He should look at the reality of the situation. We have kept a focus on the issue and brought the sector together back in June. We have created an agreement with British Telecom, which is now carrying out the planning work. If the member had listened to my earlier reply, he would have heard that we expect to be in a position to announce the planned upgrades and an indicative timescale by the end of the year.

Flooding (Aberdeenshire)

10. Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive, further to the commitment given by the First Minister in the chamber on 5 November 2009, when it will announce the financial measures it plans to put in place to assist Aberdeenshire Council in dealing with the recent unprecedented flooding, including the outcome of its investigation into the threshold at which local authorities can access Bellwin funds. (S3O-8545)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): There are a number of ways in which the Government can assist councils that experience exceptional flooding. We are currently considering what may be appropriate for Aberdeenshire Council in the light of the recent flooding there. A review of the threshold for the Bellwin scheme is separately under way, and we will announce our conclusions on that shortly.

Mike Rumbles: Aberdeenshire Council has asked for help for both Pennan and Bervie braes, in Stonehaven. The cabinet secretary has already made £500,000 available for Pennan in the constituency of his colleague Alex Salmond. So far, he has made absolutely nothing available for Stonehaven's Bervie braes in my constituency, which is suffering in exactly the same way from the threat of landslide. The latest flooding occurred in Stonehaven almost three weeks ago. Never mind his telling us that the Government is studying it; when will the minister take action and provide the resources that Aberdeenshire Council needs to ensure that businesses and homes there are not threatened in that way again? I want action, please.

John Swinney: Mr Rumbles would perhaps be better served by expressing his point of view in the fashion in which Sir Robert Smith expressed his view to me in a helpful letter that I received from him in the past couple of days.

Mike Rumbles: Just answer the question. I want action.

The Deputy Presiding Officer: Order.

John Swinney: Perhaps Mr Rumbles might consider his tactics in the light of the exceptionally courteous fashion in which Sir Robert Smith goes about his business.

The Government has received an application from Aberdeenshire Council and we are considering the details of that. Mr Rumbles would be the first to insist that the Government properly undertake decisions about public expenditure, and that is exactly what we will do. We will ensure that the approaches that are required of us under the Bellwin scheme are taken in a full and effective manner.

Alex Johnstone (North East Scotland) (Con): Can the cabinet secretary give a guarantee regarding the timescale of any funding being made available to Aberdeenshire Council, to ensure that any remedial work that is deemed necessary can be done immediately so as to avoid a recurrence of the events of 1 November?

The Deputy Presiding Officer: I call John Swinney.

Mike Rumbles: But he is not giving anything.

The Deputy Presiding Officer: Mr Rumbles, please.

Mike Rumbles: He is not giving anything.

The Deputy Presiding Officer: Mr Rumbles, I have called the minister to speak.

John Swinney: I assure Mr Johnstone that the Government is looking urgently at issues in connection with Aberdeenshire Council's application. I will take decisions as soon as the full advice is available to me.

The Gathering 2009

11. Sarah Boyack (Edinburgh Central) (Lab): To ask the Scottish Executive what discussions the Cabinet Secretary for Finance and Sustainable Growth has had with the Minister for Culture, External Affairs and the Constitution regarding lessons that can be learned from the £600,000 loss sustained by the gathering 2009. (S3O-8497)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Ministers will of course continue to assess how we can maximise the benefits of future gathering events, given that independent research has shown that the gathering 2009 generated significant additional revenue for Edinburgh and Scotland and that there is the potential for future gathering events to have a similar positive economic impact. Clearly, it will be important for those delivering future gathering events to take account of the experience gained in the organisation and delivery of this year's event.

Sarah Boyack: I welcome the cabinet secretary's acceptance that lessons need to be learned from the disastrous economic performance of this year's event. I ask him, in particular, to study the perverse economic analysis in the EventScotland report, available on the organisation's website, which suggests that gross expenditure and gross outputs are the same. According to that analysis, if £10,000 were to be flushed down one of the gathering's many portable toilets, it would make a £17,300 contribution to the Scottish economy. It completely misses the concept of value for money or accountability.

I suggest that the cabinet secretary also tells us the final amount of public sector money that has been spent on the project. I have been able to work it out at something in the region of—

The Deputy Presiding Officer: Ms Boyack, this is going on a bit too long.

Sarah Boyack: There is a point to this.

The Deputy Presiding Officer: It is meant to be a question—

Sarah Boyack: It is.

The Deputy Presiding Officer: —not a post-amble to a question.

Sarah Boyack: I have already asked the cabinet secretary a question. I asked him to study—

The Deputy Presiding Officer: If you have already asked the minister a question, I ask him to answer it.

John Swinney: Sarah Boyack is quite right to say that certain points need to be raised about the gathering's financial management. Indeed, I said in my first answer that lessons had to be learned.

However, I am somewhat concerned by Ms Boyack's analysis of the event's economic impact. According to the study that she refers to, which was produced not by the Government but by EKOS, an independent firm of consultants that regularly produces material about the Scottish economy, the gathering delivered an economic impact in Scotland of £10.4 million, with £8.8 million going to the Edinburgh economy. Those are substantial injections of economic activity. Clearly the costs that underpin the arrangement of such events must be kept under proper control, but there has been an economic impact that has been beneficial to Scotland and which must be at the heart of our decision making on this matter.

Shirley-Anne Somerville (Lothians) (SNP): The cabinet secretary is aware that 73 per cent of the gathering participants interviewed were likely or very likely to make a return visit to Scotland. Is he able to reassure the chamber that VisitScotland and related Government bodies will do everything they can to exploit the potential for return visits to Edinburgh? Moreover, will he join me in congratulating the City of Edinburgh Council on stepping in to protect the interests of small businesses at this difficult economic time when there was the threat of a debt to The Gathering 2009 Ltd?

John Swinney: I assure Shirley-Anne Somerville that, along with the exceptionally successful homecoming activities throughout the year, the activities surrounding the gathering will be used as a positive platform on which to build future tourism and visitor attraction activity in Scotland. The Government certainly welcomes the City of Edinburgh Council's willingness to acknowledge the benefits of and opportunities presented by the gathering proposal and to take it forward in the years to come.

Association of British Insurers (Flood Insurance)

12. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive what discussions the Cabinet Secretary for Finance and Sustainable Growth has had with the Association

of British Insurers regarding insurance policies for properties at risk of flooding. (S3O-8461)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): When I met Maggie Craig from the Association of British Insurers on 16 October 2009, we discussed flooding issues. In addition, the Minister for Environment met ABI representatives on 10 March 2009 to confirm the Government's continuing commitment to the Scottish statement of principles on flood insurance, which was agreed on 17 December 2008, and to discuss any issues arising.

Mary Scanlon: The joint statement between the Association of British Insurers and the Scottish Government that was published in December last year is subject to annual review. I take on board what the cabinet secretary said about on-going discussions. During that annual review, will he reflect on the experience of the past few months, including the flooding problems in Moray, where 85 families were forced out of their homes? Will he consider how properties will be covered in the future, and ensure that the small-print details—such as a requirement that a house is not situated within 400m of a burn or river—are made clear when someone purchases a policy?

John Swinney: Mary Scanlon makes a fair point. When individuals take up insurance, it is important that they are fully aware of all the details, and financial services regulation will apply that obligation to individuals who sell insurance. If Mary Scanlon has further information that might be of concern, the Minister for Environment or I will be happy to hear about it and to make appropriate representations to the ABI. I might add that the ABI is very helpful in addressing such questions.

Referendum Bill

13. James Kelly (Glasgow Rutherglen) (Lab): To ask the Scottish Executive what discussions the Cabinet Secretary for Finance and Sustainable Growth has had with the Minister for Culture, External Affairs and the Constitution regarding provisions in the 2010-11 draft budget relating to the proposed referendum bill. (S3O-8512)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): As with any matter relating to the draft budget, I have a number of discussions with the relevant portfolio minister during the budget process.

James Kelly: It appears, from studying the *Official Report* of the Finance Committee of 9 November, that no money has been set aside for the proposed referendum bill, which is estimated to cost £9 million. Will the cabinet secretary initiate discussions with his Cabinet colleagues on dropping the referendum, which is becoming no

more than a sideshow? He can then concentrate fully on the priority of promoting jobs and growing the Scottish economy.

John Swinney: As Mr Kelly knows, our purpose is to focus Government and public services activity on increasing sustainable economic growth in Scotland. That is what we do; the First Minister went through some of that during First Minister's questions earlier today.

If anything is a sideshow, it is what on earth the Secretary of State of Scotland has done to the Calman commission. There was a splendid opportunity in all the pomp and majesty of yesterday's Queen's speech for us to get absolute clarity about where the UK Government is going with the Calman commission. As one tremendously well-informed commentator wrote this morning, it was difficult to discern the difference between the long grass and a white paper from the Labour Government in the Queen's speech.

Town Centre Regeneration Fund

14. Patricia Ferguson (Glasgow Maryhill) (Lab): To ask the Scottish Executive what progress the Cabinet Secretary for Finance and Sustainable Growth is making in his discussions with the Minister for Housing and Communities regarding the timescale for the completion of projects funded by the second round of the town centre regeneration fund. (S3O-8504)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): All applicants to the second round of the town centre regeneration fund were required to provide assurances that grant could be claimed in full from the Scottish Government by the end of March 2010. In order to claim, projects must either complete or have put in place all contracts for delivery of work. However, the actual dates on which second-round projects will complete will vary. There is no set timetable.

Patricia Ferguson: The cabinet secretary and I had an exchange on the issue at a recent meeting of the Local Government and Communities Committee. At that time, I said that, given the late announcement of the fund, it would be helpful if such projects were given some leeway at the other end. Obviously the discussions that were to take place have not borne fruit in that respect. Given that projects such as the one in Possilpark in my constituency, and indeed all three projects that Glasgow City Council submitted, have been rejected on this occasion, despite meeting the criteria for the fund, does the Scottish Government accept or agree that the case has now been made for the continuation of the town centre regeneration fund, and that it should be reinstated to the budget?

John Swinney: On the point that Patricia Ferguson made to me at committee, the issues have been discussed by ministers. What I have said to Patricia Ferguson today is that, to claim resources under the second round of the town centre regeneration fund, projects must either complete or have put in place all contracts for delivery of work. There is significant flexibility in that for the relevant organisations.

Patricia Ferguson asked about the continuation of the scheme. As she knows, and as I think I rehearsed at committee with her, we put the scheme in place for one year. If we were to put it in place for another year, we would have to find new resources for that in the 2010-11 budget. I am already being pressed to reinstate the Glasgow airport rail link, which would increase the capital cost in the budget. The continuation of the scheme would be another financial request on the budget. All that I can respectfully say to Parliament is what I have said in earlier answers: we are living with a fixed budget that is getting tighter, and members of all parties must reflect on the fact that we cannot find the resources to do absolutely everything that we would like to do. That is the tough decision that the Government has come to and the Opposition must face it, too.

The Deputy Presiding Officer: That concludes question time.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): On a point of order, Presiding Officer. In his answer to question 10, I believe that the Cabinet Secretary for Finance and Sustainable Growth has misled Parliament. He said that he is carefully considering the application from Aberdeenshire Council for financial help in dealing with the problems at Pennan and at the Bervie braes in Stonehaven. However, according to a letter to me from Mr Swinney, that is not the case. John Swinney has already allocated £500,000 of Scottish Executive money to Pennan, which is in his colleague the First Minister's constituency. In the letter he specifically outlines that nothing is to go elsewhere. The money is to go only to Pennan so, by implication, there is nothing for my constituents in Aberdeenshire. Presiding Officer, will you advise me as to how I should put the record straight on that and to whom I should write to complain about Mr Swinney's actions?

The Deputy Presiding Officer: The member perhaps knows the answer to that question. Quite frankly, it is not really a matter for me and it is not a point of order. Really, it is another supplementary question, so I ask the cabinet secretary to respond, briefly.

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I am delighted to respond and I will do so briefly. What I

said to Mr Rumbles is that the application under the Bellwin formula—

Mike Rumbles: That is not what he said.

The Deputy Presiding Officer: Would you just finish, cabinet secretary?

John Swinney: I will simply say that what I thought I said to Parliament was that the application under the Bellwin formula was getting my consideration. If I did not say that, I will of course correct the record and put it straight, but my clear recollection is that I referred to the application under the Bellwin formula that is currently receiving my consideration.

Schools (Consultation) (Scotland) Bill: Stage 3

14:58

The Presiding Officer (Alex Fergusson): The next item of business is stage 3 of the Schools (Consultation) (Scotland) Bill. In dealing with the amendments, members should have with them the bill as amended at stage 2, which is SP Bill 23A, the marshalled list, which is SP Bill 23A-ML, and the groupings, which I as Presiding Officer have agreed. The division bell will sound and proceedings will be suspended for five minutes for the first division this afternoon. All divisions thereafter will be 30 seconds.

Section 5—Correction of the paper

The Presiding Officer: Group 1 is on the provision of additional information during the consultation period. Amendment 1, in the name of Fiona Hyslop, is grouped with amendments 2 to 9, 13, 13A and 10 to 12.

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): I will start by addressing amendments 1 to 12, which are in my name. At stage 2, I indicated to the Education, Lifelong Learning and Culture Committee that I was grateful that Margaret Smith had, through lodging an amendment, highlighted an aspect of the bill that could be improved. Although section 5 will introduce an important new element—namely, a mechanism to challenge the accuracy of a proposal paper—it does not fully address a situation in which relevant information has been omitted from a paper.

I am therefore pleased to speak to my amendments, which will insert relevant provisions in sections 5 and 10. They will ensure that the robust mechanism that will enable people to challenge the accuracy of information in the proposal paper will also apply to assertions that relevant information has been omitted from the paper. To address such claims, councils will have to apply the same process as for claims of inaccuracy. I hope that all members will support my amendments, which will serve to strengthen further the consultation process, and to create a means by which omissions from a council's proposal paper can be addressed.

I turn to Margaret Smith's amendments. Although I said at stage 2 that I understood the concerns that lay behind similar amendments that were lodged then by Margaret Smith, I hope that I can reassure Ms Smith and others today that my amendments will address those concerns by securing the right of parents and others to challenge the omission of relevant information

from a proposal paper. That, combined with the mechanism that is already in the bill for addressing inaccuracies, should greatly improve the quality of the information that is provided at the start of any consultation. I highlight that the Scottish Schools (Parental Involvement) Act 2006 already places legal duties on councils to provide information to parents and parent councils, when it is reasonably requested.

I have discussed with Margaret Smith other statutory consultees who do not have the same legislative rights. Those consultees include community councils, staff, pupils and unions, who will for the first time have a formal role in this new and more robust consultation process. I appreciate Margaret Smith's efforts to ensure that they will be well informed so that they can participate fully in the consultation. As she and I have discussed, statutory guidance will accompany the act; I propose that it will advise councils to answer all questions timeously where possible, but to do so specifically where the questions are raised by statutory consultees in recognition of their formal role. The guidance will also encourage councils to share more widely answers to questions that have universal interest—for example, through a frequently-asked-questions section of the council website.

I remind members that a consultation report must address all representations, both oral and written, and that its publication will be followed by a three-week period in which further representations can be made to the council before it reaches its final decision.

