



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 25 November 2010

Session 3

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Scottish Parliament

Thursday 25 November 2010

[The Presiding Officer *opened the meeting at 09:15*]

A Budget for Scotland's People

The Presiding Officer (Alex Fergusson):

Good morning. The first item of business is a debate on motion S3M-7474, in the name of Johann Lamont, on a budget for Scotland's people.

09:15

Johann Lamont (Glasgow Pollok) (Lab): I am pleased to open the debate on behalf of the Labour Party. I recognise that it is an important debate for the people of Scotland. It is not our intention for this to be a yah-boo debate; it is not a debate for the sake of it, but one that is of significance for all Scotland.

As members might be aware, I am not an aficionado of budget debates. However, this is not simply a debate for the parties' finance spokespeople—which is why I am opening—but one that is at the heart of Labour's concerns and, I believe, the concerns of others about the Scottish National Party's approach and attitude to the development of the budget and the consequences for individuals, families and communities throughout Scotland.

Our motion recognises the reality in Scotland of uncertainty, anxiety, stress and fear for what the future may bring. Our job—the purpose of the Scottish Parliament—is to protect people and to take action that offers greater stability and certainty. The evident uncertainty is corrosive; it is a threat that is not easily captured in a ledger but which fundamentally impacts on people's lives.

Our central argument is that the Scottish Government is compounding that uncertainty. Yes—Mr Swinney is demanding efficiencies and outlining his spending priorities for the next year, but the reality is that he is preventing a wide range of public and voluntary bodies and local authorities from being able to plan and make informed choices about the future.

The Scottish Government has the information. It can help, but chooses not to by refusing to give spending projections for the period of the comprehensive spending review. When the Scottish Government is challenged about its many failures, broken promises or incompetences, it often says that it is a minority Government. That is not, in itself, the problem: the problem is that it is a minority that is incapable of seeking compromise

and consensus. Instead of seeking co-operation to support people in these tough times, it acts in a way that keeps MSPs in this Parliament in the dark and, more important, which keeps in the dark crucial public bodies and organisations that are striving to deliver front-line services. It is our contention that that is a dereliction of duty and an abdication of responsibility: those are sacrificed on the altar of party interest, not in the country's interest.

At decision time today, there will be an opportunity for the Parliament to assert itself against that minority control over the Parliament's powers, and to confirm its disapproval of the approach and its consequences for the people whom we represent. If successful, it will be a challenge to the Scottish Government to accept accountability and to act accordingly to create more certainty and give people more protection. I expect that, if the motion is supported at decision time, the Minister for Parliamentary Business will report as a matter of urgency on how he plans to enact that decision of the Parliament.

We want the Scottish Government to take an approach that recognises the challenge not only for ministers but for all those who depend on the Government's funding. Mr Swinney said in his budget statement that this is not a one-year problem and then revealed that he would provide only a one-year budget. That contradiction is as odd as it is unacceptable.

Kenneth Gibson (Cunninghame North) (SNP): Why does the Labour Party want to win the election next year but operate an SNP budget? You are basically calling for us to set a budget for a four-year term of office throughout which you hope to be in power. Is that because you want to sit in office—if you win, which is unlikely—and blame the SNP for all the cuts that were imposed thanks to the incompetence of the previous United Kingdom Labour Government?

The Presiding Officer: I remind members to speak through the chair, please.

Johann Lamont: That intervention was self-evidently ludicrous. We make the point—I will make it again later—that this is not about elections but about serving the people of this country.

Mr Swinney says that it is difficult in these unprecedented times to do as we suggest, but in Wales people have the information and in England people have the information. Earlier in the week, the Northern Ireland Government indicated that it would provide spending plans for 2011-12 to 2014-15 as part of its budget process. I even understand that in the Republic of Ireland—despite the system there being under terrible pressure—the Government has made it clear that

any budget that it produces will provide plans for a period far beyond the next year.

In a previous debate, when Mr Swinney was being asked to produce an indicative budget ahead of the comprehensive spending review, he replied that Wales had taken the same approach as he had; that he and the Welsh finance minister were as one and had decided

“to wait until the comprehensive spending review had been undertaken”.

Mr Swinney asked Andy Kerr:

“If that approach is good enough for Welsh Labour, why is it not good enough for Scottish Labour?”—[*Official Report*, 4 November 2010; c 29972.]

In the same way, we might now ask: if a spending review for the comprehensive spending review period is good enough for England, for Wales and for Northern Ireland, why is it not good enough for Scotland? Why, uniquely, are we incapable of doing it? What is unique about our civil servants that renders them incapable of identifying options for spend beyond the next year?

Is Mr Swinney really saying that no work has been done, or is being done, to prepare spending plans? If the work has been done, why could it not be done as part of the budget process? Were civil servants instructed not to do the work? If they are doing that work, why is it not being harnessed to create certainty for all those who seek to meet need in our communities?

The truth is that Mr Swinney has that information; he just does not want to share it. “But”, says Mr Swinney, “we can’t because there are big issues here. We have asked Campbell Christie and his commission to look at them and we can’t give details until Parliament has had the opportunity to consider the commission’s proposals.” We might say that there is evidently no rush, but Mr Swinney is asking us to set aside the fact that the logic of that position, given the breadth and depth of the commission’s remit, is that no decisions could be taken on anything. At the same time, Mr Swinney has blithely ruled out much of the independent budget review and has made significant spending commitments at his party conference.

To accept Mr Swinney’s position, one must also disregard the fact that the commission has been told by the Scottish Government that its purpose is long term and that, in an earlier debate, Mr Swinney said that that purpose would allow

“the focusing of medium-term financial priorities.”—[*Official Report*, 4 November 2010; c 29976.]

We all know, however, that the reality is that Mr Swinney is now using the commission as a short-

term alibi to get him through the winter and into election time. [*Interruption.*]

The Presiding Officer: Order.

Johann Lamont: I call in evidence someone whom I would not necessarily happily quote. In an interview in *Holyrood* magazine of 18 October, Alex Salmond argued that what is happening in Westminster in relation to cuts is about election timetables. He reflected that

“electoral, political and economic cycles don’t always fall in the same way and politicians should have a higher duty and the duty is more to the economic cycle than the political cycle.”

Mr Salmond clearly needs to have some firm words with Mr Swinney and himself.

I recognise many of those who have agreed to serve on the commission and the qualities that they bring, but the slightest glance at its remit, which embraces not only delivery of services, but improvement of services and tackling of inequality and its causes—among a host of other things—makes it clear that its purpose is not just about rationalising the landscape in tough times in order to inform immediate spending decisions. It is about far more. So substantial is its work that it is entirely illogical to call it in aid against publishing spending plans and giving people the information that they need to plan.

I am sure that the commission will make interesting recommendations, but its remit is, in my view, so substantial that it is, in fact, one of the central purposes of Government. We have to ask what Mr Swinney and his colleagues have been doing for the last number of years. Why did they not notice that challenging times were ahead and act then by harnessing the talents within government, in the Parliament and throughout Scotland to prepare, rather than cobbling a commission together now, with a glorious remit and short timescale, which reflects not on the commission members but on the motives of those who have set it up and on the short-termism of the Scottish Government?

Mr Swinney may try to dismiss the issue at the centre of our motion as being some kind of academic issue about budget processes, and as being of interest only to the pointy heads. It is not, however, academic or obscure; it is not just for the number crunchers. Budgets are living documents. They are the expression of priorities and, in their delivery, they give shape and direction to the society we wish to live in and they shape people’s life chances. In the tough times, these choices are ever more critical.

Local authorities, health boards, voluntary organisations and police boards, which are all on the front line, want and deserve some certainty and the ability to plan. They want that not for the

sake of it but because they care deeply about their health provision, their care services, their responsibility for people with learning disabilities, their ability to create economic opportunities and their creation of sustainable communities.

The Convention of Scottish Local Authorities, the Cabinet Secretary for Education and Lifelong Learning, Strathclyde police authority, the Scottish Council for Voluntary Organisations, the Scottish Federation of Housing Associations, the Confederation of British Industry Scotland, Consumer Focus Scotland and a range of other organisations have all asked for the certainty of a spending review. When they ask for that certainty, are they all wrong?

My colleagues will focus on the impact of the budget in more detail, but it is self-evidently contradictory to demand efficiencies without a timescale in which to make those demands realistic and achievable. I predict that, instead of demonstrating increased rationality in their decisions, organisations will become risk averse and perhaps cut services that might otherwise have survived, thereby creating the worst kind of short-termism.

In its written evidence to the Local Government and Communities Committee, COSLA said:

"This puts Scottish Local Government at a disadvantage compared with other parts of the UK ... Had we been able to see the resources over a longer time frame this would enable Local Government to plan more effectively and perhaps avoid cuts which may hurt our communities unnecessarily."

That is the charge. Not only is it displaying short-termism, but the Government is creating a situation in which people are making cuts that may be unnecessary.

Tricia Marwick (Central Fife) (SNP): Johann Lamont cited several organisations that support a three or four-year budget. If she gives such weight to external bodies, why did the Labour Party give such little weight to all the external bodies that wanted minimum pricing?