Finally, any closure proposals can be called in by ministers where there have been serious flaws in the process. Members will be aware that councils are concerned that amendment 13 would place on them an unnecessary and potentially disproportionate burden that could be used to bring a consultation to a near halt. I am therefore concerned that amendment 13 risks jeopardising the remarkable consensus that we have created around the bill. That consensus has been built on the principles of balance and proportionality, which we have strived towards at every stage. Amendment 13 appears to put those principles at risk.

I have real concerns that amendment 13A would require all answers to questions to be published, regardless of how personal or sensitive their subject matter, and even against the wishes of the correspondent. I am sure that that is not what is intended, but it is what the amendment would oblige councils to do. I also note that the amendment would not require councils to take the published answers into account in any way. They would not be part of the consultation report, nor would there be a requirement for them to be

provided to ministers in the case of a closure decision.

Amendment 13A risks requiring councils to contravene data protection legislation by placing answers about personal or otherwise sensitive issues in the public domain, without any added benefit to the consultation process. For those reasons, I ask Margaret Smith not to move amendments 13 and 13A.

I move amendment 1 and urge members to support it.

Margaret Smith (Edinburgh West) (LD): As part of any school closure proposal, it is essential that education authorities ensure that parents, parent councils and others have access to information and get answers to their questions timeously and without recourse to freedom of information legislation.

The Scottish rural schools network gave us a great deal of evidence on the matter at the Education, Lifelong Learning and Culture Committee, and cited the example of Eassie primary school, where it took 18 months for some information to come forth. MSPs across the chamber raised issues about access to information during the stage 1 debate.

It is clear that the Convention of Scottish Local Authorities and others are concerned that my amendments would leave them open to what we might call malicious requests for information. However, I made it clear at stage 2 that I was talking about reasonable requests: it would not be reasonable for a local authority to have to respond, for example, to a letter containing 45 questions if it arrived the day before a consultation period was due to conclude. Such issues might be covered in guidance.

The initial consultation period following the publication of a proposal paper for a school closure seems to be crucial. At stage 2, and in subsequent discussions with the Government, I highlighted a couple of important issues: circumstances in which major relevant issues are omitted and circumstances in which parents and communities are not given the information that they need in time to respond properly to a closure proposal that affects their local school.

We have previously welcomed the provisions of section 5, which deals with inaccuracies in a proposal paper and how they might be challenged, acknowledged and dealt with in the process. I very much welcome the Government's amendments, which will extend the provisions to include omissions from the proposal paper, which will enhance the bill.

It is essential and reasonable that councils answer questions that they receive from parents,

parent councils, community councils and others in good time, so that those answers can be taken into account in the responses that individuals and organisations submit to the consultation.

The Cabinet Secretary for Education and Lifelong Learning has rightly said that local authorities are obliged by sections 11(1) and 12(1) of the Scottish Schools (Parental Involvement) Act 2006 to give information to parents and parent councils when it is reasonably requested of them. However, the evidence that we took at the Education, Lifelong Learning and Culture Committee made it clear that, despite that act's being in force, that is not happening in all cases. We know that some authorities are not answering requests from parents and parent councils, even though they are meant to do so under the law.

It is also clear that, as well as parents and parent councils, others might reasonably request information, such as the statutory consultees under the bill—staff, pupils, community councils, other relevant councils, other users of the school and trade unions—who are not covered by the 2006 act. It is perfectly reasonable that they should receive answers to their questions in good time so that they can feed them into their responses to a consultation. I very much welcome the cabinet secretary's recognition of that, and the positive dialogue on those issues that I have had with her and her civil servants since stage 2. The assurances that she has given us today will reassure staff and unions, who are seeking the best solutions when it comes to closures and other serious proposals for schools.

I acknowledge some of the concerns about amendment 13A, through which I was attempting to find a way in which written responses on general topics might be spread more widely, which might enhance a community's understanding, in the same way that people who attend public meetings hear the answers to everybody else's questions.

I welcome the cabinet secretary's amendments and her assurance that the giving of information to statutory consultees, parents and parent councils will be covered in statutory guidance under the act, which will enhance the act and consultations that take place throughout Scotland on school closures and other important issues that affect our schools.

Elizabeth Smith (Mid Scotland and Fife) (Con): On amendments 13 and 13A, I have listened carefully to the comments that Margaret Smith has made at stage 2 and today. I thank her for raising the important question of how we maximise the transparency of the information process, which is a crucial component of the bill.

Too often, bad decisions have been made regarding the future of schools on account of information's having not been made available to all parties or because the information was inaccurate—a point that was made forcefully in the evidence that was presented to the committee, particularly by the Scottish rural schools network. All members of the committee and the cabinet secretary were persuaded of the need to do something about that situation: rightly so, or the bill would have been found wanting. I am grateful to the cabinet secretary for listening to the concerns and for lodging several amendments at stage 3 to address them.

However, Margaret Smith has made the case at stage 3 that her real concern is with respect to the amount of time that is available to parents to assimilate information at the start of the decision-making process, rather than later. She feels that local authorities are sometimes in an overly powerful position at the beginning of a process, given that they effectively have a head start over the other stakeholders, especially parents, and therefore could be in a position to manipulate the process to their advantage. That was an important point to consider, and I have taken a great deal of time to do so. Having examined the existing legislation, and given the guarantees that the cabinet secretary has provided, I am satisfied that Margaret Smith's concerns can be addressed without recourse to additional amendments. That is why we will not support amendments 13 and 13A, although I record my thanks to Margaret Smith for starting this important debate.

Ken Macintosh (Eastwood) (Lab): On behalf of my Labour colleagues, I echo the sympathy for the intent behind Margaret Smith's amendments. It is not remotely unreasonable to expect local authorities to answer all the questions from worried parents and others whom a closure proposal affects. The question is whether a legal duty or obligation on local authorities to answer such questions is needed.

The bill will give parents more rights and a clearer expectation of the process that will be involved in a potential school closure. However, in the end, any such process depends on good will and openness from both sides. We should not necessarily predicate our amendments on the behaviour in the worst examples of school closure programmes of local authorities. I will draw a comparison with parliamentary questions: ministers always reply to them but, no matter how reasonable the question, whether the ministerial response will address it varies. Likewise, some back benchers take advantage of the system to tie up public servants for hours—if not days—in answering dozens, if not hundreds, of questions. Given that emotions run high in relation to school

closure programmes, it is easy to imagine a similar use or abuse of legal rights.

I am pleased that the cabinet secretary lodged her amendments in response to concerns that Margaret Smith raised and which Education, Lifelong Learning and Culture Committee members echoed. I welcome the further reassurances to Margaret Smith from the cabinet secretary today. We should support the Government's amendments. I urge Margaret Smith not to move her amendments.

Fiona Hyslop: The debate has been useful. I emphasise that we are debating the issue because Margaret Smith raised at stage 2 concerns to which the committee was sympathetic. All the Government amendments are intended to address her concerns about omissions from proposal papers.

The thrust of the bill is to achieve openness and transparency. It emphasises the incentive for councils to put as much information as possible up front and to share that with all consultees at the beginning, in order to prevent questions from being asked later in the process because of omissions and inaccuracies. That is Margaret Smith's concern. The whole bill should help to address that, but the debate has highlighted the added importance of councils' providing as much information as possible up front, to prevent people from having to ask additional questions late in the process. However, if additional questions must be asked, we have said that the Scottish Schools (Parental Involvement) Act 2006 makes provision in relation to parents and parent councils and that guidance will cover all statutory consultees. That should help the process and improve the bill's operation overall.

Amendment 1 agreed to.

Amendments 2 to 9 moved—[Fiona Hyslop]—and agreed to.

After section 6

Amendment 13 not moved.

The Presiding Officer: Amendment 13A, in the name of Margaret Smith—[*Interruption.*] I apologise. Amendment 13A has fallen. It is a long time since we have had stage 3 proceedings.

Section 10—Content of the report

Amendments 10 to 12 moved—[Fiona Hyslop]—and agreed to.

The Presiding Officer: I clarify that I realise that stage 3 proceedings took place yesterday, but I was not in the chair.

That concludes consideration of amendments.

Schools (Consultation) (Scotland) Bill

The Presiding Officer (Alex Fergusson): The next item of business is a debate on motion S3M-5175, in the name of Fiona Hyslop, on the Schools (Consultation) (Scotland) Bill. I invite members who wish to speak to press their request-to-speak buttons and I ask them perhaps to speak for a little longer than they had originally prepared for.

I call Fiona Hyslop to speak to and move the motion. She should take definitely no less than eight minutes.

15:14

The Cabinet Secretary for Education and Lifelong Learning (Fiona Hyslop): It might be a long time since you dealt with stage 3 proceedings, Presiding Officer, but the bill has been a long time coming for many of us.

I record the Government's thanks to all those who have contributed to the bill's development and its journey through Parliament. I start by thanking the Education, Lifelong Learning and Culture Committee's convener and members for their constructive approach and valuable input at each stage, and the Finance Committee and the Subordinate Legislation Committee for their scrutiny. I also thank the committee clerks, who have assisted my officials as the bill has progressed.

The bill did not begin life only when it was introduced to Parliament earlier this year. It has evolved through the work of many people over the past decade. Cathy Peattie played an important role 10 years ago through her report for the then Education, Culture and Sport Committee. Professor Neil Kay was also involved in that work.

My interest in the issue was shaped by my experience of school closure consultations in Midlothian in 2004—I lodged a motion on a presumption against closure of rural schools in March that year. More recently, Murdo Fraser contributed to the process through his extremely full consultation and proposals for legislation. Sandy Longmuir, the Scottish rural schools network and their colleagues have, of course, also played a key part. I thank them all for their efforts before the introduction of the bill and as it has passed through Parliament.

I thank the Convention of Scottish Local Authorities and the Association of Directors of Education in Scotland for their assistance in developing the bill and, specifically, for their assistance in identifying costs for the financial memorandum. My thanks also go to Her Majesty's Inspectorate of Education, which provided

invaluable assistance to my officials and to the committee. In addition, I thank those who responded to the Government consultation and those who gave written or oral evidence to the committee. I have been extremely gratified by the degree of consensus around the bill and its aims at every stage.

The bill has been a model of good practice for the way in which people with strong interests and equally strong, often polarised, views have been able to put aside their differences and come together to create legislation of which we can all be justifiably proud. Everyone in Parliament takes legislation seriously and rightly so. When we change the statute book, we do so because we believe that we are improving the law for the people of Scotland. The Schools (Consultation) (Scotland) Bill is no exception. School closures, catchment changes and even changes of site can generate much emotion in local communities, and the bill aims to make that process as open, transparent and fair as possible.

I have always acknowledged that good practice exists in many councils, but we are all aware of examples in which communities have not been properly consulted, which has resulted in much angst for pupils, parents, staff and the wider local community.

In drafting the bill, we sought to increase local participation, to create a genuine dialogue between councils and their communities, and to foster a greater sense of trust between councils and local people. Closure of a school is rarely a popular option, even though it is sometimes the right thing to do, but if people feel that they are given the full facts at the start, that they have the opportunity to make known their views and, most important, that the council will listen to those local views and respond to them, they are much more likely to accept any decision.

The safeguard of the ministerial call-in should give people confidence that if a council does not fully engage in an open and genuine consultation on a school closure proposal, ministers can call in the decision. If there have been serious flaws in the process, or important information has not been taken into account, ministers will be able to refuse consent for closure of the school.

I turn to what was described at stage 2 as the genesis of the bill—the desire to protect rural schools. At the start of the bill process, not everyone agreed on the need to offer specific safeguards to rural schools, even though there was widespread agreement that rural schools play a significant role in sustaining many rural communities. Members expressed the view that urban communities can also be deeply affected by closure. I do not dispute that, so the processes that I have described will put in place a rigorous

framework for all consultations, whether they are in rural or urban areas.

I took issue with the argument that the application of the rural factors to all schools would benefit urban schools without having a disbenefit for rural schools. Instead, I made the case that rural communities face harsh realities associated with the loss of local services, which can undermine the future sustainability of those communities. The threat of the loss of a village post office, shop or pub already hangs over many communities, and the threat of losing the village school, which is often the sole community asset or public building, can be the final straw. This Government wanted to send a message to such communities that we intend to protect them, their schools and their long-term viability, so I was extremely glad that the Education, Lifelong Learning and Culture Committee supported us in sending that message at stage 2. Today, I will be proud of this Parliament if it joins the Government in sending out the message that we value and will protect our rural schools and communities.

Parliament and its committees often engage in consultations, and often make decisions on the basis of the response to those consultations. As the Presiding Officer knows, many people look to the Parliament to demonstrate best practice on involvement, consultation and responsiveness. Indeed, we see our Public Petitions Committee as a highlight and an example to others of how they might conduct their business. I hope that the bill that we are considering today sends out the message that best practice is about being open and transparent and respecting the people whom we consult.

One provision in the bill that I would not underestimate is the requirement on councils to evidence their responses to issues that have been raised. For too long, consultations have for many people been just about sharing information about decisions that they already want to take. If we can do one thing in the bill, we can send out a message that, in the new democracy that is Scotland, the ability for people to engage, participate and have their views heard and listened to is important, whether it be at Parliament, Government or council level.

The bill has its genesis, in part, in people's engagement with members of the Parliament—for example, through a petition. Many people have been touched by the content of the bill—many members have had to deal with school closures in their constituencies. We can take pride in the fact that today we are giving evidence of Parliament's ability to respond to big issues that affect communities, and of individuals' ability to shape legislation. The bill is an example of what the

Parliament can achieve if we work together. I hope that all members will support it.

I move,

That the Parliament agrees that the Schools Consultation (Scotland) Bill be passed.

15:21

Ken Macintosh (Eastwood) (Lab): There are few situations in which a school closure is welcomed by the local community. No matter how well intentioned or well drafted the bill is, nothing can compensate for that loss. However, the agreement that we have reached on the bill provides us with the opportunity to change our attitude and approach to these difficult decisions. There is no panacea for the upset and anger that is caused when a school is considered for closure, but we have created the circumstances in which the best practice that is currently followed by some local authorities can be followed by all.

As members know, the bill creates a new consultation procedure. It identifies the special importance of the local school to small and rural communities and introduces a new set of criteria for decisions requiring ministerial consent. My main worry about the new consultation process is that, although debate and discussion on school closure proposals are framed in terms of educational benefit, underpinning every decision is a concern about cost benefit. For example, we know from the evidence that we have taken that high-achieving schools are as likely as—in some cases, more likely than—those that are not serving their pupils well to be identified for closure. It is right that we should promote the educational benefit of a school as the key factor to be taken into account when its future is considered. However, if the motivation or driving force behind a proposal is to save money, that issue must be confronted.

The Education, Lifelong Learning and Culture Committee flagged up the importance that we attach to producing an accurate cost benefit analysis to accompany any public consultation. It is clear that in some situations the supposed savings from closing a school are illusory, at best. Costs may simply be shifted from one budget to another—from building maintenance to transport, for example. Although it is difficult for parents and local authorities to reach agreement on the potential savings from closing a school, we do those parents and local authorities a disservice if we ignore the subject or pretend that it is not a crucial factor. I hope that the guidance that will be produced following the passage of the bill will attach similar importance to being up front about costs and budgetary pressures.