Johann Lamont: This is a serious debate about the Government's choices. The historic concordat suggested that the SNP listened to local government. The charge is very serious.

Who pays? I will give just one example: the care worker who is waiting to find out whether they have a job as the result of a commissioning agreement, while the voluntary organisation that has made a bid waits for the decision of local government, which is waiting for the Scottish Government's decision. What is the impact on that individual worker and his or her capacity to deliver the service? They do not know whether they will have a job or should look for another. It is

demoralising and reduces the local capacity to be efficient. For some, it is much worse.

I understand that Employers in Voluntary Housing, with the help of the Scottish Housing Regulator, has issued guidance for housing associations and co-operatives about the challenge of the current economic situation. Banks are reported to be eagerly seeking to review deals for risk, and will possibly increase costs and charges, while the housing association grant has already been cut, increased and then cut again and is unpredictable. In such circumstances, the lack of information for future planning may have a devastating effect by undermining the sector's capacity to thrive and deliver economic opportunity. The call for the sector to be more efficient is entirely undermined by the Scottish Government's approach, which hampers housing associations' attempts to do what they do best—planning, preparing, delivering and maintaining.

The Government's approach to the budget disregards the needs of local people and is symptomatic of the SNP's overall approach, which is that it is cynical, self-serving and incapable of separating the country's interests from the party interest. If Mr Swinney is to be worthy of his office, he should use the powers that he has to help people throughout Scotland. At the very least, he should stop being a hindrance to those who want to make a difference to individuals and their families. In refusing the spending review, he is not taking a technical step but making an active choice. Mr Swinney lacks the political will to do what his office demands, and his purpose is to serve his party, not his country, and to put his own interests ahead of the future of people in our communities. That is his narrow, SNP party-political choice, but—

Members: Oh!

The Presiding Officer: Order.

Johann Lamont: The consequences of that choice will be felt by those who are weakest in defending themselves—the people who seek jobs and who rely on services. [*Interruption.*]

The Presiding Officer: Order.

Johann Lamont: I ask members to support the motion. The people of Scotland deserve better.

I move,

That the Parliament notes that the Scottish Government has been presented with its spending budgets for the four-year spending review period yet has chosen to provide local authorities, NHS boards, universities, colleges, the voluntary sector and the wider public sector with only one-year budget proposals for 2011-12; believes that such uncertainty is corrosive as it does not allow those organisations to plan effectively; believes that this inability to plan will have an adverse impact on services, individuals, families and communities, and calls on the Scottish

Government to follow the example of the Welsh Assembly Government and the Scottish Parliamentary Corporate Body and publish indicative figures until at least 2013-14, in addition to its planned one-year budget for 2011-12.

09:29

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I associate myself with some of the remarks that Johann Lamont made about the anxiety and uncertainty that people feel because we are going into a climate in which public spending in Scotland will take a fundamentally different course to the one that it has taken over the past 10 years. I understand that that causes uncertainty and anxiety for members of the public, whether they are public sector employees who face the pay restraint that I set out in my budget statement last week, or members of the public who are dependent on public services and rely on them to support their families, education or health care. I accept that uncertainty because the nature and character of public expenditure in the period ahead will change fundamentally.

Last week, I fulfilled my responsibility to Parliament by publishing a draft budget that addressed the sharpest reduction in public expenditure that any finance minister in the Scottish Executive or the Scottish Government—or, in fact, any minister in the former Scottish Office in almost the whole post-war period—has faced. The Labour Party was foremost in demanding that I publish that budget statement. I made my choices and published them. I will debate, discuss and defend them in the Parliament and its committees in the period ahead.

I will also do what I have done for the past three years. This is where one of Johann Lamont's remarks was entirely wide of the mark: she accused the Government of being a minority that is unable to compromise. I am sorry—

Jackie Baillie (Dumbarton) (Lab): It's true.

John Swinney: We hear the mutter, "It's true." If it were true, the Government would not have compromised with the Conservatives, the Greens, the Liberals and the Labour Party on the contents of different parts of its budget provisions in the past three years. We would not have delivered the home insulation scheme that Patrick Harvie has piloted, the timescale on the small business bonus for which Derek Brownlee and Gavin Brown pressed or the college places for which Jeremy Purvis and his colleagues pressed. We would also not have had the capacity to deliver the apprenticeships for which David Whitton and Andy Kerr pressed.

That is an illustration of how the Government has responded to the challenge of compromise. However, the starting point of that debate must be to publish a draft budget, which is what I have done. I have fulfilled that duty. It is interesting that, in Johann Lamont's 14-minute speech, there was not one scintilla of a suggestion about how I should have done things in any way differently in that budget.

Johann Lamont: With respect, you are in government and you have an obligation to meet the needs—

The Presiding Officer: Speak through the chair, please.

Johann Lamont: The minister has an obligation to meet the needs of the people of Scotland. Will he, in a spirit of compromise and consensus, confirm that if the motion is agreed to at 5 o'clock, he will produce the spending plans for which we have called?

John Swinney: I gave Johann Lamont another invitation to set out some of the Labour Party's alternative thinking on the sharpest reductions in public expenditure that any Government has faced but, once again, she was unable to offer a scintilla of a suggestion for alternative choices that we should make in the budget. That is the fundamental part of the debate that we will have to confront.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The cabinet secretary outlined the budget areas on which the Government has compromised. If all three Opposition parties in the Parliament believe that the Government should publish more than simply one year's figures, will it act on that view?

John Swinney: The Government will always reflect on the outcomes of parliamentary debates, so that is a question that we will consider in the light of today's discussions. I say respectfully to Mr Purvis that the Government has done what the parliamentary process requires it to do—which is to propose a draft budget—because the Parliament only ever discusses and debates one year's budget provisions.

Johann Lamont criticised the Government for setting out only one year's financial information. Of course, in 2006, the United Kingdom Government delayed the spending review that was required to provide longer-term financial planning, so we ended up with only one-year budget figures for 2007-08. In March 2010, the Chancellor of the Exchequer—again, a Labour chancellor—published only one-year budget figures. If it was good enough for the Labour Party at that stage, it should be good enough for it at this stage.

One piece of certainty that the Government has given to the public sector across Scotland is one that has run through all our actions since the spending review in 2007, which is the fundamental shift in policy focus and attention to the achievement of outcomes in the public sector. What are we achieving for the money that we are spending? We have said clearly to the public sector that the Government's focus on outcomes will not change. The fact that it will be a permanent feature of future Government spending plans is enshrined in the spending plans document that I have published. That gives confidence, through many of the social policy frameworks and the approaches that we take on early intervention and other issues, that will assist long-term planning in the public sector.

Duncan McNeil (Greenock and Inverclyde) (Lab): The cabinet secretary and his colleague the Cabinet Secretary for Health and Wellbeing can provide certainty in the areas for which they are responsible by saying that there will be no compulsory redundancies in the health service or among workers who are employed directly by the Scottish Government. What certainty can he give to local government workers who do not have such an assurance?

John Swinney: In last week's budget statement, I made it clear that the Government has been engaged in discussions with the trade unions on how we can create a framework that gives a guarantee of no compulsory redundancies—

Duncan McNeil: What about local authorities?

John Swinney: If Mr McNeil will allow me to finish, I will address his point directly.

We will create a framework that gives an assurance on compulsory redundancies to public sector workers in areas that are under the direct control of ministers in a fashion that delivers flexibilities to protect employment levels.

We also said in the spending review that we would work to engage all other players in the public sector—principally, local government—in the same framework. I give Mr McNeil the commitment that I will pursue that approach. I have agreed to do that with the president of COSLA and the general secretary of the Scottish Trades Union Congress, and that commitment will be a hallmark of the discussions that the Government holds. We believe that the idea of offering an assurance on compulsory redundancies provides greater certainty in the economy and in the workforce, and a greater ability to achieve the public sector transformation that we are looking for.

Mary Mulligan (Linlithgow) (Lab): In your response—

The Presiding Officer: Through the chair, please.

Mary Mulligan: My apologies, Presiding Officer.

The cabinet secretary said that he had discussions with COSLA regarding compulsory redundancy, but it was made clear to the Local Government and Communities Committee yesterday that individual local authorities will take decisions on that. Has he had discussions with the leaders of individual local authorities?

John Swinney: It is pretty clear that COSLA is what it says on the tin—it is the umbrella body for Scottish local authorities. [*Interruption.*]

The Presiding Officer: Order.

John Swinney: I have regular dialogue with the leadership of COSLA. For example, I attended the COSLA leaders meeting—a meeting of the leaders of all Scottish local authorities—in East Renfrewshire back in June to share some of our thinking on the spending review. I see local authority leaders all the time, but the discussion must be focused through the umbrella body, COSLA, which acts on behalf of local authorities. We have had a series of highly engaged discussions over time.

The Government has published a one-year budget, has set out its long-term thinking as regards the policy focus on outcomes and has established the Christie commission to explore some of the issues to do with the fundamental reform that must be undertaken in the public sector if we are to live within the spending environment in the period ahead. That is necessary, because if we simply proceed on the basis that budget numbers can be set out in the fashion in which they have traditionally been set out, and that public services can continue to be delivered in the way in which they have always been delivered, that misses the harsh reality of the financial climate that we face.

One reason for my reluctance to set out long-term numbers is that I accept unreservedly that those numbers would have to change—I defy anyone to say that they would remain unchanged in the period ahead. With fundamental reform of the public services, those numbers would have to be varied and amended. If we were to provide such figures, we would not give certainty—

Patrick Harvie (Glasgow) (Green): Will the cabinet secretary give way?

The Presiding Officer: I am afraid that we do not have time.

John Swinney: I apologise to Mr Harvie.

We cannot provide such certainty, because we know that there is to be reform.

Let me turn, for a moment, to the inquiry on preventative spending that the Finance Committee is undertaking and to which I will give evidence on Tuesday. It confronts the fundamental issue that we in the public sector must address—the shift in spending from treating the symptoms of particular social and economic difficulties to spending on addressing the causes. That is why the change fund that the Deputy First Minister has agreed with local authorities, which will be put in place to revise the care model in Scotland, is such an innovative model for the delivery of public service reform. That is the correct way for us to proceed in what is an extremely difficult environment.

I reiterate the point that this Government and this finance secretary have confronted the sharpest reduction in public spending that Scotland has ever faced. We have published our budget, and I look forward to hearing the other parties' input to the substance of that debate.

I move amendment S3M-7474.3, to leave out from first "Scottish Government" to end and insert:

"Scottish Parliament is always asked to approve a budget for one financial year; acknowledges that £3.3 billion of cuts in Scotland's budget imposed by the UK Government in the Comprehensive Spending Review, with the largest cuts due to fall in 2011-12, means that radical reform of public services will be needed; welcomes the Scottish Government's work in setting out clear priorities for long-term success in the Scottish economy and the announcement of a £2.5 billion programme of infrastructure investment to be delivered through the non-profit distributing model; further notes the work of the Christie Commission that will inform public service delivery in the years to come, and calls for the Parliament to be given the opportunity to fully consider those proposals before setting further detailed spending plans."

09:41

Derek Brownlee (South of Scotland) (Con):

Some weeks ago, when the First Minister confirmed that we would get only one year's figures in the budget, we said that we need a longer-term approach to budget making. The Conservatives did not support the other Opposition parties when they asked for a Scottish budget to be published before the comprehensive spending review at UK level, but now that the figures are clear, there is no excuse for the Scottish Government's failure to do what the UK Government has done, which is to set out where funding should be prioritised in the years ahead.

The failure of the SNP to do that is not just a failure of leadership but an abdication of responsibility. Although that is the SNP's problem rather than mine, it is also politically inept because Labour is now off the hook. No Labour spokesman will have to answer in any detail on what Labour would do in the next session if it won the election. The SNP's failure to produce longer-term figures means that we will have an election that is about

generalities when the public is surely entitled to a choice on the specifics.

I will give some examples of why we need longer-term budgets and I will mention some of the issues that have been thrown up by the Scottish Government's one-year budget. I looked very closely at the page on Scottish Water on the day the budget was published and I thought that the cabinet secretary was being extremely clever on the politics of the matter. The Scottish Government has removed all funding support for Scottish Water for 2011-12. We do not know whether it is feasible to do that for future years—unless, of course, the Government or its successor does what we have suggested since 2003 and removes Scottish Water from public control. Longer-term indicative figures would tell us whether the removal of funding support was a one-year political stunt or a more sustainable approach in the medium term. We all know the answer, but longer-term figures would confirm it.

Back-bench SNP members must be cursing the cabinet secretary for suppressing future budget lines that would demonstrate the astonishingly large sum of money that the Government is relying on flowing to the taxpayer when Scottish Water starts generating power, once the Government has become sufficiently ambitious to introduce its water bill.

We are told that universities can have their funding cut and maintain student numbers, but even if they can do that for one year, can they do it for longer, or will even this Government—if it is re-elected—have to face up to difficult decisions on higher education funding? Have we not been given figures for future years because funding for universities will fall still further, to suppress the detail of any income from fees that the Government might decide to introduce after the election, or simply to hide the fact that the Cabinet Secretary for Education and Lifelong Learning has absolutely no idea what to do and no semblance of a long-term plan?

Maureen Watt (North East Scotland) (SNP):

Does the member agree with his colleagues in Westminster that student fees in Scotland should be up to £9,000 per year?

Derek Brownlee: Colleagues in Westminster indicated plans for England. We published our suggestions for Scotland before the Browne review reported and before the UK Government published its plans. We have always been clear that if we want to maintain the quality of Scottish universities, their competitiveness and student numbers, there has to be a graduate contribution. We have set out our plans. The Government is free to disagree with them, but it would be much more convincing if it had ideas of its own.

I turn to another major public service—the national health service. We know that NHS spending for next year has been protected. Will that be maintained for future years? Will the NHS get real-terms protection for the duration of the next parliamentary session? Can that be done? We do not know.

Last week, I challenged Jackie Baillie on leading her Labour group to vote for the free prescriptions policy when she, by her own admission, does not know whether the policy is sustainable. Leaving aside the fact that the Labour Party is quite happy to vote for policies that it does not know are sustainable, the Cabinet Secretary for Health and Wellbeing later assured us:

“If the SNP is re-elected next year ... the policy will be fully funded for the future”.—[*Official Report*, 18 November 2010; c 30601.]

It is, of course, perfectly possible to fund a policy that costs less than £100 million from a budget of more than £11 billion, but if we do not know whether that budget is rising, falling or flat, and until we know what other decisions are projected, we do not know whether the price of free prescriptions will be hospital closures, job losses, the downgrading of existing services or whatever.

I turn to local government. Last week, in relation to the budget, the president of COSLA said:

“Nobody is saying it is brilliant”.

He obviously was not listening to the SNP back benches. However, he also said that

“Given the government’s priorities on Health”

—which is to protect the health budget in real terms—

“this is the best deal we could negotiate for Scottish local government.”

He expressed disappointment that it was merely a one-year deal, but he went on to say that

“COSLA’s main objective was to retain our share of the public sector cake, which we have done.”

So, if the SNP is re-elected, will local government retain its share of the public sector cake? We know that the SNP wants another council tax freeze for 2012-13, but we do not know what the Government intends to do about the 80 per cent of funding that does not come from the council tax. Will the SNP cut funding to local government, thus forcing schools to close and teachers to be made redundant? We do not know. We have no idea.

As the cabinet secretary said, Parliament votes on one-year budgets. I accept that, and no one is suggesting that that should change. We and the other Opposition parties are suggesting that every part of the public sector requires an indication of the longer-term view. Our amendment suggests

that there should be a legislative change to prevent a future Government from doing what the current Scottish Government has done.

The SNP says that indicative figures are irrelevant because there might be a change of Government, but as I said yesterday, Governments do not fall only as a result of elections. The Scottish Government, which published a three-year spending review in November 2007 within four weeks of receiving the figures, could have fallen at any time during this parliamentary session.

The SNP makes the alternative argument that indicative figures could change, and because of such possible change, no certainty can be provided. However, the spending reductions in Wales and Northern Ireland are deeper than those that are projected for Scotland, but that does not seem to be an issue for those devolved Administrations. Indeed, the reduction in capital spending in Scotland is much deeper than that which is projected for revenue, and the Government is quite content to announce new capital plans that will clearly last longer than one year.

Surely it is better to know what the governing party plans to do in the medium term than it is not to know what any party plans to do. The cabinet secretary said that, because the UK Labour Party did not produce a spending review in 2006 and 2010, there was no need for him to do so. Surely the cabinet secretary should be aspiring to a rather higher standard than that of Alistair Darling and Gordon Brown?

I move amendment S3M-7474.1, to insert at end:

“, and believes that the Public Finance and Accountability (Scotland) Act 2000 should be amended to place a duty on the Scottish Government to produce in each UK spending review year such indicative annual figures for the whole period for which the UK Government has set out totals for the Scottish Government.”

09:48

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): There is a cloud hanging over the debate this morning, which is not surprising because yesterday’s debate was very serious, not just for the budget or the individual issue of the Scottish variable rate, but for the Parliament. Yesterday, we debated probity, honesty and the approach of a Government to the Parliament—the approach of an Executive that was elected by the Parliament to the Parliament. The consequences of yesterday’s debate are so significant that there is a pall over all budget considerations. If the Government of the day considers that information relating to one of the Parliament’s constitutional powers does not need to be brought to the

Parliament, our scrutiny of all the other information that that Government brings to the Parliament, especially in budget documentation, has to have a greater focus. That is why trust and the finance secretary's misjudgments are issues of such significance.

In earlier debates, I have described the Government—this could well be the yah-boo element—as a minority Government with a majority ego. We have seen that on a number of occasions during the past few years. We have also seen it over the past week, and I saw it again last night when Stewart Maxwell, a member for whom I have high regard, said that he did not think Michael Moore's letter should have been made public and that it should have been part of the private discussions between Governments. The budget process and the budget document are among the few statutory areas in which, through our votes on legislation, Parliament can genuinely hold the Government to account and force action.

The motion that we are debating is also significant. What will the minority Government do if the motion is supported by three quarters of the members of the Parliament, across the Labour, Liberal Democrat and Conservative parties—not always the easiest coalition to put together in this Parliament? What will it do if all Opposition parties believe that it is insufficient for public services in Scotland to get figures for only one year and vote accordingly?