Many of the potentially contentious issues that were raised by the bill were addressed either at consultation stage or as the bill moved through committee, but there remain a number of concerns that the minister needs to address through further guidance or, at the very least, by keeping a watchful eye as the act is implemented. The question of ministerial call-in and what constitutes “a material consideration” is one such issue. It is interesting, given the much-vaunted concordat, that an SNP Government has changed the criteria for ministerial intervention in school closures. Whereas previously decisions on proposed school closures were referred to ministers solely on procedural grounds, now they can be called in when the Government believes that a local authority has failed to take proper account of “a material consideration”.

I ask the minister to clarify two questions relating to ministerial consent or call-in. First, the minister will be aware of the controversial proposals that are currently under consideration in East Renfrewshire and parts of Glasgow to rezone the catchment area for St Ninian's high school. Because the pupil roll is currently running at more than 80 per cent of the school's capacity, the proposals will automatically be referred to the Scottish Government for ministerial consent, in accordance with the existing law and regulations. Many parents believe that the final decision on St Ninian's will therefore be for the minister. My understanding of the matter, which I believe was confirmed by Government officials attending the Education, Lifelong Learning and Culture Committee, is that the decision is still the responsibility of the local authority and cannot be retaken by ministers. Rather, ministers will either approve or disapprove the decision. It depends, principally, on whether the local authority has followed the correct procedures in reaching its conclusion. Can the minister confirm whether that is also her understanding of the Scottish Government's current role? Will the passage of the bill into law later today affect the referral process for St Ninian's? In other words, with the local consultation process on St Ninian's under way and due to finish later this month, with a decision expected not long after that, will the process for ministerial consent be conducted under the existing regime, with automatic referral, or under the new one, with ministerial call-in?

Fiona Hyslop: That is an important point to raise; indeed, it is important for the bill that we are passing to set out the transitions between the previous system and the new system.

I understand that East Renfrewshire Council will make a decision on its proposal, which is currently being consulted on, on 21 January 2010. Under the current regulations, it will be for the council to determine whether a decision needs to be referred

to ministers for consent under the prescribed criteria. I understand that the case is likely to be referred to ministers, as the school in question is currently running at over 80 per cent of its capacity. I repeat: it will be for the local council to determine whether or not that is the case.

Ken Macintosh: Thank you—that clarifies matters.

I have raised the subject of Gaelic-medium education throughout the passage of the bill. I will mention it one last time. I am genuinely disappointed that the Scottish Government did not take advantage of this legislative opportunity to make good on its manifesto promise. To remind colleagues, that promise was to

“guarantee in law the right to a Gaelic medium education ... where reasonable demand exists”.

Dozens of the people who responded to the Government’s consultation on the bill suggested that we address that matter here and now. It is difficult to think of a better legislative vehicle for expressing parental demand than a bill that deals with school consultations.

The cabinet secretary has suggested that the manifesto promise still holds good, but I am anxious that, despite my repeated questioning, neither she nor her colleague, the Minister for Culture, External Affairs and the Constitution, who has responsibility for Gaelic, has been able to say precisely how or when a suitable bill will be introduced. I do not wish to be accused of flogging the dead horse that is the SNP manifesto—I am ever the optimist—but, given the importance of Gaelic-medium education to the survival of the language, I would very much welcome any reassurance, and details to back up that reassurance, from the cabinet secretary.

As the cabinet secretary did in her opening speech, I thank everyone involved in bringing the bill to Parliament. However, as I also have to wind up the debate for the Labour Party, I will keep these thanks until the end.

15:28

Murdo Fraser (Mid Scotland and Fife) (Con): I am delighted to support the Schools (Consultation) (Scotland) Bill at stage 3 and, if I am not being too presumptuous, to welcome its passing later this afternoon.

There is an old saying that success has many parents, and the bill certainly falls into that category. At the last Scottish elections, the Conservatives had a manifesto commitment to bring in a legal protection for rural schools. In pursuance of that, I lodged a proposal for a member’s bill on the subject earlier in the session. The Scottish Government had a similar view,

which meant that my proposed member’s bill was knocked out. We are pleased to support the bill that is before us in its place.

I pay tribute to the non-Executive bills unit for all its work with me in connection with my bill proposal. In relation to the bill that is before us, I record my personal thanks to the bill team, whom I found to be extremely helpful. They were always prepared to engage in discussions throughout the process.

I attended a number of meetings of the Education, Lifelong Learning and Culture Committee during the passage of the bill, and I thank the convener and other members of the committee, as well as the committee clerks, for their forbearance in allowing me to attend the evidence sessions and to put questions to witnesses.

Finally, but perhaps most important, I thank the cabinet secretary for the consensual and co-operative manner in which she has handled the bill. She knows that it is rare for her work to be praised in the Parliament by Opposition education spokesmen, but on this occasion at least I put on record our appreciation for her approach to the bill and the manner in which she has pursued it. Who knows how long it will be before I say those words again?

The genesis of the bill was in the excellent work of the Scottish rural schools network. I am sure that few members have not encountered that highly energetic organisation, which is ably led by Sandy Longmuir. He and his colleagues have lobbied extensively on the issue for years and have built up a huge reservoir of knowledge about the finances and sustainability of rural schools from their many years of experience of fighting rural school closures throughout Scotland. I know that there are directors of education throughout the country who tremble at the knees when Sandy Longmuir’s name is mentioned. It is instructive to note that among the parents who pursue the issue in their spare time there seems to be a greater degree of knowledge of the finances of education than there is among directors of finance in some of our local authorities. There is a lesson for COSLA in that regard.

It was the proposed closure of Arbirlot primary school, near Arbroath, that led Sandy Longmuir and his colleagues to take an interest in the process. It was fortunate that Arbirlot school was saved, but too many rural schools in Scotland have closed in recent years.

The arguments against rural school closure were rehearsed in evidence to the committee and during the stage 1 debate—I am sorry that I missed that debate, but I was otherwise engaged in ensuring that there would be a next generation

of Scotland's schoolchildren. I do not intend to repeat all the arguments, but there is clear evidence that children who are educated in small rural schools often have better educational and social outcomes than do children who are educated in much larger schools. Such advantages are more marked among people who come from less-privileged backgrounds. Much of that evidence goes against received wisdom, which wrongly suggests that children who attend very small schools lack the social interaction skills that are required in later life.

As we have heard, the debate about rural schools is not just about educational attainment. Rural schools are often at the heart of the community. In rural Scotland in recent years we have witnessed the closure of shops, filling stations, post offices, pubs and churches. In many rural communities the school is the only remaining public building and is often the focus of community life, because its buildings are used out of school hours for a variety of community purposes. If the school closes, the heart of the community goes with it. Families with small children are reluctant to move to the area and families who are already there are tempted to move out. The community slowly dies. I have seen that happen too often, which is why I have such a strong belief in maintaining rural schools.

The bill will not stop the closure of all rural schools in Scotland. There will be occasions on which closure is justified. However, it will put in place safeguards that will ensure that the voices of parents and other people in the community are properly heard, so that, in the future, closures will not happen on some of the spurious grounds that have been used in the past.

This is a good day for Scottish education and for rural Scotland. The Parliament will legislate to introduce a protection for rural schools that will benefit pupils and parents in Scotland's countryside and strengthen our rural communities. I am proud to have played a part in making that happen. Today demonstrates the strength of the Scottish Parliament in allowing different parties to work together in pursuit of a common goal. I pay tribute again to the work of the Scottish rural schools network, without whose vigorous lobbying I am sure that none of that would have happened.

15:34

Margaret Smith (Edinburgh West) (LD): Murdo Fraser was right to say that there are many people to thank and that the bill has many parents—that is one of the few times that he has not espoused the centrality of the nuclear family. I thank the people who gave evidence to the committee, in particular Sandy Longmuir and his colleagues from the Scottish rural schools network. Today is a

victory for them. I also thank the people who provided interesting and thought-provoking evidence on the importance of small schools, particularly rural schools. The Parliament and communities throughout Scotland will make use of that engaging evidence, not just in the context of the bill but in the months and years to come. In addition, I thank the committee clerk, as well as the cabinet secretary and her civil servants. I appreciate the way in which the cabinet secretary took forward the legislation.

Like many colleagues, I have experienced the concerns that parents, parent councils and communities experience when faced with a possible school closure. Such proposals are always controversial and emotive, because schools are not just about our children's education; they are about our children's friendships and daily lives and the lives and facilities of communities. Across Scotland, local authorities of various complexions have wrestled and are wrestling with the issue. There are a number of reasons why a council might decide to shut a school. Often, financial considerations are high on the agenda, in the face of tough budget settlements in a recession and reductions in pupil numbers that come with falls in population. We have also found that parental choice can lead to schools finding themselves in the closure danger zone because people have voted with their feet and taken their children to other schools.

However, although I am happy to acknowledge the real constraints upon local authorities, I am also keen that the parents, pupils and others in the wider community who are affected by school closures or other significant changes are consulted properly and effectively and that their concerns are listened to. The cabinet secretary is absolutely right to say that, if councils fully engage with people and truly listen to concerns before making a decision, the decision is more likely to be accepted by the community.

Given the range of reasons why a school might face closure, it would be unrealistic to say that no school in Scotland should ever face closure. What we can say, however, is that no school should ever face closure without a detailed explanation from the authority of the benefits of closure to the education of local children; no school should ever face closure without consideration of the impacts on not only those children who are directly affected but those in the surrounding schools, the local community and the wider authority area; and no school should ever face closure without the views of its pupils, parents and prospective parents being heard.

From the evidence that the committee received, it is clear that while some councils are demonstrating the sort of best practice that the bill

embodies, others are not. That is why I welcome the bill and why I lodged a series of probing amendments at stages 2 and 3 in an attempt to make a good bill better.

Although every school has a particular place at the heart of its community, that is particularly true of rural schools. We support the bill's provisions that will ensure that, in situations involving rural schools, regard should be taken of the transport implications, the community impact and the alternative provision for pupils. Where I differ from the cabinet secretary is in my belief that those considerations should be taken into account in every school closure, whether the school is rural or urban. Suggesting that that should be the case does not diminish the importance of those issues to rural schools. That view was shared by a number of local authorities, including Glasgow and Aberdeenshire, as well as by the Educational Institute of Scotland, the Association of Scottish Community Councils and the Scottish rural schools network. Unfortunately, it was not particularly shared by my colleagues on the Education, Lifelong Learning and Culture Committee. We are reassured, however, that taking into account those extra factors will result in more robust procedures being in place prior to any rural school being closed in the future, which is to be welcomed.

As I outlined earlier, it is essential that councils answer questions from parents, parent councils and the wider community in good time so that the answers can be taken into account in the responses that those individuals and organisations submit to the consultations. I believe that that will lead to more effective contributions being made. I also believe that, in some cases, communities might make suggestions that lead to schools being saved and arrangements being improved.

I therefore welcome the cabinet secretary's response to my amendments today and at stage 2. Although local authorities are obliged by the Scottish Schools (Parental Involvement) Act 2006 to give information to parents and parent councils when it is reasonably requested from them, we know that that does not always happen. The commitment to ensuring that that is covered in the statutory guidance on the legislation and that education authorities know that question from consultees such as pupils, community councils and staff should be answered timeously is a welcome addition to the bill and should improve matters on the ground. I hope that, as a result of my endeavours and the support that has been given by colleagues, information will be readily available and, crucially, that answers will be given early enough in the process to ensure that people's contributions are truly informed.

There are a number of welcome provisions in the bill that I have no doubt will make consultations more effective. I am sure that we all welcome the educational benefits statements, although it is clear that their exact content will need to be fleshed out in guidance to councils. Those statements will be useful additions that will sit alongside proposal papers.

Given that it was a provision in our 2007 manifesto, we also welcome the role for Her Majesty's Inspectorate of Education in considering the educational aspects of closure proposals within the period of the consultation. That is better than the present arrangements, under which the inspectorate might be called in by the minister at a later date. The new measure will be particularly helpful when it has been some time since the school has had an inspection. I believe that HMIE's involvement will increase parents' confidence in the system.

The bill will replace the existing system of ministerial call-in. There was a range of views on that, but we are content with the provision that gives ministers the power to call in a proposal when there have been failures in the consultation and decision-making process. However, we still believe that the Government will have to make it quite clear to councils what is meant by failing

"to take ... account of a material consideration relevant to its decision".

We welcome, too, the extension of the time limit on consultations, particularly the three-week period following the publication of the final consultation report. That seems to us to give parents, councillors and others a reasonable period in which to consider the report, and it will allow people to make representations to elected representatives prior to their making their decision.

As someone who has recent experience of a proposed school closure in my constituency, I know that school closures are never easy for local authorities, pupils, parents or the communities involved. However, the bill represents a real improvement in how matters will be considered in the future. I hope that the cross-party support for the bill—and, I hope, its passing today—will send a clear message to Scotland's school communities that we are determined to improve consultations on school closures. Let it also send a clear message to each and every education authority that the best practice that has been followed by some must now be delivered by all.

The Deputy Presiding Officer (Trish Godman): We move to the open debate.

15:41

Christina McKelvie (Central Scotland) (SNP): The passing of the bill will mark a major milestone

in the development of Scottish education. It will be a welcome step for many communities that have been or will be affected by proposed changes to their local school estate and other changes to the schooling in their areas. The bill will not introduce a raft of new measures, but it will enshrine the best practices of our education authorities.

Introducing a legislative presumption against rural school closures was a 2007 Scottish National Party manifesto commitment. That has evolved through consultation and exploration of the issue into a generalised strengthening of consultation procedures across both rural and urban schools. The bill introduces provisions that are stronger than a simple presumption against the closure of rural schools—the consideration that is given to rural schools will have to be much wider than that which is given to urban schools in recognition of the very particular role that schools and school buildings play in rural communities. That is a victory for the Scottish rural schools network more than anyone else, and I congratulate it on getting there, although I am sure that the bill does not mean that its troubles are over, and that it will continue to campaign for the interests of rural schools and to remind politicians from all parties and across the country of the importance of rural schools. We should all heed that *memento mori*.

When the bill becomes an act—I realise that I am presuming a vote in favour; I always like to look at the positive, as I am a glass-half-full girl—

Murdo Fraser: That is why you are in the SNP.

Christina McKelvie: Watch it!

The act will change the emphasis of consultations. An education authority that proposes a closure will be required to show the educational benefits of its proposals and how the changed landscape will satisfy the educational needs of those whom the authority serves. The changes that the bill will bring about include expanding the list of people and organisations that are to be consulted when a school closure is proposed to include pupils, staff, staff unions, community councils and Bòrd na Gàidhlig, where Gaelic-medium education is affected. Also particularly welcome is the extension of the consultation timescale to at least six weeks, which will include at least 30 term-time days. The bill will also require education authorities to publish an educational benefits statement that sets out, as the basis of their case, specifically how the changes will improve education overall. The bill will also require HMIE to consider the educational aspects of every school closure proposal and all other relevant proposals.

The bill will introduce a requirement on education authorities to take account of allegations of inaccuracies. We debated that openly in

committee. Education authorities will have to respond by correcting matters or taking appropriate proportionate action when needed. The bill will also require education authorities to publish a consultation report at the end of the consultation period and will prevent education authorities taking their final decision until three weeks after the consultation report has been published.