Bob Doris (Glasgow) (SNP): Will the member give way?

Jeremy Purvis: In a moment.

It is encouraging that the finance secretary said that he will reflect on that. That is important. I was not in Parliament during its first session, but I remember that, when Parliament voted against the Government during the second session, it was a big thing. I think that it happened twice, and on one occasion, the minister resigned.

Bob Doris: Mr Purvis appears to be suggesting that if the motion is carried, it should somehow be binding on—

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): It should be.

Bob Doris: If Mr Rumbles does not mind—more rumbling from Rumbles.

Mr Purvis is saying that that should be binding on the chamber. Johann Lamont said something very similar. Of course, technically, it would not be binding. The last time that the chamber tried to put a financially binding commitment on the Government involved the Edinburgh trams. Does Mr Purvis believe that they have been a success?

Jeremy Purvis: If we are talking about the technicalities of voting in the Parliament, I do not think that the Government has learned any lessons from yesterday. The people of Scotland have learned lessons; it is disappointing that the Scottish Government has not.

Why do we want the Government not just to ask a commission to provide information on delivery, but to do that itself? The Government must provide leadership. We are six months away from an election, but that is no reason for the Government to abdicate leadership and leave it to someone else.

Let us look at the detail of what the Christie commission has been asked to do. It does not have an unfettered view of all aspects of public service. In the commission's remit, the Government says:

"It should have clear regard to work already underway"

on

health and social care and ... police and fire services".

Nowhere in the remit does it say that the commission is going to change the Scottish Government's view of the single outcome agreements and the national performance framework—that has been ruled out. We also know that the Government will produce a green paper on higher education. If higher education, health, social care, policing and fire services are not to come under the remit of the Christie commission, what will?

The Government said that it is impossible to produce figures for the longer term because of the changes to the budget. Let us get this right: it is not about the changes to the budget; it is about the budgets declining over the next few years. The budget document helpfully contains previous years' figures that show that annual in-year changes in the Scottish budget have been greater than they are likely to be in the coming years; it is just that, thankfully, those changes were increases rather than decreases. Every year, the Government brings forward autumn budget revisions. If we strip out the budget revisions that are the responsibility of the UK Government, in some instances the Parliament has debated almost £1 billion of changes to the annual budget. Changes are clearly not the reason why the Government is not producing figures.

The Christie commission will not take an unfettered view, and the Government knows that budgets change over the years. What, then, is the Government's reason? Regrettably, the reason is that the Scottish Government is not bringing forward the required strategic direction.

We indicated that we will work with the Government on Scottish Water in relation to

borrowing and energy generation. We said that we need to reduce the number of quangos. We set out a programme to change the enterprise network in order to provide more support for businesses and reduce bureaucracy. We indicated that we would retain but reform concessionary travel. We said that the delivery of free school meals has been so patchy and chaotic that it needs to be looked at. We are not satisfied that simply freezing consultants' bonuses at the current level tackles the bonus culture in the public sector or that bringing down the pay of the top civil servants, rather than pay across the whole public sector, is sufficient. We also said that we need to tackle the prescriptions budget, which is one of the swiftest growing areas of health expenditure—we brought that point to the Parliament in our debate last week.

We are willing to engage with the longer-term views, but an Opposition party requires the Government of the day to bring forward its plans, for which we hold it to account. I hope that yesterday was so significant that the Government has learned its lesson—but the initial reactions are not encouraging.

I move amendment S3M-7474.4, to leave out from “indicative” to end and insert:

“longer-term figures up to 2014-15.”

The Presiding Officer: We come to the open debate. Speeches of six minutes, please. I call Jackie Baillie.

09:55

Jackie Baillie (Dumbarton) (Lab): England does it, Northern Ireland does it, Wales does it and even the Republic of Ireland does it. They all publish three-year if not four-year budgets. Even the Republic of Ireland, which does not have its woes to seek—[*Interruption.*]

The Presiding Officer: Order. If members at the back of the chamber wish to have entertaining conversations, which they appear to do, they should do so in another place.

Jackie Baillie: Thank you, Presiding Officer.

Even the Republic of Ireland, which does not have its woes to seek, yesterday published its budget for the next four years. Why not Scotland? Why are we denied the same information?

We might be forgiven for thinking that the Scottish Government just does not have the financial information that we are asking for, but we would be mistaken, because it does. It knows the budget—all of it: it knows the budget for this year and the indicative budgets for next year, the year after that and the year after that. The harsh reality of the financial climate is not a reason for not

publishing the information—in fact, the opposite is the case—but, for reasons best known to the SNP, we and the people of Scotland are to be denied the information.

This Parliament was established to ensure openness and transparency in the governance of Scotland. Many of us will defend those principles to the hilt, but we are faced with a Government that seems intent on doing exactly the opposite: hiding information from us and covering things by sleight of hand like some kind of magician's conjuring trick.

People are not daft. They know that this is nothing more than a one-year election budget, designed to hide the true extent of the budget cuts that need to be made with minimal scrutiny by the Parliament and no understanding of the overall financial context for future years. We might as well be blindfolded, but perhaps that is something that the cabinet secretary wants. This is nothing more than crude SNP electoral politics. It deliberately ignores the interests of the country.

Let me tell the cabinet secretary why I believe that forward indicative budget information is so important. It enables organisations, such as councils, health boards, universities, colleges, those in the voluntary sector and many more besides, to plan ahead. I know that because I used to work in the public sector. I understand the value of forward planning. Decisions about investment or reduction are likely to be better if people know the financial context in which they are operating. The choice between ending a project completely and simply delaying implementation can be properly taken only if the decision maker understands the budget for future years.

Contrary to what the cabinet secretary claimed, without any idea of future budgets we discourage people from engaging in preventative spending. There is no incentive for them to act in the short term because they will not see results in a year. It is inherently dishonest to advocate spending on preventive measures, as the Scottish Government rightly does, and then deliver nothing to encourage that with a short-term budget. It is another disappointing example of all talk and no action.

I turn to the health budget. The SNP promised to protect health spending, but what a hollow promise that was when we consider the cuts that the SNP is already making. Some 4,000 NHS staff are out the door, 1,500 of whom are nurses. Those are cuts made entirely by the SNP—and that is before the coalition cuts start to bite.

Brian Adam (Aberdeen North) (SNP): Will the member take an intervention?

Jackie Baillie: No.

The rhetoric coming from the Government benches about protecting health is not matched by the reality in hospital wards across the country.

What lies ahead? More SNP spin and more smoke and mirrors. In revenue terms, there is a real-terms reduction of £33.9 million. The cabinet secretary looks confused—

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): Will the member take an intervention?

Jackie Baillie: I suggest that the cabinet secretary looks at table 8.02 on page 117 of the budget document.

The Scottish Government claims a 3.2 per cent increase for territorial health boards, but in reality that is a cut when we consider the rate of NHS inflation. If we look at little closer, the 3.2 per cent rapidly reduces to a 1.8 per cent increase because the Government has added in new burdens. It has cynically transferred the forward projection for the cost of free prescriptions—something that sat in a separate budget line—and introduced new burdens so that the budget line for boards rises but the money is already all committed. How cynical is that?

Joe FitzPatrick (Dundee West) (SNP): Will the member take an intervention?

Jackie Baillie: No.

There are other new burdens, such as the responsibility of running of health provision in the Scottish Prison Service.

Nicola Sturgeon: Will the member give way?

Jackie Baillie: Perhaps, if the cabinet secretary can answer this question. The responsibility of running health provision in the Scottish Prison Service has been moved to health, but the £10 million that it takes to run that service seems to have been lost in transition. Will the cabinet secretary tell us where that £10 million has gone?

Nicola Sturgeon: It is called joined-up government.

I have a question for Jackie Baillie: given that before the draft budget was published Labour's position was that it would not protect the health service, will she tell us what the position is now? What would Labour do differently?

Jackie Baillie: Contrary to what the cabinet secretary claims, we have always said that we would pass on the Barnett formula consequential and that we would protect health, but that we would do more than that—[*Interruption.*]

The Deputy Presiding Officer (Alasdair Morgan): Order.

Jackie Baillie: The cabinet secretary asks the question but does not want to listen to the answer. Frankly, when she can explain where the £10 million has gone in the transfer from the Scottish Prison Service to health, I might be able to engage with her more sensibly.

The Deputy Presiding Officer: Wind up, please.

Jackie Baillie: There is a capital reduction of £69 million, and the Government has not told us where the cuts will come. Which projects will not be proceeded with? What the Government has done with social care spending underlines where it is going. It has presided over a decline in social care spending from 2008 of—

The Deputy Presiding Officer: I am sorry but the member's time is up.

Jackie Baillie: Can I finish on this point, Presiding Officer?

The Deputy Presiding Officer: No, I am sorry. The member's time is up. I call Linda Fabiani.

10:02

Linda Fabiani (Central Scotland) (SNP): Another day and yet another Labour debate focusing on process rather than policy.