A crucial safeguard is to be established: the process of automatic referral to ministers is to be replaced with a call-in facility, similar to the one in the planning process. The call-in process will reassure those who are affected by a school closure proposal that a safeguard exists in the rare circumstances where it appears that the statutory duties in the bill have not been properly fulfilled. The educational aspects will also require to be demonstrated to HMIE, which I presume will lead to the educational aspects becoming pre-eminent in any education authority proposals.

Educational aspects will become more and more important as public spending is slashed by the Chancellor of the Exchequer in London and we have less and less room for manoeuvre in the Scottish budget. Councils will face financial constraints like every other public body will, and although they will continue to want to improve education in their areas, as they have always done, I have no doubt that the pressure to find savings will be intense and that there will be a temptation here and there to look at closing schools for financial rather than educational reasons.

I believe that the people who stand for election to councils, including those who are successful, do so with the intention of improving services, and that none of them stands with a secret desire to close schools. Equally, I am sure that no councillor is elected with an ambition to find large savings from their municipal budgets. I am sure, too, that the discipline of preparing the educational arguments for HMIE will help our councillors to crystallise their thoughts on education provision in the areas for which they are responsible. That discipline will help them to improve on the already excellent work that they do.

The bill will certainly not centralise decisions on the school estate. Our local authorities are responsible for the delivery of school education and they should be trusted to get on with it within the framework that is laid down by Government. It will still be for local authorities to determine education provision, working in partnership with the Government. The Scottish Government might lay the framework and provide the finances, but it is the local authorities that have to deliver. It is because the Government works in partnership with local authorities that COSLA felt able to say:

"COSLA is completely supportive of this legislation. It has been carefully developed in a collaborative way which we believe has produced a balanced and considered bill."

The supreme example of that, of course, is the historic concordat and the outcome agreements. That is why we now have the smallest ever classes in Scotland, that is how we are delivering for Scotland's pupils and that is how we are going to keep delivering for them.

I am proud to be a member of the Education, Lifelong Learning and Culture Committee, which worked closely on taking the bill through all its stages and supported its evolution into the constructive and positive bill that we have in front of us today. I echo my colleagues in congratulating and thanking the clerks, the SPICe researchers and everybody who came to the committee to give evidence. They all deserve our thanks for their help in developing the bill.

The bill will enshrine in law the best practices of local authorities. It will smooth out the differences between education authorities and give parents, teachers, trade unions and, most important, pupils a benchmark against which to measure the actions of their councils. It is a good piece of legislation and I am delighted to support its passage into law.

15:47

Karen Whitefield (Airdrie and Shotts) (Lab): I am pleased to speak on behalf of the Education, Lifelong Learning and Culture Committee. With few exceptions, there has been a great deal of consensus on the Schools (Consultation) (Scotland) Bill. That has not necessarily been characteristic of our committee's discussions in recent months, but the bill's basic principles—to improve communities' ability to contribute meaningfully to discussions about proposals to close schools and to protect vital community assets—have been accepted by all.

Before I say more about the details of the bill, there are some organisations and individuals whom I would like to thank on behalf of the committee. I note that many of them have already been thanked by other members. First, as ever, I thank the clerks to our committee and the staff of SPICe for all their support and guidance during the passage of the bill. I also recognise the important role that was played by Murdo Fraser, who introduced a member's bill proposal on the same subject but chose to withdraw it when the Government produced a similar proposal. His contributions to the committee's consideration of the bill were helpful to members who had not taken such a keen interest in the subject before.

I also recognise the contribution of my colleague Cathy Peattie, who reported on school closures

much earlier in the Parliament's life, and I thank all those who gave evidence to the committee, including the bill team and the minister, Fiona Hyslop, who was always willing to engage with the committee and discuss our concerns. Although it would be wrong to single out any of our witnesses, it is right to put on the record our special thanks to Sandy Longmuir and the Scottish rural schools network, which has long campaigned on the issue. I hope that the passing of the bill today will provide the campaigners in the Scottish rural schools network with a lasting legacy of their campaigning efforts and work in the past few years.

In some respects, it is true to say that the Schools (Consultation) (Scotland) Bill formalises much of what already happens in local authorities. For example, North Lanarkshire Council has given a commitment to use the consultation procedures that are set out in the bill for its current school closure proposals. I understand that, following representations from parent groups, the council agreed to extend the six-week consultation period because part of it fell during the Christmas holidays. Such willingness to respond to concerns and actively to engage with communities should lie at the heart of the bill.

However, it is also true to say that consultation practices have varied across Scotland's local authorities. Along with the committee, I feel that it is reasonable to expect all local authorities to adopt a similar level of consultation to ensure that the voices of local people are heard. We recognise that it will not always be possible to act on every concern or objection that is raised during a consultation and that difficult and unpopular decisions must sometimes be made. As has already been noted, the bill will not mean that no school in Scotland ever closes. However, we feel that the reasons for any decision to close a school need to be made clear to those who will be affected and that alternative solutions must be taken seriously before a council moves to a closure decision. I believe that the bill will help to ensure that that happens.

As has been acknowledged, there were a few relatively minor differences of opinion within the committee, but I hope that, in concluding stage 3 today, we have reached some consensus on the issues. Let me highlight just two of them. First, I said at stage 1 that my personal view was that rural schools require particular protections, but that view was not shared by all in the committee. However, in concluding our considerations on the bill, I think that we have recognised that, in rural communities, the school might well be the only facility for some considerable distance and that rural schools not only make an invaluable contribution to local education opportunities but provide a valuable community asset. I am pleased that, in passing the bill today, the Parliament will

reassure rural communities that we accept their long-held concerns and that those concerns and the impact that school closures can have on rural communities will be recognised in legislation.

A second issue that the committee considered, which we have debated briefly at stage 3, was access to consultations and the provision of information and evidence to back up closure proposals. That issue demonstrated the cabinet secretary's willingness to engage with the committee by recognising Margaret Smith's concerns that, based on her personal experience of school closures, the current system is imperfect so we need to ensure that further information is provided. That willingness to engage was demonstrated by the cabinet secretary's stage 3 amendments, which struck the right balance by protecting the rights of communities and parents to participate in the consultation process without putting in place unnecessary burdens that local authorities would be unable to meet. I think that we have managed to address those concerns.

To conclude, I welcome the passing of the bill today. The bill will help to ensure that communities are more involved in decisions on proposed school closures. It will also help to ensure that some of the wider benefits that schools provide in communities, particularly in rural communities, are taken into account before any decision is taken to close a school. I am grateful to all who have been involved in the process.

15:54

Alasdair Allan (Western Isles) (SNP): As others have said, we are now, finally, meeting to vote on a bill that many in rural Scotland and in Scotland more generally have worked long and hard to achieve. The Schools (Consultation) (Scotland) Bill is crucial to offering a greater degree of protection to all school communities, but I believe that it is particularly relevant to remote and rural constituencies such as mine, where schools are often—to use an overused but underappreciated phrase—the focal point of the community. Indeed, rural schools are integral to the sustainability of many remote regions.

It is clear that the main purpose of the bill is to revise and strengthen the statutory consultation process that is required when education authorities consider changes to the school estate, particularly school closures. I want to focus on rural schools not to belittle the importance of schools in urban areas—that importance is recognised in the bill—but because a crucial distinction must be understood. A school closure in an urban community is damaging—we have seen that in Glasgow and other places—but a school closure in a rural area can effectively close down an entire community economically. Rural

school closures can render huge tracts of Scotland out of bounds, in effect, for young families, which can result in huge economic and social impacts, as well as educational impacts.

There are around 1,000 schools in rural areas, which includes 41 per cent of Scottish primary schools and 23 per cent of Scottish secondary schools. The number includes 39 schools in my constituency, the smallest of which has a roll of eight. However, there are 552 fewer schools in Scotland than there were four decades ago. Since I was in primary 1—I hasten to add that that was not quite four decades ago—the total number of publicly funded schools in Scotland has dropped by nearly 17 per cent, and there are 357 fewer primary schools. My school was among the casualties. It is undeniable that that decline is partly due to falling school rolls, but the trend has often been so steep because local councils have had to do relatively little to shut down local schools when they have decided that they want to do so.

The bill aims to redress the balance. It sets out a much more vigorous set of procedures for consultations on school closures, which local authorities must adhere to. The intention is to establish, in effect, a presumption against the closure of schools unless certain prescribed factors have been taken into account. That will help to safeguard in particular rural schools in my constituency and schools like them, which can be fundamental to safeguarding small and fragile local economies.

The bill does not say that no school should ever close—members have made that point—but it means that local authorities will have to publish and advertise clear educational benefits statements that set out why a school closure might be justified on education grounds specifically. Parents, teachers and pupils are among the mandatory consultees in the process. In addition, rural school closure will not take place without the council examining alternatives to closure.

I am delighted that the Scottish Government is determined to ensure that rural communities on the islands and elsewhere are much more meaningfully listened to when school closures are proposed. Specifically, local authorities will have to take into account the impact that any school closure would have on the rural community concerned.

The bill has been improved as it has gone through the parliamentary process, specifically at stage 2. For example, amendments have introduced community councils as statutory consultees. Following amendments that I lodged, the bill will require local authorities to take into account and to consult on the impact that any school closure would have on Gaelic language provision in the local community where that is

relevant. Gaelic education is growing, but it could fall victim to school closures if it is not one of the factors that are taken into account when decisions are being made on school closure proposals.

I went to a one-teacher school and I am only too aware that closing a school can take the heart out of a community. We should be clear that there will always be circumstances in which schools have to close, but we should seek to make rural and remote communities more, not less, attractive to young families. The bill will go a long way towards ensuring that that is the case.

The bill has achieved broad support from local authorities, parent councils and community councils. I hope that members will vote to pass it and support schools throughout Scotland.

15:59

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased to take part in this stage 3 debate on the Schools (Consultation) (Scotland) Bill. Although I was on the Education and Lifelong Learning Committee during the scrutiny of the bill, it felt as though much of the hard work had already been done.

The issue of school closures and how the decisions to close schools are made has been a heated one for the Scottish Parliament. Its first look at the issue came when I was a researcher in the Parliament, some 10 years ago, when Cathy Peattie undertook the role of reporter to the Education, Culture and Sport Committee on rural schools. That led to a new code of practice on school closures, which was a significant step forward in improving the system. Perhaps as a Highland MSP, Peter Peacock had a greater interest in and commitment to improving the lot of rural schools than most. As Minister for Education and Young People, he sought to improve the system further, producing stronger guidance on how to improve consultation. Also within the Parliament, Murdo Fraser proposed a member's bill that would have introduced a presumption against the closure of rural schools. That also provided momentum to the campaign.

Alongside all the parliamentary activity on the issue, there has been the huge commitment of the Scottish rural schools network, which has conducted an effective and reasoned campaign. It is fair to say that the network has had more involvement, over the years, with Richard Baker than with me, but it has always sought to build cross-party engagement and consensus on the issue, even going so far as to send its best wishes when my daughter was born. As a campaign group, it has always sought to avoid playing politics with the issue, which is to be commended. The bill is an excellent example of what can be

achieved by constituents engaging with parliamentarians and effectively using the levers of the Parliament.

I was fortunate to come to the matter once most of the thorny issues had been wrestled with by the Parliament and a consensus had largely been reached. Of course, during stages 1 and 2 we again considered what would constitute the right balance between local decision making and national accountability, the education needs and financial demands that are placed on education authorities and how the needs of pupils in rural and urban settings are being addressed. The bill does not presume against the closure of rural schools, but offers a more nuanced solution of clear consultation and clear expectations of all the parties that are involved so that the difficult process of proposing the closure of a school and, possibly, closing it, can be done fairly and with the confidence of all who are involved.

The bill is about empowering people and stakeholders to participate in the process. Although we know that there have been good examples of that in some local authorities, there have also been poor examples, and the bill will go a long way towards addressing that situation. We all agree that the bill offers a robust system that parents and communities can have faith in, although, as with all legislation, the proof of that will be in its implementation. There are key issues that remain to be addressed through guidance, and I welcome the cabinet secretary's assurances on some of those issues this afternoon—including her assurance to Margaret Smith on statutory consultees, which was very helpful.

Another area that requires clarification in guidance is that of the definition of "material consideration". As other members have said, alongside other reforms in the bill there is a power for the Scottish ministers to call in any closure decision after that decision has been made if they consider that there has been a failure to comply with the requirements of the bill or when an authority has failed to take appropriate account of a material consideration that is relevant to the decision. The interpretation of what constitutes a material consideration is a key issue for guidance, and I would welcome further assurances on that this afternoon.

The issue of correcting inaccuracies and omissions—something that was pursued by Margaret Smith and addressed through Government amendments today—is important. There is an argument that placing a duty on the local authority to investigate inaccuracies will make the system more robust and self-policing. If any disagreements arise, and if parents or campaigners challenge information in the proposal paper, the local authority will remain the

adjudicator with regard to information, which may seem a bit weighted. However, as any remaining dispute over information will be recorded and the local authority will be required to publish in the consultation report its reasons for any decision that it makes on allegations of inaccuracy, its argument will be transparent and its reasons for not upholding a disagreement will be clear.

In many cases, the inaccuracy will be a typographical error or a fact that can be easily established, such as a journey time to school. However, other challenges may centre on matters such as projected demographic changes and roll projections, on which it is more difficult to distinguish between opinion and fact. Such matters may remain disputed, although I accept that they will be aired. This is a challenging area for parents and communities, who need the support and skills to access evidence and to be confident in presenting their case. That is often where the rural schools network can provide support and advice. As I said in committee, it may be unimaginable, but Sandy Longmuir will not be around for ever; we should be mindful of the support that parents and communities may need in the future.

The content of the educational benefits statement and the merits of a cost benefit analysis were discussed in the committee, and the committee welcomed an indication from the cabinet secretary that statutory guidance is being positively considered. I welcome the cabinet secretary's earlier comments on that.

In the early stages, the committee considered evidence on and debate about the merits of small rural schools and disagreements over the costs of closure, but the fact was that the Parliament could not directly address such issues. Instead, in acknowledging that such decisions are best made locally, we sought to ensure that they could be explored in a structured and transparent way and that each proposal was considered on a case-by-case basis. I am pleased that people on all sides of the debate supported that approach.

Of course, a school closure can be very divisive. We cannot overstate the significance of a school to an area; indeed, people make a huge emotional investment in schools not just because their own children are pupils at them but because their association with teachers and families alike can go back generations. Although it is not always best to be asked, "Are you your brother's sister?"—an experience that Ken Macintosh's children will have to go through several times—it shows that a school is a vital part of a community, often going a long way towards sustaining a community's spirit and ensuring its sustainability.

I am pleased to have been part of what I hope proves to be the final leg of this journey for the Scottish Parliament.

16:05

Aileen Campbell (South of Scotland) (SNP):

In the stage 1 debate, I pointed out that it had not been long since the summer holidays. The Christmas break is now on the horizon and I am pleased by the speedy progress made in taking the bill through its final stages.

Once again, I thank the wide range of organisations that gave evidence to the Education, Lifelong Learning and Culture Committee, the ministerial team for its helpful contributions at all stages and my fellow committee members for the constructive and consensual way in which we have engaged with and progressed the bill. Murdo Fraser and Karen Whitefield have already alluded to the fact that we do not often use "consensual" and "Education, Lifelong Learning and Culture Committee" in the same sentence.