In its motion, Labour says that it wants four years of spending plans. Labour says that "uncertainty is corrosive" and impacts adversely. It has changed its view since its own Alistair Darling did the same in 2006 and 2010—yet another example of Labour's selective memory. In July 2009, Alistair Darling said:

"As I said in the Budget statement, the current economic uncertainty means that it would not make any sense to try to set departmental budgets now for every year to 2014."—[*Official Report, House of Commons, 14 July 2009; Vol 496, c 145.*]

Derek Brownlee: Will the member take an intervention?

Linda Fabiani: No, thank you.

Let us look at the facts of where we are today. We have already taken the most difficult decisions, as Governments do. The largest cut to our budget comes in 2011-12, so it is nonsense to say that John Swinney is trying to conceal the most difficult decisions until after an election. George Osborne has said that he will make changes to the Scottish departmental expenditure limits and annually managed expenditure in his budget in March, so why should we announce spending plans that would then have to be changed? Then we have the Christie commission, which is due to report next summer and whose work will probably lead to major reform of public service delivery. There is

little point allocating money to public bodies that in theory may not exist.

On bodies that may no longer exist and Labour's concern about organisations' potential inability to plan, let us consider Labour's position. Its leader told his conference that he would create a single police force, reduce the number of health boards and scrap quangos. There was no mention of discussion; just a unilateral decision. Labour therefore wants to set plans for four years, have organisations make commitments for a four-year period and then abolish them forthwith. I suggest that that is corrosive.

Then we have Labour's spending pledges—£1.7 billion in their policy documents, and another £1 billion-plus in random ideas. Johann Lamont said that there are challenging times ahead, and then Labour makes promises that it cannot keep. I suggest that that is corrosive.

How does Labour intend to pay for the retirement and winding-down arrangements for teachers, for replacing the Government fleet with low-carbon vehicles, for free newspapers for all 18-year-olds and for alcohol treatment and testing orders—even though Labour members voted against the most comprehensive measures to tackle our alcohol problem? Perhaps Labour believes that the Calman commission came up with the answers and that things will all be grand when it passes the Scotland bill in conjunction with its unionist partners.

Has Labour ever addressed the Calman conundrum? Within four years of the current UK spending review, the full force of the Scottish Parliament signing up to Calman will begin to hit home. Up to now, despite the occasional duplicity of the Treasury—for example, on Olympic regeneration money—the funds available to the Scottish Parliament have increased in line with public expenditure in England. After Calman, that will no longer be guaranteed. Instead, for more than 10 per cent of its budget, the Parliament will be able to rely only on the funds that can be raised from the basic rate of income tax. However, as announced in its 2010 budget, the UK coalition Government is making changes to income tax allowances that are designed to lift lower-income earners out of taxation and to increase the number of higher-income taxpayers—both of which changes will reduce income from the basic rate of tax. The number of people paying the higher rate of income tax will increase by up to 700,000 throughout the UK and perhaps by 60,000 to 70,000 in Scotland, and any income that is earned above the basic rate of tax is exempt from the Calman tax.

Ms Wendy Alexander (Paisley North) (Lab): Can the member clarify whether she believes that the Calman proposals apply only to the basic rate

of tax? My understanding is that that is simply not true. Can she clarify that she just said that?

Linda Fabiani: Until the Scotland bill is published, we will not know what will happen, because those parties that have come together to talk about their proposals have never come clean about what they really intend. They have never come clean on the cost of the proposals to Scotland.

Ms Alexander: Will the member take an intervention?

Linda Fabiani: No, thank you. I am answering your intervention—that is how it works, Ms Alexander.

The changes that have been announced by the coalition Government are a perfect example of how changes in the pattern of taxes could reduce the funding for the Parliament post Calman. If we genuinely had power over taxes in this country and could make compensatory adjustments, we could make real differences. Perhaps Labour can explain today how it is going to account for the Calman squeeze and how it can project a budget over the next four years. I will certainly ask Mr Danny Alexander that question at the Finance Committee meeting later today. Everyone who is involved in trying to foist these proposals on Scotland should give us answers.

10:08

Michael McMahon (Hamilton North and Bellshill) (Lab): This weekend, Scottish football faces a crisis that was brought about because a senior referee made a mistake and lied to cover it up. Having failed in their effort to hoodwink their way out of the error, the referees have called a strike to deflect attention away from the failure of their deception strategy. Having heard the arguments put forward by the SNP to justify its deceitful plans for a one-year budget, I am left wondering whether the SNP is using the same strategists as the Scottish Football Association referees.

For example, last week I was interviewed on holyrood.tv alongside Nigel Don on the implications of there being only a one-year budget. The normally rational Mr Don unfortunately resorted to reading from his central office briefing and rehearsed the ludicrous argument that we need a one-year budget because—as the SNP apparently believes—telling people what the budget is over three years or more will limit their thoughts on how to manage in the future and will prevent them from focusing on the immediate problems that the country faces. What patronising nonsense. As the SCVO said in its recent written submission to the Local Government and Communities Committee,

"if we want to really open up the sector's potential, then the setting of a one year only budget will make medium term planning over 3 years difficult."

SNP back benchers may not want to acknowledge the fact that the third sector might know what it is talking about, but I certainly do.

We can hardly blame SNP back benchers for talking rubbish, however, given the example that was set for them by the Minister for Housing and Communities, Alex Neil, on Sunday's "The Politics Show". Reverting to his previous role as minister for television studios and defender of the indefensible, Mr Neil attempted to mislead people, on the BBC, by claiming that the local government deal had the agreement of all the political parties within COSLA and that our local authorities were happy with their lot. Let me correct Mr Neil and assure Parliament that, although Labour-led local authorities may, ultimately, have to succumb to the SNP's blackmail and respond to the horse's head that has been placed in their budget by agreeing to the package that has been forced on them, the Labour group in COSLA boycotted the negotiations and in no way endorses their outcome. COSLA's Labour group leader, Councillor James McCabe, said that the agreement merely indicates that the SNP Government has

"gone from deception to dishonesty and now dictatorship".

He went on to call the deal the worst example that he had ever seen of central Government dictating to local government in order to have councils do the SNP Government's dirty work for it.

On Sunday, I spoke to a local authority chief executive who told me that he feared that the best plans that he could put in place under a one-year budget may, ultimately, bring greater difficulties in the longer term because he may overestimate the cuts that are to come to certain sectors or decide that his figures are wrong, creating huge holes for later years.

John Swinney: How would that chief executive deal with a situation in which the budget numbers had to change in later years because of decisions that Parliament may make about future budget provision?

Michael McMahon: All chief executives know that they must adjust budgets—that is normal practice. However, following the cabinet secretary's logic, we might as well have one-month budgets. Things can change over time and chief executives have to react to different circumstances. Their budgets must be fluid but they can be planned over a longer period.

In its written submission to the Local Government and Communities Committee, COSLA itself said that a one-year budget is

"a fundamental concern for Local Government which needs greater certainty over the longer term".

To say that these organisations cannot use that information effectively or need to be protected from having to deal with difficult projections until after this difficult first year is an insult to them. It is, though, highly indicative of the contempt with which the SNP Government treats the Scottish people.

Labour councillors and MSPs do not and will not agree with anyone who believes that this one-year settlement serves the needs of our local authorities, which have to plan for the delivery of services on which vulnerable people, especially, depend. We know that these are difficult times, but they are times when real leaders stand up to be counted and do not play games. This one-year budget—or, more accurately, this one-month budget that takes us from April to May—is a mistake and the arguments that are being deployed to justify it will not wash.

Yesterday's debate saw the cabinet secretary show regret and issue an apology. Unfortunately, on television last night, the cabinet secretary's attitude changed back to the arrogant and dismissive tone that caused the problem in the first place. I hope that, come 5 o'clock tonight, when the Parliament again makes a decision that says that the cabinet secretary is wrong, he will reflect on that, change his mind and do what is right for the country, not what is right for himself and his party. The country deserves better than this, and Labour is ready to deliver it if the SNP is not.

10:14

Tricia Marwick (Central Fife) (SNP): Jeremy Purvis seemed to suggest that, because three quarters of the members in the Parliament voted in a certain way, the Government should listen to them. However, it is a long-established principle that votes in the Parliament are not binding on the Government.

Richard Baker (North East Scotland) (Lab): Will the member take an intervention?

Tricia Marwick: No. If Richard Baker sits down, he might learn something.

The principle is long established in both the Westminster Parliament and the Scottish Parliament. I regret that I do not have the quotation in front of me, but Mr Whitton can confirm that the First Minister who stated that in the Parliament was Donald Dewar.

Richard Baker: That statement was made in response to Bruce Crawford, who demanded that every vote in the chamber be binding on the Executive.

Tricia Marwick: Governments will always reflect on what the Parliament says, but a vote in this Parliament is not binding on this Government and was not binding on previous Governments.

Jeremy Purvis boasts that, in the first eight years, the Government was defeated only five times. I say to him as gently as I can that the reason for that was that the Liberal Democrats were in coalition with the Labour Party—they had a majority. We have always had a Parliament of minorities; that is nothing new. We have a minority Government, but it has always been a Parliament of minorities. The difference is that the Liberal Democrats were Labour's little helpers in the first eight years.