In the few short months since the stage 1 debate, the bill has become even more important and necessary. The impact of the recession and budget cuts are being felt across Scotland, and there is a danger that many local authorities could look to their school estates for what might seem like quick and easy ways to reduce overall spending and institute a school closure and consolidation programme.

We have already heard in the debate—and will no doubt hear more—about closures that are planned or have happened across the country. Education authorities should be aware that, although they do not yet have the force of law, the bill's principles represent a high standard of good practice, and communities affected by school closure proposals should rightly expect councils to make every effort to meet such standards. As Ken Macintosh pointed out and as the committee made clear in its stage 1 report, some education authorities do follow these standards; however, we must avoid the perception of councils rushing through closure programmes to escape the added protections of and principles behind this legislation.

In my South of Scotland area, parents, pupils and teachers in Coulter and Lamington primary schools are waiting to hear the outcome of a consultation on the future of the two sites and the possibility of a merger. Throughout the consultation period, I encouraged South Lanarkshire Council to bear in mind the principles behind the bill, even if it is not yet law. The council is well known for being quite inclusive in its approach to any school consolidation or closure programme and I welcome the steps that it has

taken to consult widely on this proposal. I hope that it will thoroughly consider the responses to its consultation—and the principles of this legislation—before reaching a final decision.

That said, the most worrying aspect for parents is the uncertainty of a school's future, along with the Chinese whispers that can sweep through communities as speculation and rumours run riot and further fuel the panic. If the legislation can stop any unnecessary anxiety and strain, it can only be welcomed.

The importance of rural schools to their local communities and economies has been discussed at length during the bill's passage and in the debate and I warmly welcome the strong protection that the legislation will provide for such schools and the communities that they service. Like other members, I benefited from early education in a small rural school—which is still going strong and achieving very good HMIE reports—and have first-hand experience of such schools' valuable contribution to rural Scotland and the country as a whole.

After all, we should note not only the good quality education that small rural schools can provide, but the added extras that often allow them to give an enhanced educational experience. Parents, local businesses and community members can play a hugely positive role in such schools and ensure that they are more than just bricks and mortar.

Some aspects of the bill are particularly welcome, such as the requirement for the consultation period to include at least 30 days of the school term, and the importance of consulting the pupils as part of the process. The right to be heard is enshrined in the United Nations Convention on the Rights of the Child, and the bill ensures that that right will be recognised if a school is threatened with closure. Of course, we should always try to find appropriate and sympathetic ways, taking their age into account, of engaging with children and young people about the future of their school.

The bill is just one aspect of the Government's ambitions for Scotland's education system. When it is combined with the legislation to reduce the legal maximum class size in the early years, and make progress towards class sizes of 18 in primaries 1 to 3, as well as the introduction of free school meals for the early years, we can see the importance that the Government attaches to every young person in Scotland and that it wants to enable them to achieve the best possible start in life. Regardless of the political parties that we represent, I am sure that we all share that aspiration. Those ambitions are good for the individual child and for the country as a whole

because these young people are the leaders and innovators of tomorrow.

As has been said, there will sadly be times when a school closure is unavoidable, but I believe that the bill will help to reduce those occasions to a minimum. However, when it is necessary, I hope that the bill will help with the process of understanding and acceptance among the affected communities. Full transparency, genuine consultation, and a willingness to respond are the hallmarks that will help to ensure that any final decision is made in the best possible interests of the pupils whose education is at stake, and all those who interact with the school in any way.

I hope that the bill will attract support across the chamber when we come to decision time because, at its heart, it is about strengthening Scotland's education system and recognising that schools are more than just their buildings. They are often at the heart of the communities that they serve, and they deserve all the support that we can give them.

16:12

Karen Gillon (Clydesdale) (Lab): Claire Baker mentioned Ken Macintosh's children experiencing comments about their brothers and sisters. If Ken Macintosh lived in my constituency, I would think that he was trying to grow his own local rural school.

I welcome the opportunity to participate in the debate. During the first session of Parliament, I was a member of the Education, Culture and Sport Committee, which heard petition after petition about the failure of the consultation system to involve parents, staff and communities in proposals to close schools. It was the real dissatisfaction with the situation in Argyll that led to the appointment of a reporter at that time. Others have mentioned the work that was undertaken by my colleague, Cathy Peattie, who played an important role in bringing to Parliament the fact that the existing consultation rules did not work and did not fully involve communities.

Similarly, the work done by Peter Peacock in his time as Minister for Children and Young People was significant to the progress that has been made. Murdo Fraser has been mentioned, and I commend the work that he undertook. The cabinet secretary has also been in the process since early on; it must seem to her like a long time. I congratulate her on the work that she has done in ensuring that the process on the bill has been positive, and on the manner in which she has handled the bill; it has been very good for the Parliament.

As other members have said, school closures will happen, but they must happen in a transparent

way that involves communities. Members have also said that many local authorities already follow the good practice that is enshrined in the bill. In Clydesdale, South Lanarkshire Council has, until this year, had a presumption against the closure of any school. Indeed, it embarked on an ambitious school building programme that has seen many small rural schools being rebuilt—Braehead pupils have recently moved into their new school. The council is demonstrating its commitment to our small rural schools. It has looked at innovative ways of safeguarding the future of those schools by introducing shared headships and sharing resources.

My constituency has a mixture of communities, and the fact that the bill will apply to them all is welcome. When a closure happens anywhere, we must be clear about the reasons, that they are the right reasons, and the process must be transparent. I welcome the specific criteria that will apply to rural schools, which relate to a viable alternative, the effect on the community and the likely effect of travel arrangements to an alternative school. On a day such as today, when the weather is bad, travelling anywhere is difficult. In rural situations, the roads are perhaps not as well maintained as those in the trunk road network. Parents are conscious of the challenges that might arise in any merger of schools.

MSPs have a role in the process, too. We should not perpetuate the Chinese whispers that go about communities, but ensure that the consultation is clear, open and transparent and we should support communities to get the information that they need. For the first time in 10 years, South Lanarkshire Council has undertaken a consultation in my constituency on the merger of Coulter and Lamington primary schools. I commend the council for that consultation, which has been positive and has involved a wide range of stakeholders. I am confident that the council will come to the right conclusion for the communities that I represent.

The bill is welcome, but one issue on which more could be done is to make schools genuine community schools. In Scotland, we still have not got that right. Too many barriers and restrictions are still in play whenever we try to achieve genuine community use of schools. Other countries in Europe show what can be achieved if community schools are real community schools with genuine community access. If we make progress on that, we can provide more support for rural schools and a significant safeguard for their future. I ask the cabinet secretary to take up that issue with COSLA and perhaps to do further research on how community use of schools works in other parts of Europe and what lessons we could learn in Scotland. I ask her to consider how we can make progress with our colleagues in local

government to ensure that schools, particularly in rural communities, can become an even greater focus of community life, thereby safeguarding their future.

I commend the bill to the Parliament. It is a positive bill that will safeguard the future of rural schools. It recognises that, when difficult decisions have to be made, they should be made for the right reasons and should involve the communities that they affect. Everyone in politics and in community life will welcome the bill and will move forward positively with it.

16:17

Kenneth Gibson (Cunninghame North) (SNP):

In March 1998 at the SNP national council, I proposed that there should be a presumption against the closure of rural schools. I am therefore pleased that, 11 and a half years later, we appear to have gone a considerable way towards securing that objective. In 2007, the SNP made a manifesto pledge to

“introduce a legislative presumption against closure of rural schools and tighten the regulations for closing all schools.”

It is therefore my hope that, after due discussion and deliberation today, we will fulfil yet another promise to the people of Scotland.

There have been many congratulations for those who have made a significant contribution to the bill. I do not want to repeat all the names that have been mentioned, some on a number of occasions, but we should thank Mervyn Benford, the information officer with the National Association for Small Schools, who came up from south of the border to share the experience on rural schools down there with the Education, Lifelong Learning and Culture Committee. I found his contribution to be invaluable.

The bill is an extremely important one that will benefit not only the schoolchildren of Scotland, but their parents, teachers and wider communities. The fundamental aim is to improve and update the consultation procedures that local authorities apply to school closures and to help safeguard schools throughout Scotland that are vulnerable to closure, particularly in rural areas. As Karen Whitefield said, a unified all-Scotland approach is important, and I believe that the bill will deliver that.

Although the right to attend a good-quality local school is important to people throughout Scotland, it is right and proper that an emphasis should be placed on rural schools. For those who have not had the good fortune of visiting my constituency of Cunninghame North, I say that it comprises many towns and villages. In such areas, the importance of the local school should not be underestimated. Two years ago, North Ayrshire Council proposed the closure of one of my island schools, in Corrie

on Arran. There was an outcry on the island about that, not just because of the potential loss of a much-loved school that is a century old and which forms a focal point of the village, but for many of the reasons that Murdo Fraser touched on and which came up in the evidence to the committee. Without a school at their heart, many villages would likely die, given the closures that have already occurred of shops, post offices and other facilities and amenities.

Corrie is a village in which half the houses are already let to second-home owners, so the closure of the school would have been a nail in the coffin of an extremely picturesque and important village. There is also the domino effect. If a local authority is seen to close one small rural school, there is the possibility that other schools nearby could close. That was certainly an issue on the rest of the island. I am delighted that the bill that we are passing will make that less likely.

It can be argued that to close a rural school takes away part of a town's or village's identity, can damage it economically or socially, and can destroy a way of life. If we want our most fragile communities to thrive and prosper, we cannot think it reasonable to take away their local school and make them unattractive and isolated places for people with families to live and work.

The bill has a direct impact on not only rural schools but Scottish teachers. It is surely wrong for local authorities to close schools in an attempt, in many cases, to save money, rather than according to strictly education criteria. Glasgow City Council this year voted in favour of closing 11 of the city's primary schools and nine nursery schools, but it has emerged that many parents feel that the correct consultation process was not adhered to. That highlights the failings of the current consultation process and shows that the measures in the bill are needed as well as desirable.

Parents who feel that they have been unfairly treated by authorities can now ask ministers from this Parliament to call in the closure proposal in a manner that is similar to the process in the planning system, to ensure that the law is properly adhered to.

The bill ensures that parents are involved with the relevant authorities from the very beginning of the six-week consultation period. Many members have touched on the consultation period being six weeks and including at least 30 school days. They are right to do so, because it is the crux of the bill. The three-week period after the consultation report is published will allow people time to voice opposition and doubts before the final decision is made.

It may be too late for the people of Glasgow to save some of their schools, but this Government wishes to ensure world-class education for all its young people. That is why it is ploughing more than £3 billion into school construction, why class sizes are at a record low, why gross capital expenditure on education is at a record high and why we support the bill in order to protect Scotland's schoolchildren, their parents and teachers, and local communities.

16:22

Willie Coffey (Kilmarnock and Loudoun) (SNP): I welcome the opportunity to make a brief contribution to the debate on the Schools (Consultation) (Scotland) Bill, although, as I am one of the last members to speak, it will be a challenge to offer a new contribution.

I will offer a few observations from my experience of 25 years in education and my involvement in local government as far back as 1992. I will pick out some of the key elements of the bill that are helpful in improving current practice.

Any of us will acknowledge that we become attached to the schools that we attend, and those of us who are parents become attached to the schools that our kids attend. It is an emotional attachment and many of us will have experienced at first hand the pain or the joy of a school being closed or saved. The bill helps by setting out the detail of what is required of the local authority in making its case: the list of those to be consulted has been expanded and includes both pupils and staff; the education benefits of any changes proposed must be detailed; and, in the case of rural schools, the impact on the local community and the alternative travel arrangements that may be required must be assessed.

I note that any person can make a representation to the minister to request a call-in and that the minister must take that into account before deciding whether to call in a proposal.

I hope that those measures will help local communities that find themselves in a consultation situation to feel a bit more confident that the level of detail that they would expect from their local authority will be forthcoming.

It might be fair to note that local communities have often found themselves preparing much more detailed cases for the retention of a school than the authority has done in proposing to close it. Such work could even take the form of detailed alternative assessments of the condition and fabric of buildings, with financial assessments, or independent assessments of future population movements. That was all very impressive, but one wondered why that burden fell on local people.

Quite correctly, the burden and obligation to make a detailed case must lie with the local authority and local people should be confident that the detail that is presented to them will be sufficient to allow them to challenge any assumptions that they might think it appropriate to challenge.

I am particularly pleased about two aspects of the bill: the requirement to consult the children and the requirement to assess the impact on the wider community of proposals that relate to rural schools, which will be so important in helping authorities to come to a fully considered position.

In the past we have perhaps not thought it appropriate to ask the kids what their thoughts and ideas are. I have visited school kids in my constituency for many years and I have complete confidence in their ability to share their views about their school and their hopes for the future. They are not afraid to be honest about their views and they will tell us straight if they think that their school is fantastic or if they would prefer to move elsewhere for a new experience and environment. Of course, sometimes it can be much harder to persuade the parents of the merits of moving to a new location.

I also like the emphasis on assessing the impact on the wider community of any proposals that relate to rural schools. As several members have said, we often find that community activities in rural areas are much more dependent on there being small schools in those areas than is the case in urban settings.

Formal consultation will be welcomed throughout Scotland. Providing as full a picture as possible of how a local authority is thinking about any school consultation can surely only be helpful in allowing everyone to arrive at the best possible outcome, in order to achieve the best educational possibilities for our children.

I hope that members throughout the chamber have found a number of positive proposals in the bill and that they will give it their full support at decision time.

The Deputy Presiding Officer: We move to the wind-up speeches. I was going to call Margaret Smith, but she is not here, so I will call Elizabeth Smith. I will go back to Margaret Smith, if someone could find out where she is, please.

16:27

Elizabeth Smith (Mid Scotland and Fife) (Con): Many speakers have made it clear that a school, perhaps more than any other institution, is often the defining character of any small community. Quite apart from delivering the crucial element of education, it binds together families and people of different age groups and is usually

the focus for a wide variety of community activities. In a rural area, that focus is even more pronounced. As Alasdair Allan and Kenny Gibson said, it is the difference between having a community and having no community. As the bill has progressed through its various stages, the evidence to support that view has been compelling.

I thank all the groups that have provided members with excellent briefings. Those groups, particularly the Scottish rural schools network, have been instrumental in forming opinion and helping members become much better informed about some of the inadequacies in the existing legislation.

We are delighted by the Scottish Government's response to the work that has been undertaken by many members in the chamber and to my colleague Murdo Fraser's proposal for a member's bill, which brought the issue back on to the agenda just recently. He has campaigned tirelessly on the issue, as have many others. The Schools (Consultation) (Scotland) Bill is in the best interests of our children and our families, and passing it is the right thing to do to support our communities. Of course, I could say that we are also delighted that it is another example of the SNP adopting Conservative party policies—a common feature these days—but I will stick with the original point.

The Scottish Government and the other Opposition parties have done a very good job in recognising just how important it was to get consensus on this matter. It is good to see that the Scottish Government has recognised the different categories of rurality, which is vital in the context of ensuring that schools are treated according to their individual merits rather than universal structures, which can sometimes ignore local circumstances. Those definitions are also important in relation to the implications of the defining principles of the bill as they relate to all schools.