When I saw that the title of Labour's motion was "A Budget for Scotland's People", I thought that at long last the Labour Party was going to tell the people of Scotland what its plans and priorities were in the light of the hugest cuts in public expenditure for a generation, two thirds of which were the legacy of the previous UK Labour Government. Silly me—"Labour policies" is an oxymoron. No wonder Labour wants to harp on about process; it saves it from having to talk about policies or priorities.

I understand why the Liberal Democrats are complicit in Labour's little game: they have always been Labour's little helpers. Those who are surprised by the Liberals' behaviour in coalition with the Tories at Westminster over tuition fees really have to look at recent history in the Scottish Parliament. Despite promising the opposite before the election in 1999, the Liberals helped Labour bring in tuition fees by the back door in this Parliament. It took an SNP Government—thank goodness—to abolish the graduate endowment tax.

I am genuinely surprised by the Tories' position. Perhaps it is because there is something in the water or perhaps it is just because an election is looming.

Derek Brownlee: Or perhaps it is because no previous Scottish Government has ever failed to publish a spending review in the year in which a UK Government has done so.

Tricia Marwick: It is also true that there have always been one-year budgets.

I have just been handed the quotation that I referred to earlier—I suggest that all the other parties listen to this. In October 1999, Donald Dewar said:

"As part of these perfectly normal constitutional arrangements ... the Scottish Executive is not necessarily bound by resolutions or motions passed by the Scottish Parliament."

Last week, John Swinney produced the real people's budget, protecting the most vulnerable from Westminster's cuts. Let us look at the budget that he produced: £70 million to freeze council tax for the fourth year in a row; the final stage in abolishing prescription charges; a living wage across the public sector; funding for front-line NHS services increasing by £280 million; a guarantee that the 1,000 additional police that the SNP put on our streets will continue; no changes to the concessionary travel scheme; a new Forth bridge, which is vital for the economy of Fife and the east of Scotland; and a commission chaired by Campbell Christie to look at the delivery of public services—a measure that I particularly welcome, given that I raised the whole issue of public sector reform in the pre-budget debate a couple of months ago.

Karen Gillon (Clydesdale) (Lab): Will the member take an intervention on that point?

Tricia Marwick: I am almost finished and I have things to say.

It is vital that the public service landscape is transformed, not just for the difficult financial times but so that Scotland has a better and more responsive public service. That will free up money to deliver the services that the people of Scotland need. Campbell Christie and his commission need to be bold. They need to be given the time to do their job properly, because the savings will inform budgets not just in the next three years but in the next 30 years. That is not short-termism; it is a responsible Government looking to the future of our country. What a pity the Labour Party cannot rise to the occasion and suggest the same measures.

What are the Labour Party's priorities? It will not tell us in this chamber. Iain Gray and the Labour Party in Glasgow want to increase council tax—the Labour council tax junkies are addicted to rises in the council tax, punishing the most vulnerable people, just like they did with the 60 per cent rise in council tax in the first eight years of the Parliament.

Since mid-2009, Labour has pledged £2.8 billion in spending plans, so what is it prepared to cut to meet those pledges? Labour can run, but it cannot hide. It will have to give an answer to that question in the Parliament, in the committees and to the people of Scotland.

10:20

Robert Brown (Glasgow) (LD): Given what has happened in recent days, we are living in times of important constitutional debate. Tricia Marwick was quite right to focus on the relationship between the Government and the

Parliament, which lies behind this debate and a number of others recently.

A change is taking place. For a large part of the SNP Government's four-year term, it has had a tendency—dare I say, a very arrogant tendency—to disregard votes in the Parliament and to say that they are of no account or importance. We are now seeing Parliament reassert its power—and rightly so—in these important budget debates. That is the trouble that the SNP Government has in this question of the single-year budget. Parliament does not like it, Parliament is right not to like it and the Government will require to respond to that strongly held view in Parliament.

It is probably trite to say that we are meeting less than six months before the Scottish Parliament elections, but that is a matter of realpolitik that influences our debates. More important, it seems to paralyse Governments—not just this one, because we also saw it in the latter days of Gordon Brown's Government at Westminster. As the election approached, decision making shut down, fiscal decisions were ducked and the incoming UK Government was left with a debt liability of £120 million a day and rising to service the enormous public debt. That of course is the background to today's debate.

The SNP Government is following that precedent. John Swinney said as much when he referred to the approach taken by the Labour Government. The Scottish Government knows, as the whole country knows, that public bodies, councils, tertiary education institutions and the voluntary sector need a longer-term framework than one year to plan ahead. It knows that services are put at risk unnecessarily if they can plan only year by year and that the opportunity to adjust to straitened budgets is lost, yet it judges that that is better than taking the vital decisions—not better for the country, the voluntary sector, individuals, communities or Scotland, but better for the SNP. It is wrong on all counts. Scotland would respond to a First Minister, finance secretary and Government who told it as it is and took the right decisions.

I am also puzzled by an enigma. In Scotland, the cuts have not yet arrived. Not a penny of Scottish budget prior to next April has been lost because of the comprehensive spending review or the actions of the coalition Government, yet every health board, police authority, council and voluntary sector body in Scotland has been feeling the pinch, cutting services, encouraging early retirement and losing staff—since 2007, 3,000 teachers have been lost, as have large numbers of social workers and nurses and many others. The substantial reason is the undermining weaknesses in the concordat with local government and the SNP freebies. About £1.5 billion has been

removed from the Scottish budget—from supporting front-line staff—to pay for the SNP freebies.

The Minister for Parliamentary Business (Bruce Crawford): If our relationship with local government is so in jeopardy, as Robert Brown seems to describe it, why has the Liberal group in COSLA supported the deal with the Scottish Government on this year's budget?

Robert Brown: As Jeremy Purvis says, the point is that there has been an element of blackmail to all that, which has underlain it right from the beginning.

As Jeremy Purvis rightly said earlier, Liberal Democrats have spelled out what the Government needs to do in pay policies, efficiencies, the slaughter of SNP sacred cows, the mutualisation of Scottish Water and tackling the problem and challenge of public sector bonuses and out-of-control salaries at the top.

Jackie Baillie rightly talked about the disincentive of single-year budgeting. The Government needs to put in place frameworks for change, particularly a framework for an agenda of support and respect for the voluntary sector, particularly at the council and health board level, where the bulk of public funding to the sector comes from. After 1999, there were council compacts with the voluntary sector that postulated three-year funding, access to council contracts and full cost recovery. In fairness, some progress was made, but the compacts are now a dead letter and an historical footnote.

Third sector bodies should have access to public contracts on a workable basis, and funding cuts should be made in partnership with that sector on a planned basis to allow alternative models of funding to be developed. It can take two years or more to build a good project, but it can be closed overnight, taking with it months and years of painfully accumulated experience, contacts and trust. For that reason, four-year funding plans are vital.

What is true for the voluntary sector is also true for the police. On Tuesday, I extracted the admission from the Association of Chief Police Officers in Scotland that up to 1,200 police civilian support staff could be lost. That would undermine the effectiveness of the pledge to retain 1,000 more police officers than there were in 2007. That is another little detail that lurks unrevealed behind the budget documents.

Stewart Maxwell (West of Scotland) (SNP): Will the member take an intervention?

Robert Brown: I am afraid that I cannot, as I am in my final minute.

There has been an important debate on police numbers, which are an important component in reducing crime rates. However, numbers in isolation have no meaning if front-line police officers are drawn back into carrying out back-office functions. Indeed, a major purpose behind the civilianisation of some posts was to release professional police officers for the front line. What the public are interested in is a visible police presence on the streets and an effective response to deterring and catching criminals. More flexibility in that area may well be required.

In conclusion, there is no doubt that MSPs from all parties face a severe challenge. We are entitled to leadership from our Government, statesmanship from our leaders and MSPs, and insight and innovation from our public and voluntary sector partners. However, above all, we need the time that John Swinney's short-term and short-sighted budget has not given us. It is not too late for him to think again.

10:26

Richard Baker (North East Scotland) (Lab): In June 2007, we heard a statement on the strategic spending review. Praise has been in short supply for the cabinet secretary in recent days but, in the debate then, I congratulated him on continuing the practice of indicating a three-year funding settlement to local authorities and asked him whether he agreed that that practice should be extended to the voluntary sector. He indicated that he supported that ambition and, indeed, that he would take forward the matter with local authorities. He said:

"it gives organisations sustainability, continuity and clarity about where they are going."—[*Official Report*, 28 June 2007; c 1220.]

It is therefore bewildering that, with the opportunity to set spending for three years now—I would argue that there is a much greater need to do that now—the cabinet secretary has decided to set a one-year budget instead.

In response to a point that Mr Purvis made at the beginning of the debate, Mr Swinney said that he would reflect on the outcome of today's debate. I hope that, in the spirit of what Robert Brown said in his excellent speech, those were not just warm words and that he is ready to alter his position. If outlining spending for three years was important for sustainability and clarity in 2007, it is crucial now, when, as we all know, we are facing severe reductions in public expenditure in the years ahead. Of course we will debate the scale and pace of those cuts and why we have the deficit. Some people seem to believe that we should have let the Royal Bank of Scotland and HBOS collapse and let chaos ensue. We will debate how we should respond to the situation in the Parliament,

but we should be able to agree on the need for clarity going forward, and we should do all that we can here to provide greater certainty, not more uncertainty, about the future for public spending. That is crucial for our public services, but it is also hugely important for the private sector—not only for contracts but for the future of investment in capital projects and other areas. Indeed, it is crucial for our whole economy.

Like Robert Brown, I believe that the one-year settlement fails local authorities in particular. As an MSP for North East Scotland, I am acutely aware of the consequences for our councils. Yet again, the Scottish Government is imposing a council tax freeze while failing to provide councils with anything like adequate resources to compensate. That means that Aberdeen City Council is already planning £127 million in cuts over five years while we do not know what funding the Scottish Government intends to provide to local authorities beyond the conclusion of the one-year budget period.

Perhaps our police forces are affected more than anyone else by the irresponsible approach that has been taken to the budget. It is entirely understandable that, as Johann Lamont mentioned, the budget has been described as a "dereliction of duty" towards our police forces. The agreement with councils requires them to maintain police officers. Of course we should focus on maintaining police officers, but the Scottish Government is telling councils to maintain police numbers without giving them the money to do that; indeed, it is cutting the police central grant by £31 million. That is fundamentally dishonest on a number of levels.

Stewart Maxwell: I know that the member is not a member of the Justice Committee, but is he aware that the finance director of ACPOS and the Scottish Police Federation made it clear during the committee's meeting on Tuesday that they were confident that they would maintain the 1,000 extra police officers for the coming year?

Richard Baker: I know that Stewart Maxwell is not a member of the Local Government and Communities Committee but, if he had been at that committee's meeting yesterday, he would have heard witnesses clearly stating that no moneys were ring fenced in the local government settlement to maintain police officer numbers. Money has not been awarded to local authorities to do that. Nevertheless, the Scottish Government is telling forces to end the recruitment freezes that they have had to put in place and to start to recruit officers whom they will be required to employ for some 30 years. However, the Government will not give them any clarity on funding for any more than a solitary year. In doing so, it is leaving a situation in which officers will start to be recruited again in

Strathclyde, for example, but the price of that in a single year, according to Unison's estimate, is that 1,300 civilian staff jobs will be lost. That price will be felt not only by those who face redundancy but more widely in communities, as police officers will be taken off the beat to do those jobs. Those police officers will not be doing what we want them to do and what they have been trained to do.

Bruce Crawford: Will the member take an intervention?

Richard Baker: I am afraid that I do not have enough time to take an intervention. I know that I will not get much more than six minutes to speak.

The Scottish Police Federation has said that the cuts that are already being planned by police boards are equivalent to losing 2,800 officers. That is the reality. PricewaterhouseCoopers has estimated that the number of front-line police officers in Scotland will drop by 2,000 over the next four years. Where does that leave the SNP's famous pledge? The fiction is that the Scottish Government is maintaining its police numbers promise; the reality is that it is leaving our police forces to make plans for cutting police activities, which will impact on the safety of our communities. Our police forces need clarity so that they can plan properly for the future.

That is why it is incumbent on the Government to do what it has every opportunity to do: to set out a three-year budget so that members can make informed decisions about the future of our public services, and we can have clarity about what must be done in order that key, front-line services, such as those that our police forces provide, can be protected even in these daunting times for public finances.

10:33

Rob Gibson (Highlands and Islands) (SNP): In this debate about the difficulties of budget making in uncertain times, we should look at a little bit of the background.

When the Labour Government in London was dealing with the cash crisis, the credit crunch and so on, it said that the contagion around the world was the root of the problem. It started by saying that it was someone else's fault. However, it is not sufficient for us to sit here and say that we cannot address a part of that problem because we are getting the backwash from those larger events.

Things are made all the more uncertain by the fact that George Osborne and Danny Alexander have said that they will make changes to the Scottish departmental expenditure limit and annually managed expenditure in the budget in March. That means that we in Scotland are placed in a position by the cuts that were imposed last

time—they represent two thirds of the cuts that we face; the coalition Government has made the extra third—in which we have to consider what potential and room for manoeuvre Scotland has. At present, that room for manoeuvre is extremely restricted. However, it has been stated that the worst cuts in the next four years are likely to be made in the coming year. That ought to be of some comfort to people who keep saying that they want a three-year detailed settlement. If we reach a stage at which there is some certainty, it might well be possible to make that up, but there are too many uncertainties, which have been caused by factors that are outside our control, for that to be able to happen.

Johann Lamont: Will the member take an intervention?

Rob Gibson: Not at the moment.

I want to talk about some of the substance of what we are presented with in the motion. The Labour Party will not talk at all about the policies that need to be applied in Scotland. We have had a string of Labour MSPs calling for more and more spending—around £3 billion-worth of spending. In motions, statements and demands, we get lists of promises. At a time when our finance secretary is attempting to come up with some reality, we have to face demands such as Sarah Boyack's suggestion that we spend £450 million to replace the Government fleet with low-carbon vehicles or Peter Peacock's suggestion that Highlands and Islands Enterprise should be given £50 million more. We are told that improving environmental structures in schools should be done immediately, which would cost another £816 million.

That irresponsibility contrasts with the common sense that has been applied in the budget that John Swinney has brought before us. The motion talks about a budget for the Scottish people, but such a budget is to be found only in the Government's proposals and not the irresponsible promises of the Opposition.

Johann Lamont: Can the member explain why Wales and Northern Ireland have produced spending plans for more than one year but it is beyond the wit and ability of his minister to do that?

Rob Gibson: Did the member not listen to what I said about the situation with regard to George Osborne? Wales and Northern Ireland might be taking a risk, as they might have to alter their plans rapidly in March when DEL and AME are reconsidered. The sensible thing is to work with a budget that can actually be delivered. As far as I am concerned, the social contract that we are talking about building is contained in the budget.

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

Rob Gibson: Not at the moment, thank you.

When we talk about delivering the council tax freeze, that is not because we think that it is the ultimate solution. It is a practical solution in the short term, until we have room for manoeuvre or the support to introduce a more positive way of taxing people. When we talk about free prescriptions, that has been a long-term pledge, because it is about helping some of the poorest in society. When we talk about real-terms increases for NHS boards, that is in the context of the limited funds that we have. The protection of free personal care, concessionary travel and police numbers, which have been discussed, is part of that social contract.

In a time of uncertainty, it is essential that we ensure that the fabric of Scotland's life is protected, and that is what John Swinney has been able to do.

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

Rob Gibson: No, thank you.

When we talk about the ways to achieve that, we find even more flip-flops happening on the Labour benches. We have talked about the need for a pay freeze to maintain jobs. At the Labour Party conference three weeks ago, Iain Gray, the Labour leader, said that he would introduce a three-year pay freeze but, last weekend, Andy Kerr criticised the Scottish Government's move to combine pay restraint to preserve jobs with a living wage and council tax freeze to protect incomes. Whom do we believe? Those members are on the same front bench, but they have entirely different views. It is important that, throughout Scotland, we have a consistent approach and ensure that we have practical policies that meet the considerations of the current uncertain times. That is what the budget will do, but it is not what the budget that the Opposition proposes would do. The Opposition is irresponsible, but the SNP is responsible.

10:39

Des McNulty (Clydebank and Milngavie) (Lab): The reality is that there is probably less uncertainty about the general financial climate than there has been at any time in the past three years. The Westminster Government has produced a three-year budget settlement, so any uncertainty arises from the SNP Government's failure to take its responsibility seriously. It is the Government's responsibility to plan for the future and to manage its spending. The reality is that the Government has maxed to the limit every aspect of money that is available to it and now we face a hole for the future.

Yesterday, the cabinet secretary accepted that he had made mistakes in not informing Parliament of the implications of decisions that he had made and he promised to do better in future. He could begin by admitting that the budget document is in effect a work of deception and a stop-gap measure to get his party to the election without having to take responsibility for any of the decisions that face Scotland. Those decisions will be more difficult and more damaging for public services, public sector employees and Scotland because the Government has put short-term political advantage against and above the national interest.

The budget document is full of dishonesty. The books are balanced using a 3 per cent efficiency figure that, as Mr Swinney knows full well, will come from cuts, not efficiency savings. When Mr Swinney sat on the Finance Committee in a previous session of Parliament, he signed up for a level of scrutiny that demanded that all projected efficiency savings in government should be specified properly and that the plans for implementation should be published. I remember going through those plans, sitting next to Mr Swinney, as we engaged in the detailed scrutiny that, as elected representatives, we had a duty to undertake. However, there is no specification whatever of efficiency savings in the budget document. The savings will be all the more difficult to achieve in the context of shrinking budgets. Those savings are cuts—unspecified cuts.

Frankly, that is just dishonest budgeting. Whatever the outcome of the election, I believe that we will not hit those financial targets. It is highly likely that we will end up with an emergency budget, which will seriously damage every aspect of public services in Scotland. The responsibility for that will be with Mr Swinney and Mr Salmond, because they have been dishonest.