One of the key principles is improving transparency and democracy in the consultation process. Margaret Smith's amendments 13 and 13A, which we debated earlier, raised important issues in that respect. There have been bad decisions about the future of schools because information was not properly made available to all parties or because it was not entirely accurate. We cannot allow that situation to continue and I am grateful to the Scottish Government and Margaret Smith for lodging amendments that allowed us to probe that matter much more fully. We have made the bill much better. I look forward to the cabinet secretary providing us with more details on the statutory guidelines for councils in due course, because tightening the regulations that govern the

consultation process is vital, as is having a more consistent and equitable approach throughout all 32 local authorities.

Conservatives support the new power that will be introduced to allow ministers to call in a closure decision after it has been made, if they feel that it does not comply with the new requirements in the bill, or that the local authority has failed to take account of all the relevant information. Like other members—Ken Macintosh mentioned the important issue of cost—I raised at earlier stages concerns about consequences that were perhaps unintended but still had to be addressed.

A more holistic approach should now be taken to the educational benefits statement, which will be crucial to any decision, so that we can give communities confidence that, although the economic and social aspects are being considered, the educational benefits statement will be properly weighted in the equation. Addressing that was important, as was giving a proper hearing to all the evidence at stage 1.

HMIE is a hugely important stakeholder. The bill team was right to identify that the educational benefits statement necessarily include a wide range of factors, such as the after-school facilities that are on offer to children, links in the community and the school's ethos. All that raised the question whether HMIE could cover all that work from its existing resources. Some such issues will need to be monitored, but I am satisfied that the cabinet secretary has had close discussions with HMIE and that the matter has been explored, if perhaps not yet 100 per cent resolved.

Another question was whether the financial settlement might be revised in the future, which raised the unfortunate spectre that, at the very time when we are making huge progress to protect rural schools, the Scottish Government would unwittingly create a financial incentive to close them. I am sure that Opposition parties will take a robust stance on reviewing that, but the Scottish Government has again confirmed to me that it will not make such a change.

Presiding Officer, time is short—[*Laughter.*] I am sorry; I did not mean that—I cancel that. Presiding Officer, time is not short, and I will take my speech a bit more slowly from now on. How many minutes do I have—six?

The Deputy Presiding Officer: You have about 35 minutes.

Elizabeth Smith: Perhaps we could debate some of the other Conservative party policies in which the SNP is engaging. That would take much longer.

Hugh O'Donnell (Central Scotland) (LD): Time is short after all.

Elizabeth Smith: Time is very short.

I reiterate the Scottish Conservatives' unqualified support for the bill. As I said, my colleague Murdo Fraser has campaigned long and hard with the rural schools network, as have many other people. We owe them all, and the cabinet secretary, much credit. I am grateful to play my part in—I hope—the bill being passed this afternoon.

The Deputy Presiding Officer: I call Kenneth Gibson—no, I do not. I call Kenneth Macintosh—sorry.

16:33

Ken Macintosh: Many members—if not all of us—thrive on vigorous debate, but one part of me is pleased that most of the issues of contention and dispute in the bill were resolved before stage 3. I believe not that compromise or consensus always generates the best outcome, but that we—or at least I—need the occasional reminder that we can work together on many issues across party divides to reach agreement. Murdo Fraser, Margaret Smith, Karen Whitefield—our committee's convener—and others paid tribute to the cabinet secretary for her role in and approach to making that happen. I echo those remarks.

As the convener said, I am sure that my fellow committee members acknowledge that for consensus to break out among our small and select gathering is even rarer. I worry that this will be the only occasion on which it happens, so I am particularly grateful for the chance to thank my colleagues and the committee clerks for their communal efforts.

As members from all parties have said, our coming together was due in no small part to the work of the Scottish rural schools network, but I do not wish to heap further embarrassment on that self-effacing group of campaigners.

In a previous debate, we heard that school closures and the sustainability of small and rural schools in the future have bedevilled the Parliament for many years. Colleagues such as Fiona Hyslop, Claire Baker and Karen Whitefield paid tribute to Cathy Peattie, whom I, too, thank for the time and effort that she put in on behalf of the Parliament's first education committee—the Education, Culture and Sport Committee—on a report in which she flagged up the issue and highlighted some of the problems that needed to be addressed. Likewise, several education ministers, including Peter Peacock, grappled with the problem and made substantive improvements. Most recently, Murdo Fraser championed the cause through his proposed member's bill. I thank all those people.

All those efforts, and the momentum that had been generated over several years, came together in the campaigning work of the Scottish rural schools network. What I found most impressive about the SRSN was the evidence that it presented on the educational benefits of Scotland's small and rural schools. There is no doubt that there are some in the Scottish education system who believe that big is best when it comes to schools, but it emerged from the evidence of the SRSN and others that some of the schools that have been targeted for closure over the years were identified not because they were failing their pupils, but just because they were small and therefore potentially easier to close, through which money would be saved. I hope that today we have put in place a series of measures that will make that manifestly unfair behaviour less likely in the first place and challengeable, through the ministerial consent process.

As I mentioned earlier, I agree that providing for a ministerial consent process is not the same as allowing a right of appeal, but it is clear that a system that allows for ministerial call-in on the basis of a failure to take account of "a material consideration" is a bit of a fudge. The difficulty that the minister and her officials had at stages 1 and 2 of the bill in providing the Education, Lifelong Learning and Culture Committee with any further clarification of the term rather gave the game away as to the nature of the compromise.

I accept that the SRSN wanted the relevant section to be beefed up, while COSLA and the local authorities were initially alarmed at the prospect of having their decisions second-guessed by ministers or HMIE, but I worry that by leaving the term "a material consideration" undefined, we might be postponing a difficult decision rather than avoiding it altogether. I appreciate that ministers of whatever political hue will not be desperate to intervene in as controversial a local matter as a potential school closure but, equally, I believe that it is entirely predictable that any and every parent with a sense of grievance or unfairness about the decision on their local school will beat a path to the ministerial door, quite often to be turned away.

That said, the new criteria for consultation are clearly fairer to all sides, and I have every hope that the bill will usher in a new attitude of openness towards the process that is to be followed when a school's future is to be decided.

Although the term "rural schools" does not appear in the bill's title, I still refer to it as the rural schools bill. I hope and believe that we have given some comfort and additional protection to those who rely on their local school. Alasdair Allan, Karen Gillon, Aileen Campbell and others rightly recognised that in a small village or town, the school has a status and a value in the community

that go beyond the educational benefits that it provides for its pupils.

I am aware from our previous discussions and debates on the bill that several members present went to small rural schools. Although I did not, my father, his family and many of my cousins and their children attended—or still attend—Elgol primary in Skye. It is a school that has produced doctors, lawyers, teachers and nurses. There has never been any question about the educational service that it provides for the three villages that it serves, but even though it has never faced an explicit threat to its sustainability, I know that parents in those villages remain constantly anxious about its future. They look at the school roll constantly and worry when the children of a young family grow up and move on to high school. I hope that today we have assuaged that anxiety a little. I hope that we have said that, in our pluralistic system, we need and value our small and our rural schools. I hope that we have offered all parents and pupils across Scotland reassurance that their school is as important to us as it is to them.

The Presiding Officer (Alex Fergusson): I call the cabinet secretary to wind up the debate. You have 21 minutes. [*Laughter.*] I will amend that; you have up to 21 minutes.

16:39

Fiona Hyslop: I thank members for what has been an extremely useful and constructive debate. The whole tone of the debate on the bill has been hugely constructive at every stage, both within the Parliament and beyond, and I am grateful to everyone who has participated in it.

It was interesting that Murdo Fraser commented on how refreshing it is for Opposition parties and the Government to have such a positive and constructive discussion. He observed that it might be a passing moment, but perhaps I could persuade him to linger a little longer in the sunshine of progressive, constructive politics rather than return to the dark shadows of confrontation.

Some extremely interesting points were made during the debate, some of which I would like to respond to. Claire Baker and Ken Macintosh made important points about guidance on material considerations. We have said that we will issue such guidance, but we must be careful not to be overly prescriptive. I warned at previous stages that if we provide for a tick-box exercise, it will be easy for councils to go through the motions, instead of considering all the issues. We are conscious of that risk and of the potential for making improvement through guidance.

Important points were made about the strength of rural schools. Murdo Fraser referred to the social aspects of such schools—their strength of character and the opportunity that they provide for many young people to engage not just with their peers but with other people in the village, as part of their wider development. Karen Gillon, who is, unfortunately, absent from the chamber, made representations about community schools, which have great strengths. A number of members made that point.

Aileen Campbell made an important point about transition. I urge all members in whose constituencies consultations on rural school closure proposals are taking place to look at schedule 3 to the bill. We must await commencement, but transition arrangements are built into the bill to make clear to everyone whether the previous provisions or the new legislation will apply.

Margaret Smith and Elizabeth Smith mentioned the important role that HMIE has to play. That is part of front-loading provision—why should the cabinet secretary be the only person to see the content of HMIE's educational advice on these matters?

Alasdair Allan and Ken Macintosh referred to Gaelic. Our intention is to increase the number of young people who have access to Gaelic-medium education. In line with that initiative, we have asked Bòrd na Gàidhlig to produce an action plan of initiatives to increase the number of speakers. We look forward to acting on its advice; I refer members to the commitments that we have already made.

One of the most striking contributions was by Willie Coffey. He and Christina McKelvie made the point that the bill requires councils to make the case for closure. Too often, it is the protesters or those who are seeking to protect rural schools who have had to make the more detailed and well-argued case. In the bill, we say that responsibility for making the case should be placed on the shoulders of councils, who must do so from their resources. That is one of the biggest improvements that the bill will make.

Murdo Fraser: I agree with what the cabinet secretary has just said. Does she agree that one of the major flaws of many previous consultations by local authorities has been in relation to the financial consequences of school closures? We have seen that in a number of recent cases. Does she hope that one of the outcomes of the bill will be a substantial improvement in understanding at local government level of the financial consequences of the closure of a rural school?

Fiona Hyslop: I agree with the member. Many people have mistakenly assumed that closing rural

schools is a great revenue saver. In fact, although education authorities may realise the capital value of the building, the majority of costs relate to staffing. Unless they are using the closure of rural schools to cut staffing, all that they are doing is displacing members of staff to neighbouring schools, usually with the pupils who are moving there. We need to recognise the true value of rural schools, which is not always measured in pounds, shillings and pence—it may also be measured in the quality of the education that they provide. Murdo Fraser's point is well made.

The bill may be modest in size, but its aims are much bigger. The scope is relatively narrow, but the impact on those affected will be considerable. The bill aims to change not just the framework within which all school consultations will be undertaken in the future but—importantly—the culture of local consultations, leading to a more open and trusting relationship between councils and the communities that they serve. We know that school consultations are often emotive and difficult proceedings; we also know from Government consultations prior to the introduction of the bill that many parents start from a position of suspicion or mistrust. The bill is partly about recognising the relationships that can be built and building an element of trust. It is never going to be easy, and it is never going to be perfect, but part of what we propose is to change the culture around school closures.

The bill will deliver a process that is open and transparent. It will ensure that those who are consulted are given comprehensive information right at the start of the process. Consultations will be launched with the publication of a proposal paper, which must set out the details of the proposal, the proposed date of implementation and any supporting information that the council in question considers appropriate. Each paper must include an educational benefits statement, in which the council will set out the educational basis for its proposals. That statement must address the likely effects on all pupils at the affected school and at other schools in the council's area, as well as the effects on other users. It is often argued by councils that that is implicit in a consultation, but the bill provides an opportunity for it to be made explicit. It is not only the pupils at the school who are concerned; there are other people to be considered. The educational benefits statement must also set out how the council intends to minimise or avoid adverse effects from its proposals, as well as setting out its benefits.

In cases where consultees—or anyone else—allege that information in the proposal paper is inaccurate, or that relevant information has been omitted, councils must respond to those allegations, and they must report the action that has been taken or justify it if they conclude that no

action is required. Margaret Smith's contributions in that regard at stages 2 and 3 have been very important. Sometimes a process develops in which the information is accurate right at the start but, unless a problem is addressed, it will fester, fuelling the suspicion that something has been put in a deliberately misleading way. Factual inaccuracies will sometimes be made, but the point is to address the problem up front. Trust in the relationship, openness and transparency are important from the start. Again, I thank Margaret Smith for her contribution.

The bill extends the consultation period, which must now include at least six weeks of term time. I have seen consultations in which the injudicious timing of the start date has led to great difficulty.

Murdo Fraser: Christmas eve.

Fiona Hyslop: I hear Christmas eve being mentioned. Those days will now be gone. That is common sense, and it respects those involved in the consultation. In cases where consultation straddles school holidays, the consultation period will need to be extended to accommodate that period.

HMIE will now contribute to every consultation, and its report will be included in the council's consultation report, so that everybody has the opportunity to see it. The council will be required to publish its response to the HMIE report in the consultation report.

The consultation report will include a summary of all oral and written representations, as well as the council's response to those representations. The consultation report is also where the council will publish details of alleged inaccuracies and omissions, and its response to those. The internet provides the opportunity to share those details more fully.

Following publication of the consultation report, there will be three weeks for consultees to consider it and to make further representations to the council before it makes its decision. It is important to remember that the council retains responsibility and accountability for decisions throughout the process, particularly in the three weeks leading up to the final decision, when there is still an opportunity for local people to contact and lobby their councillors as part of the decision-making process.

In the case of proposals to close a rural school, the bill puts in place three factors to which the council must have regard before moving to consult. Those factors—viable alternatives to closure; the likely effects of closure on the community; and the likely effects of closure on travelling arrangements—will make a decision to close a rural school a decision of last resort.

The bill will mark an end to the current, rather arbitrary, grounds for the involvement of ministers, such as occupancy and distance. That approach will be replaced with a safeguard for the most contentious decisions, school closures. In those cases, ministers will be able to call in decisions where they perceive serious flaws in the consultation or in the decision-making process. I emphasise the word "process"—it is not about second-guessing the decision that is made by the council; it is about ensuring that the process, as set out by law, has been carried through. That is why we could not rely on guidance alone and why we wanted to introduce legislation in this regard.

Although I suspect that most closure cases will be subject to representations to ministers in the early stages of implementation—I heed Ken Macintosh's warnings on this—I do not envisage more than a handful of cases being called in. That is, of course, in the hands of councils. Ministers may call in a case only when there are grounds to do so. If the process works and is sufficiently front-loaded, there should be no reason why a council will have carried out consultation in such a way that call-in will automatically be needed. There will be issues in the early stages of the bill's implementation, but I have given my commitment to ensure that we respect the decision making of councils and that we uphold the law, which will help parents and communities.

The bill will create a framework for fully informed, transparent and rigorous consultation. Decisions will be taken by people who are locally elected and accountable and ministers will intervene in closure cases only when there have been serious failings in the process. I am confident that if the letter and the spirit of the bill are followed, communities will develop greater confidence and trust in the process and in their councils, which will ultimately lead to better local relationships.

I thank everyone who was involved in developing the bill, which is an example of good practice for the Parliament. The role of the Scottish rural schools network was important and demonstrated that the experts are not always the people who are in administration, whether they are in the Government or in councils. The experts on local communities are often the people who live in and have experience of those communities. Such people have made careful and meaningful contributions on school closures and, as Karen Whitefield said, the bill will be a lasting legacy to their work. I distinctly remember introducing many of those people to one another—at the time I did not expect to be the cabinet secretary who would respond to proposals and introduce legislation. I am proud to have been responsible in small part for the bill, not just in government but in opposition.

I acknowledge all the people who have contributed to the debate and to the bill. The bill has been shaped by all the political parties in the Parliament. Presiding Officer, you often talk to people in countries throughout the world about the best aspects of the Scottish Parliament; perhaps you will use the bill as a good example of how we can work collectively and consensually and be part of the participative democratic process that should be the hallmark of how we go about our business in the Parliament.

I ask members to endorse the Schools (Consultation) (Scotland) Bill.

The Presiding Officer: That concludes the debate on the bill. Despite the impressive efforts of the cabinet secretary I have no choice other than to suspend the meeting until 16:59.

16:52

Meeting suspended.

16:59

On resuming—

Parliamentary Bureau Motion

The Presiding Officer (Alex Fergusson): The next item of business is a Parliamentary Bureau motion. I ask Bruce Crawford to move motion S3M-5228, on substitution on committees.

Motion moved,

That the Parliament agrees that Sandra White be appointed to replace Jamie Hepburn as the Scottish National Party substitute on the Rural Affairs and Environment Committee.—[*Bruce Crawford.*]

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

Decision Time

17:00

The Presiding Officer (Alex Fergusson):

There are five questions to be put as a result of today's business. The first question is, that amendment S3M-5221.1.1, in the name of Ross Finnie, which seeks to amend amendment S3M-5221.1, in the name of Nicola Sturgeon, on tackling *Clostridium difficile*, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

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

Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Tolson, Jim (Dunfermline West) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)

Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 59, Against 61, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S3M-5221.1, in the name of Nicola Sturgeon, which seeks to amend motion S3M-5221, in the name of Jackie Baillie, on tackling *Clostridium difficile*, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Neil, Alex (Central Scotland) (SNP)

O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

AGAINST

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

Whitefield, Karen (Airdrie and Shotts) (Lab)
Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 77, Against 43, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The third question is, that motion S3M-5221, in the name of Jackie Baillie, as amended, on tackling Clostridium difficile, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Allan, Alasdair (Western Isles) (SNP)
Brocklebank, Ted (Mid Scotland and Fife) (Con)
Brown, Gavin (Lothians) (Con)
Brown, Keith (Ochil) (SNP)
Brownlee, Derek (South of Scotland) (Con)
Campbell, Aileen (South of Scotland) (SNP)
Carlaw, Jackson (West of Scotland) (Con)
Coffey, Willie (Kilmarnock and Loudoun) (SNP)
Constance, Angela (Livingston) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Don, Nigel (North East Scotland) (SNP)
Doris, Bob (Glasgow) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Finnie, Ross (West of Scotland) (LD)
FitzPatrick, Joe (Dundee West) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Goldie, Annabel (West of Scotland) (Con)
Grahame, Christine (South of Scotland) (SNP)
Harper, Robin (Lothians) (Green)
Harvie, Christopher (Mid Scotland and Fife) (SNP)
Harvie, Patrick (Glasgow) (Green)
Hepburn, Jamie (Central Scotland) (SNP)
Hume, Jim (South of Scotland) (LD)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Adam (South of Scotland) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Kidd, Bill (Glasgow) (SNP)
Lamont, John (Roxburgh and Berwickshire) (Con)
MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
Marwick, Tricia (Central Fife) (SNP)
Mather, Jim (Argyll and Bute) (SNP)
Maxwell, Stewart (West of Scotland) (SNP)
McArthur, Liam (Orkney) (LD)
McGrigor, Jamie (Highlands and Islands) (Con)
McInnes, Alison (North East Scotland) (LD)
McKee, Ian (Lothians) (SNP)
McKelvie, Christina (Central Scotland) (SNP)
McLaughlin, Anne (Glasgow) (SNP)
McLetchie, David (Edinburgh Pentlands) (Con)
McMillan, Stuart (West of Scotland) (SNP)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Morgan, Alasdair (South of Scotland) (SNP)
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
Neil, Alex (Central Scotland) (SNP)
O'Donnell, Hugh (Central Scotland) (LD)
Paterson, Gil (West of Scotland) (SNP)
Pringle, Mike (Edinburgh South) (LD)

Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
Robison, Shona (Dundee East) (SNP)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Russell, Michael (South of Scotland) (SNP)
Salmond, Alex (Gordon) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Scott, Tavish (Shetland) (LD)
Smith, Elizabeth (Mid Scotland and Fife) (Con)
Smith, Margaret (Edinburgh West) (LD)
Somerville, Shirley-Anne (Lothians) (SNP)
Stephen, Nicol (Aberdeen South) (LD)
Stevenson, Stewart (Banff and Buchan) (SNP)
Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)
Sturgeon, Nicola (Glasgow Govan) (SNP)
Swinney, John (North Tayside) (SNP)
Thompson, Dave (Highlands and Islands) (SNP)
Tolson, Jim (Dunfermline West) (LD)
Watt, Maureen (North East Scotland) (SNP)
Welsh, Andrew (Angus) (SNP)
White, Sandra (Glasgow) (SNP)
Wilson, Bill (West of Scotland) (SNP)
Wilson, John (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Butler, Bill (Glasgow Anniesland) (Lab)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Curran, Margaret (Glasgow Baillieston) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Foulkes, George (Lothians) (Lab)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gordon, Charlie (Glasgow Cathcart) (Lab)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Henry, Hugh (Paisley South) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kelly, James (Glasgow Rutherglen) (Lab)
Kerr, Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Macdonald, Lewis (Aberdeen Central) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McConnell, Jack (Motherwell and Wishaw) (Lab)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Mulligan, Mary (Linlithgow) (Lab)
Murray, Elaine (Dumfries) (Lab)
Oldfather, Irene (Cunninghame South) (Lab)
Park, John (Mid Scotland and Fife) (Lab)
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Stewart, David (Highlands and Islands) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 77, Against 43, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament agrees that tackling Healthcare Associated Infection (HAI) must continue to be a top priority for the Scottish Government; notes the range of actions that are now in place to drive down infections, backed by an investment in excess of £50 million; welcomes the establishment of an independent Healthcare Environment Inspectorate that has begun its programme of announced and unannounced visits to all acute hospitals over the next three years; acknowledges that the establishment of a public inquiry into the events at the Vale of Leven Hospital last year will ensure that any additional actions are identified to help prevent such a tragedy happening again; further acknowledges that the HAI Taskforce has fully considered the Labour Party 15-point action plan and has agreed to further consider those measures not already included in its current three-year work programme; recognises the progress that has been made on a national staff uniform for NHS Scotland; further notes that the Scottish Government has agreed to pilot approaches to electronic bed management and tracking infections and will fully evaluate these pilots and take whatever action is appropriate, and further notes that the Cabinet Secretary for Health and Wellbeing will continue to ensure that systems and processes for the notification and management of outbreaks are improved in light of experience.

The Presiding Officer: The fourth question is, that motion S3M-5175, in the name of Fiona Hyslop, on the Schools Consultation (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Schools Consultation (Scotland) Bill be passed.

The Presiding Officer: The fifth question is, that motion S3M-5228, in the name of Bruce Crawford, on substitution on committees, be agreed to.

Motion agreed to,

That the Parliament agrees that Sandra White be appointed to replace Jamie Hepburn as the Scottish National Party substitute on the Rural Affairs and Environment Committee.

Deafblind Scotland

The Deputy Presiding Officer (Trish Godman): The final item of business is a members' business debate on motion S3M-4738, in the name of Margaret Mitchell, on Deafblind Scotland. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the work of Deafblind Scotland, based in Lenzie, which seeks to enable Scots who are both deaf and blind to receive the support and recognition that they require to be equal citizens; notes with concern the difficulties faced by deafblind people in freely accessing public transport due to the varying restrictions placed by local authorities on concessionary travel for guide communicators who provide professional communication and guiding support, and believes that cooperation among all relevant bodies will ensure that deafblind citizens can enjoy full access to public transport.

17:05

Margaret Mitchell (Central Scotland) (Con): I begin by extending a warm welcome to the deafblind people and their supporters who are in the public gallery this evening. Their attendance is doubly appreciated as I know just how difficult it can be for them to organise a journey such as their journey to the Scottish Parliament today, or indeed for them to embark on any of the journeys that the rest of us manage with comparative ease and rarely think twice about. For deafblind people, there is no such luxury. Instead, every step of a journey on public transport can be fraught with difficulty.

That point was graphically brought home to me recently when I attended Deafblind Scotland's 20th anniversary celebrations in Lenzie union church. During my visit, some of the deafblind members performed two five-minute drama skits that effectively illustrated the nature of the difficulties that they face daily in attempting to negotiate travel on public transport. Those difficulties can start, for example, with communication difficulties during an initial taxi journey, and continue when the person goes on to attempt to find their way around a bus or train station or an airport and tries to purchase a ticket, or merely book in.

I know that some of my MSP colleagues, despite having to juggle voting on stage 3 amendments, managed to go and see the dramas that were being performed this afternoon. I am grateful to them for doing that, and I am grateful to all members who have stayed behind to register their support for Deafblind Scotland's plea for co-operation among all relevant bodies to ensure that deafblind citizens can enjoy full access to public transport.

In particular, I hope that the debate will concentrate minds on the barriers to free access to all public transport that deafblind people experience as a consequence of the varying restrictions that local authorities place on concessionary train travel for the guide/communicators who provide such necessary and invaluable assistance through professional communication and guiding support. Put simply, bus travel is free for the deafblind and their guide companions, but free train travel is available only to the deafblind. At best, that seriously curtails their ability to access train travel and, at worst, it renders it impossible for some deafblind people to use train travel at all.

I mentioned earlier that I attended Deafblind Scotland's 20th anniversary celebrations, as part of which there was an exhibition of video and photographs that charted the tremendous work and activities in which Deafblind Scotland has been involved over the years. Although it was in general immensely encouraging, I have to say that I felt a real sense of despondency when I saw the photos and video coverage of members of Deafblind Scotland attending the other debate that I sponsored in the Scottish Parliament almost five years ago to seek recognition of deafblindness as a distinct disability. At that time, it was emphasised how vital it is to ensure that deafblind people are identified in each local authority area as soon as possible, and before their hearing or sight deteriorates too far, in order to try to preserve the best possible quality of life. In other words, what was sought then was a similar provision to what exists in England and Wales, which has become known there as section 7 guidance.

Despite my 2005 debate and the warm words that were offered at the time, evidence shows—I refer to the Scottish Government's statistics in "Registered Blind and Partially Sighted Persons, Scotland 2008"—that there are 2,863 people in Scotland who are registered as having dual sensory loss. However, Deafblind Scotland believes that the total is grossly underestimated and is much more likely to be nearer 5,000. Unfortunately, that leads me to the conclusion that if it is merely recommended to local authorities, rather than its being required of them, they identify people with dual sensory problems early, little or no progress will be made.

Meanwhile, for deafblind people, problems persist with communication and access to information as people strive to live independently with little support and with difficulties that are little known or unnoticed. If deafblind people are to be included in society, we need to ensure that the necessary special arrangements to ensure their inclusion are in place. As the world of sensory impairment moves on apace, the risk is that deafblind people will become further marginalised.

Deafblind Scotland has 650 members, of whom 160 are under 60 years of age. If, rather than just providing platitudes—as was the case following a meeting on the same subject involving ScotRail, deafblind representatives and myself several years ago—we can genuinely aid the co-operation that the motion seeks to achieve by ensuring that today's debate results in deafblind guide/communicators being given access to concessionary fares, we will have taken a small but crucial step towards removing at least one of the barriers that are faced by this very small number of people, who are an inspiration to the rest of us and who deserve our support.

I look forward to the minister's comments on what assistance he can offer to deafblind people.

17:11

Cathie Craigie (Cumbernauld and Kilsyth)
(Lab): I thank Margaret Mitchell for bringing such an important debate to the Parliament. The motion rightly highlights the significance to deafblind people and their families of the work that is done by Deafblind Scotland. I welcome all the visitors in the public gallery and put on record my thanks—indeed admiration—for the unstinting work that Deafblind Scotland does.

Presiding Officer, I ask you—and members in the chamber and the people in the gallery—to accept my apologies: I will need to leave directly after speaking as I have an important commitment to keep in my constituency.

As Margaret Mitchell explained, services for deafblind people differ greatly from local authority to local authority. There are still too many gaps in services, of which the lack of concessionary rail travel for guide/communicators is just one. Local authorities and Governments must look at that and do much more to address the needs of deafblind people.

It cannot be denied that deafblind people have specific needs. I am sure that all members understand the particular struggle that deafblind people have when travelling on public transport. Evidence suggests that a significant number of deafblind people go without food, medicine and other essentials because shopping is so difficult. How much more difficult must tasks such as shopping be without a companion? What happens when deafblind people cannot make a trip to the shops or keep an appointment in town because they are not in a financial position to pay the train fare for their guide/communicator? It must be horrendous to have to make such a choice.

As Margaret Mitchell highlighted, the number of people who are registered with local authorities as deafblind, or who have been otherwise identified as such, is just over 2,600. I know that that figure

is disputed; Deafblind Scotland thinks that it is 5,000. Dealing with that number would not be difficult within our budgetary constraints.

Deafblind people are marginalised because they do not have equal access to services and to the everyday things that we all enjoy. I think that the people of Scotland would be only too happy financially to support deafblind companions for rail travel. I encourage the Minister for Transport, Infrastructure and Climate Change to consider carefully the issue of companion travel for deafblind people. I know that budgets are tight and are not made of elastic, but the number of people involved throughout Scotland would not be unmanageable and things would not be unaffordable. I urge the minister to give a positive response and to tell the deafblind people in the gallery and deafblind people throughout Scotland that they are important and that their companions should have access to rail travel at no cost to them. That is a small ask. I am sure that the deafblind community would be happy if he did so.

17:16

Nigel Don (North East Scotland) (SNP): I, too, congratulate Margaret Mitchell on securing such an important debate. It is customary to congratulate members on securing debates, but the issue is hugely important and I am delighted that we are debating it.

I am also delighted to see in the gallery those who have travelled here. It is interesting that we talk about the travelling problems of people who have dual sensory impairments, but some of us have travelling problems anyway with the wretched rain that we are having. I suspect that some people who might have come from Aberdeen have not made it here. However, it is good to see those who are in the gallery, and it is particularly good to see Drena O'Malley again. I acknowledge the work that she does and her contribution to the cross-party group in the Scottish Parliament on deafness, which Cathie Craigie and I support.

Members have said that travel is one issue for deafblind people, but most of what happens for deafblind people is uncertain. Last year, I asked an intern to do some research on the subject. Getting good answers not only about how many people are deafblind, but about where they are, who pays them, what services there are for them and who provides those services was extremely difficult. I have continued to do some work in the area, but it is desperately difficult. Deafblind people are so marginalised that we are not even sure how many of them there are and where we can find them.

I will pre-empt the minister by saying that, by and large, the Government does not tell people what they have to do. We know that local authorities have single outcome agreements and are expected to come up with answers that are appropriate for their local area. As a former councillor, I must say that that is basically right.

The challenge for the minister and the Government is to say what the Government can do to encourage consistency in how services are provided for financially by local authorities—or nationally, if that can be done. Can it be done? I came to Edinburgh this week on a £15 ticket—it is on the public record that I have reached the exalted age of 55, so I do not need to say that. The fact that I came to Edinburgh on that ticket suggests to me that the rail companies in general reckon that it is all right to have a marginal passenger for £15. I suspect that most deafblind people would not choose to travel at peak times—indeed, most of us would not travel at peak times if we could avoid doing so. It seems to me that the railway companies have already established that providing £15 marginal tickets to anywhere represents fair economic sense. I put it to the minister that that approach might be a way forward that is apparently already on the economic landscape. It might be better than having no top-up at all.

The challenge for the minister and the Government is to see whether they can get local authorities and others who generate funding to provide a level playing field and consistency for desperately unfortunate people who need as much help as we can give them.

I take the point that Cathie Craigie made—that the general public would support the proposal. I am pretty sure that, if they were aware of the issues, the public would be behind putting a little bit of money into it, and it would not cost a fortune.

17:20

Jim Tolson (Dunfermline West) (LD): I offer my congratulations to Margaret Mitchell on securing tonight's debate. I also congratulate her on her debate of 9 March 2005—more than two years before I was elected to the Scottish Parliament—in which she represented the issues of concern to Deafblind Scotland. In the motion that she lodged in 2005, she sought to raise awareness of the unequal treatment of the deafblind community, especially in relation to the European Parliament's 2004 declaration on the rights of deafblind people. I know that she has done much more for the deafblind community since then, and I commend her for that.

Tonight, Margaret Mitchell asks us to focus on the transport issues that affect deafblind people's

ability to become—as Deafblind Scotland's vision outlines—part of a society in which

“deafblind people have the permanent support and recognition necessary to be equal citizens.”

I could not agree with that more.

If there is one basic reason why we are members of the Scottish Parliament, regardless of our political differences, it is to make the lives of the people of Scotland better and fair. As members will be aware, I recently had the pleasure of hosting a series of visits to the Parliament by south Fife puppy walkers. Those events not only raised awareness of the need for people to volunteer to look after and give basic training to guide dog puppies, but highlighted the need for more businesses to allow the young dogs into their workplace to get them ready for their role with a blind or partially sighted person in their own workplace. Today, we have in the Parliament people from Deafblind Scotland, some of whom have dogs that are trained for use by people with dual sensory impairment.

Blind and partially sighted people have access to free travel on buses and trains, as do deafblind people. If deafblind people are to use public transport effectively, they need a specially trained guide/communicator to assist them with their journey and their reason for taking that journey. However, their companion does not get free travel—they get only discounted travel. That means that such transport is not really free for the deafblind community; it is subsidised.

The issue was made clear to me recently when I was contacted by a constituent, Mrs Elizabeth Keating of Dunfermline, who highlighted her concerns about train travel. The need for free travel on trains is not currently recognised by Fife Council. I assure Mrs Keating and any other deafblind constituents of mine that I will do all that I can to persuade Fife Council to review its policy on the issue.

It was a real pleasure to join deafblind people from communities throughout Scotland in committee room 5 this afternoon. They were able to highlight their concerns through some very good drama—I am sure that the Oscar is in the post—and other members and I were able to ask them a series of questions to enable us to understand their needs better.

I fully agree with Deafblind Scotland's vision that Scotland's deafblind people should be treated as equal citizens. As the Lib Dem deputy spokesperson on local government and transport, I take very seriously the issues that have been raised this evening on behalf of Deafblind Scotland. I will do all that I can to help Mrs Keating, and I am sure that other members will

contact their local authorities to raise similar issues.

17:23

Mary Scanlon (Highlands and Islands) (Con):

I, too, thank my colleague, Margaret Mitchell, for securing the debate. I also thank her for her continued commitment to supporting Deafblind Scotland. The figure of 2,683 that was cited by Cathie Craigie appears to be an underestimate. I am sure that, given the minister's ability with figures, he will be able to give us a more accurate figure.

As Jim Tolson and others have said, Margaret Mitchell has raised a real issue for debate in focusing on the need to give deafblind people independence and dignity by enabling them to travel accompanied, when appropriate, in order to address the social exclusion that they face. There is no doubt that enabling deafblind people to travel to visit friends and family, to attend social and sporting events or to go shopping—which Cathie Craigie mentioned—would also help to promote good mental health. The excellent guide/communicator service aims to ensure equal access, promote independence and encourage integration into the community. That is not really much to ask.

In preparing for the debate, I, like Jim Tolson, came across the European Parliament declaration on the rights of deafblind people, which was published in 2004. Interestingly, the document highlights

“the right to receive one-to-one support ... from communicatorguides ... interpreters, or intervenors”

when appropriate and also

“the right to participate in ... democratic life; the right to work and access training ...; the right to person-centred health and social care”

and

“the right to lifelong learning.”

Obviously, all those rights depend on access to transport.

The difference highlighted today is that a deafblind person can travel free on the bus and the train but their companion can do so only on the bus; when travelling by train, the companion has to be paid for. I understand that in four of Scotland's transport areas a discounted train fare is available for companions, but I am sure that the minister will clarify that.

I realise that I am asking the wrong minister for a response to this issue, but I also want to highlight the lack of mental health facilities in Scotland for deafblind people, which was raised at both the Public Petitions Committee and the Health and

Sport Committee. The Health and Sport Committee is still awaiting the outcome of a proposal for specialist in-patient services in Scotland that was to be submitted to the Scottish Government in autumn 2008. However, I will raise the matter with the appropriate minister.

Deafblind people have the right to be accompanied by a guide/communicator, and we must ensure that people in Scotland are neither isolated nor excluded. Surely we will all agree that the deafblind community deserves to enjoy the independence that the rest of us have and often take for granted. I look forward to hearing about the Government's commitment to tackling these issues.

17:27

Charlie Gordon (Glasgow Cathcart) (Lab): I, too, congratulate Margaret Mitchell on securing the debate and endorse her welcome to deafblind people visiting the Parliament today.

Margaret Mitchell highlighted important issues such as the identification and registration of deafblind people as a prelude to responding to their needs, especially their travel needs. I, too, will focus on travel. Mrs Mitchell correctly pointed out that deafblind people and their companions have access to free bus travel. However, as I know from responses to the consultation that I carried out earlier this year on my draft member's bill on bus services, some parts of Scotland have few such services, which in itself can be a fundamental problem. In that consultation, I also received evidence from people who have various difficulties in respect of vehicle standards. Vehicle standards for buses, for example, are reserved, but there are pressing reasons for responding to the needs of deafblind people and people with mobility impairments by finding innovative ways of modernising such standards.

There is also the anomaly with regard to rail travel for companions of deafblind people. As Margaret Mitchell made clear, a number of local authorities have concessionary travel schemes with a rail travel component. Of course, not all local concessionary travel schemes have the same eligibility criteria, and it appears that some local authorities feel that the funding pressures in those schemes could lead to a reduction in travel opportunities for all concessionaires.

I see scope for a practical, non-partisan—or, one might say, cross-party—approach to finding a solution to the rail travel issue for companions of deafblind people. At the end of the day, we are supposed to be here to help to solve the problems of ordinary people in Scotland, so we should try to avoid—as I am sure we will—pointing fingers at operators, councils or, indeed, the Scottish

Government. I suggest that the minister, Stewart Stevenson, consider convening a meeting of all stakeholders to see whether we can bottom out the issue and find a swift, practical and affordable solution, even in these difficult times. There is a strong case for a better deal for deafblind people; let us apply ourselves to putting the situation right.

17:30

Angela Constance (Livingston) (SNP): Like other members, I am grateful to Margaret Mitchell for securing the debate. I appreciate the work that has been done by Deafblind Scotland on the issue and its success in encouraging so many of my constituents to correspond with me.

As we have heard, there are at most 5,000 deafblind people in Scotland—a small but not insignificant group of people who have a unique and profound disability. It should therefore not be beyond our wit or our finances to make what would amount to a small change in transport policy. As my constituent, Mr Laird, from Stoneyburn, said to me, small changes can have a big impact. Mr Laird got to the heart of the issue when he wrote in a letter to me:

“Even the very brave, able, deafblind person rarely travels alone. In most cases their companion is a skilled guide/communicator who acts as the deafblind person's eyes and ears.”

Despite the necessity for deafblind people to travel with a skilled companion, the companion is eligible only for some discount and only in some local authority areas. The situation becomes very complex because, in some areas, the discretionary local authority rail travel concession is available only within the local authority's boundaries. Of course, the whole point of rail travel is to enable us to tackle longer journeys comfortably and in a more reasonable timescale, and to access more direct routes. It is also often necessary and desirable for deafblind people to use rail transport as opposed to other forms of transport.

I am pleased that concessionary rail travel for deafblind people's companions is available in West Lothian and, I note, also in Falkirk and Edinburgh. I wonder whether those authorities, which share boundaries, could extend their schemes into one another's areas, or whether they currently do so. That might be an important question to ask.

The crux of the issue and the motion is the principle that deafblind people's companions are valuable and essential and should be able to travel for free by rail and by bus. I am told—and I am sure that my constituents will correct me if the information is wrong—that it costs £1 for a companion to travel on the train from West Lothian

to Edinburgh, but if that person wants to travel from West Lothian to Glasgow, they have to pay half the full fare. In my constituency, there have been big improvements in the Bathgate to Airdrie line, which offer enormous opportunities to people across West Lothian, and it would be a missed opportunity if deafblind people could not also receive the maximum benefit of those improvements.

The national concessionary travel scheme is one of Parliament's successes, partly because of its universal eligibility for older people. However, although I support the universal aspect of the current scheme for older people, I regret that some people are excluded. The minister knows my views about the exclusion of people with learning disabilities who are on the lower rates of the disability living allowance, and I have the same view about the exclusion of disabled people's companions. It is fantastic that someone who is over 65, irrespective of their health and financial position, can travel anywhere in Scotland for free, but surely the same principle should apply to all Scotland's disabled people and their companions whether they are travelling by bus or by rail.

I note that deafblind people are not specifically defined in the Transport (Scotland) Act 2005, and I wonder whether the minister would consider the benefits of changing that.

The Scottish Government has conducted a major review of concessionary travel, the report of which was published in May. Although the review considered the need for additional companions on buses and whether to extend the scheme wholesale to rail, it did not specifically consider extending the funding to cover companions on rail for blind or deafblind people. As some months have passed since the publication of the review, I wonder what the minister's current thoughts are and whether he will consider addressing that issue.

17:35

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I echo members' thanks to Margaret Mitchell for giving us the opportunity to talk about this important subject. I also thank her for explaining why red matters. She is wearing a red jacket and I see that many of our visitors in the public gallery are doing the same. I now know that red is the colour that is most easily seen by people with some residual eyesight. The next time that I am engaged in a deafblind event, I might at least wear a red tie, although Charlie Gordon should not believe that that would have any political implication.

Margaret Mitchell and Jim Tolson referred to the dramas in committee room 5 this afternoon. I was

aware of the event, but I am afraid that ministerial duties did not permit me to go. However, from the accounts of those who visited the event in Parliament today, I know that it was an excellent opportunity to ensure that we are aware of the issues that affect deafblind people. At the outset, I concede that, without the debate, the issue would not have come into my in-tray in any significant way. Thus far, it probably has not.

There has been some questioning of numbers. I say to Ms Scanlon that the minister is a polymath, but not yet an omnimath. Therefore, I do not have the exact number of deafblind people. Margaret Mitchell said that there are just under 3,000 registered deafblind people, but she reasonably pointed out that, as it is merely recommended that local authorities should look for people in the category, there can be little doubt that the figure is an understatement. I undertake to consider further whether we can do something on the number of people who are affected, to ensure that we have an accurate, helpful and factual basis.

Cathie Craigie properly said that elastic is not part of the budgetary process. She is of course correct but, at the end of the day in politics, we make choices and we can never spend money on everything that we wish to; we have to choose.

Nigel Don made the reasonable point that, when the weather is poor, travel can be difficult for those of us with no impairments, which illustrates the difficulties for some people in every day of their travelling life. I absolutely accept that. He also made a point about £15 tickets. I point out that, when he reaches 60, he can buy a card that will get him a third off other tickets and another £2 off that £15 ticket, which will take it to £13. Interestingly enough, that is a wholly commercial offering by the rail companies—no public money is involved in the provision of those tickets. This year, the offer is extending for about three months or perhaps slightly longer. There is certainly scope for the rail companies to consider how to bring more people to the railways without involving public money.

Mary Scanlon referred to there being four schemes. My notes suggest that there are 15 schemes that support blind people on the rail network—there were previously 16—although they are variable schemes with different ranges of offerings. For example, there is a scheme in Highland, which will interest Ms Scanlon, and one in the Lothians. Strathclyde partnership for transport, which covers a significant number of local authority areas, also has a scheme.

I am somewhat aware of the mental health issues for the deafblind. Members will have heard me talk before of a period—45 years ago, I hasten to add—when I worked in a psychiatric hospital. One of our patients was a deafblind patient, but

they had a range of more severe problems. I am aware of the issues in that respect.

As Angela Constance made clear, many of the rail schemes provide benefits beyond the council boundary in question. Charlie Gordon made an important point when he said that some parts of Scotland have few bus services.

Why should local authorities, rather than central Government, provide such support? The answer is partly because local travel varies in different local authority areas. Members have heard me say before that there are no trains in my constituency, so a train benefit may be of some, although not much, use to people there. It is perhaps often more important for people on the islands to have supported ferry travel. Some people on the islands commute by aircraft—they go by air from the outer isles in Orkney to Kirkwall for the shopping once a week. That points to why local delivery and local decision making can make a great deal of sense.

Charlie Gordon suggested that I convene a meeting of stakeholders. I will certainly consider that suggestion further, because I want to be seen to be taking the subject seriously. I make the general point that Deafblind Scotland recently raised the whole issue that we are discussing with the Scottish rail accessibility forum, and my officials from Transport Scotland are engaging with local authorities on consistency of approach when they consider the provision of discounted rail travel for companions for blind passengers. Some work is going on and I will certainly keep on top of it. If we can see that it will make a real difference, I will certainly consider picking up Charlie Gordon's suggestion.

Our Scotland-wide free bus travel scheme is pretty widely recognised as delivering a huge benefit, although, I have to say, at significant cost to the public purse, which presents its own challenges.

Probably three years ago—it was before the last election—I had the pleasure and privilege of being invited by the Grampian Society for the Blind to attend a blind driving day, at which I was blindfolded and invited to drive a car round a racetrack. Of course, to do that I had to have someone sitting beside me, giving precisely the sort of support that we are talking about but in relation to the very temporary handicap that was inflicted on me. That experience enabled me to see how difficult it was. Even with that assistance—with a trained person helping me—it was a very substantially challenging undertaking. So I ask members please to be aware that I have some limited insight from personal experience of the difficulties that are experienced by people who are deafblind.

The debate has given me, and the Government generally, considerable food for thought. Given that Mary Scanlon said that she would talk to health ministers directly, I will not pick up the point that the Presiding Officer allowed her to make in that regard.

I am grateful for this useful opportunity to debate an important subject.

Meeting closed at 17:43.

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