It is not just the efficiency targets that are dishonest. As my colleagues have shown, in almost every case, the specific commitments that the Government has made are not supported by the facts, either in the budget document or in the published letters that provide further information, or in information that is only now beginning to leak out more than a week after Mr Swinney delivered his budget. Mr Swinney resembles that cartoon character Wile E Coyote—he has jumped off the cliff, the legs are still spinning round and he hopes that he can stay up there, before gravity takes hold. Gravity will take hold of Mr Swinney. The danger is that we will all crash to the floor along with him. He will take Scotland with him. The risks that he is taking with Scotland's public services are reckless and, I believe, they will prove to be self-defeating when we get to the election in May. If, as Fintan O'Toole suggests, Ireland's economy was derailed by a ship of fools, what metaphor can

we use for the parcel of rogues on the SNP benches who are selling Scotland short?

Derek Brownlee raised the issue of higher education. I see that the Cabinet Secretary for Education and Lifelong Learning has come into the chamber. He has blackmailed the universities into accepting a sizeable cut in their funding, which is variously estimated in a letter that he sent as 5 per cent, 6.7 per cent, 8 per cent or more than that, depending on which paragraph of the letter one reads. The deal with the universities is basically that they transfer funded places into unfunded places and admit the same number of students next year. It means the same number of students for less money, which is not a good deal for the universities.

Bruce Crawford *rose—*

Des McNulty: Sit down, Mr Crawford.

The commitment that the Government has made for next year's students is for eight months, but the commitment that the universities have entered into for many of those students is for four years. The universities are faced with a black hole, while the Government simply will not say what plans it will introduce for the future funding of higher education. Mr Russell says, "Mibbes yes, mibbes no," to a graduate contribution. I have been at conferences at which he said different things at different times to different people. In his letter, he apologises, although not by actually saying, "I'm sorry." He recognises that the reality is that those institutions, which are vital to Scotland's future, cannot plan properly or project their route forward because of the Government. Because of political self-interest, the Government is destroying Scottish higher education.

It is not just higher education, because colleges are in the same situation, and let us look at schools. Mr Russell walks round Scotland as the Great I Am of Scottish education and the originator of every possible positive reform in education. The reality is that he is destroying the whole basis of it. How can we deliver better education in Scotland if we have fewer teachers? There has been cut after cut in teacher numbers and necessary professional development funding has been destroyed, all in the name of the council tax freeze. We have already had three years of education cuts; next year, we will face more and worse cuts. That is all down to this lot in government, their policies and priorities, which are ultimately all about them, not about our children and not about Scotland. They are a bunch of rogues.

10:45

Stuart McMillan (West of Scotland) (SNP): Three weeks ago, I took part in a debate in this

chamber on managing Scotland's public finances. It was not the Parliament's finest hour, if we leave aside Ross Finnie's contribution. I thought that such political knockabout was now out of the way and that today's debate would be a bit more constructive, and it has been, apart from a few gems of yah-boo politics such as

"sacrificed on the altar of party politics";

"minority Government with a majority ego";

"blackmail"; "horse's head"; and "dishonesty and now dictatorship". We have also had Mr McNulty speaking about Wile E Coyote and blackmail, and Robert Brown speaking about

"the slaughter of SNP sacred cows".

Earlier in his speech, Robert Brown said that the people of Scotland would appreciate the finance minister and the First Minister telling the people how things are. As we face cuts of 6.3 per cent, 1 per cent, 2.6 per cent and 1.8 per cent, that is how things will be in the coming years. I am sure that Mr Brown knows that because he will have looked at the CSR. Every one of us in the chamber is aware of the state of the UK public finances and we are all aware of the CSR that was produced recently by the Conservative-Lib Dem coalition Government in London. We are also aware of the effects that the CSR is having on the Scottish budget—a cut of £1.3 billion for next year, which equates to a 6.3 per cent cut. The challenge for the Scottish Government and the Parliament is how we deal with that.

I will touch on other budget issues in a moment, but first I want to discuss one particular area. The Labour motion talks about the uncertainty that the presentation of a one-year budget will create. That would be a legitimate argument if it were the first time that such a budget has been undertaken but, as we know, the Parliament only ever produces a one-year budget. Further years are indicative and subject to change. A further point was made in comments from David Bell, who is the adviser to the Finance Committee.

Gavin Brown (Lothians) (Con): Will the member give way?

Stuart McMillan: I ask to make some progress.

Mr. Bell wrote in his report to the committee:

"However, if it is only a single year budget that is being presented, it is not clear what budgetary purpose is being served by looking beyond 2011-12. For example, it seems incongruous to include 'forecasts' of how long it might take public sector spending in Scotland to return to 2009-10 levels when these extend to 2026-27."

Gavin Brown: The member stated the caveat that previous budgets have been indicative and subject to change in future years. In that case, what is wrong with having the figures for future years in the 2011-12 budget and adding the same

caveat that the figures are indicative and potentially subject to change?

Stuart McMillan: I was coming to that point.

As our level of public spending is to be less than we wished for many years ahead, John Swinney deserves tremendous credit for commissioning the Christie commission to look at the longer-term position of our valued public services. Clearly, if the money coming to the Parliament is to be cut year on year and then take many more years to get back to the 2009-10 levels, it is common sense that we have no other option than to examine how best we can provide our public services. I can think of no better person than Mr Christie to look into that.

Johann Lamont: Will the member give way?

Stuart McMillan: I have to make progress.

As for the impact of the budget and how services will be affected, the debate about that is live in the committees of this Parliament as well as in wider Scotland. Yesterday in the Economy, Energy and Tourism Committee, we heard that the Scottish Trades Union Congress would abandon the small business bonus scheme. We also heard Professor Brian Ashcroft of the Fraser of Allander institute and Alf Young state that if they could alter one thing in the budget, they would remove the protection from the health budget. They felt that, if cuts were to be made, the health budget should not be protected. Yesterday's evidence-taking session highlighted many more suggestions, but those two stood out. I disagree with the suggestions—I am sorry to say that I disagree with Mr Young, because it is not often in the Parliament that we find two Greenock Morton supporters in the same room at the same time. Everyone has their own ideas. The budget process is about putting them into the melting pot and moving things forward.

As well as the uncertainty of the Scottish budget in the future, it looks as though the chancellor might alter Scottish DEL and AME in his March budget. Then there is the small matter of the election in May. It goes without saying that I believe the only sensible way that the Parliament can continue to progress is for the SNP to be returned, but I have only one vote and it will be up to the Scottish electorate who will manage our finances after the election. If it is Labour, which has different priorities from those of the SNP, the council tax freeze will be stopped, private finance initiative car-parking charges that it introduced will be stopped and, according to its policy document, it will purchase a newspaper for every 18-year-old.

Budgets are about choices and parties have to stand on their record of what they have delivered. This budget, however, is unprecedented in the short history of this reconvened Parliament. With

massive cuts cutting too deep and too fast, the Cabinet Secretary for Finance and Sustainable Growth has the thankless task of trying to steer Scotland out of this situation with his hands tied behind his back. I will support his amendment this afternoon.

10:51

Patrick Harvie (Glasgow) (Green): Several members have reflected on their experiences of working in parts of the public sector, whether in local councils, the NHS or elsewhere. I have never worked in a local authority or the NHS, but I have worked in the voluntary sector in an organisation that had a funding mix, from voluntary and charitable sources as well as the local authority, the health board and central Government. My experience was of scrabbling around, sometimes for years and sometimes for shorter periods, for the next grant or bit of funding, always spending a third of my time evaluating the work that I had done, another third seeking the next bit of funding and only a third of my time getting to do my job. Such short-term funding gave rise to huge frustration as well as a great deal of inefficiency. We were not able to plan properly or apply long-term forward thinking to either the ideas that informed our work or the way in which we structured our organisation.

There will be a huge amount of frustration out there in many parts of the public sector and in the organisations that depend on and work with the public sector about the short-term thinking that is going on. We know that many people will be forced to make short-term decisions that they know will not be the right ones in the long term. Nobody wants to be in that situation and I suspect that John Swinney would like to find himself in a situation in which he could give greater long-term clarity.

What are the arguments that John Swinney has used against giving that clarity? The central one is about the Christie commission. He has argued that we must look at restructuring public services in a deep and fundamental way and that, before we know the recommendations that the Christie commission will come up with, it would be wrong to set budgets that will have to change. I query the timing of all that. The recommendations from the Christie commission might well be very useful; some good ideas might come out of it. However, priorities will also be set by the election results next year, by manifesto commitments, by the political balance in the next parliamentary session and by whichever party or parties happen to be running the Administration in the next session. The Christie commission will emerge with its recommendations a couple of months after that. I think that the cabinet secretary said that the

commission was due to report in June. There is no reason to expect that radical change in the structure of public services, if that is what the Christie commission recommends, will see both political agreement among parties and legislative action to implement it, if that is necessary, in time for next year's budget process.

Long-term changes might well be needed in parts of the public sector, but we will budget for them when we know what they are going to be. Until then, we have to allow the public sector to plan. The sector will need to bear in mind the possible future political decisions and choices that might be made, but it should not be left in limbo in the meantime. In that sense, there is at the very least no reason for not publishing the following year's figures in advance, and I agree with members' comments about publishing figures for the CSR period.

John Swinney stressed his record of compromising and working with other political parties in successive budgets. I absolutely agree that on some issues there has been very good compromise. The Greens have taken many ideas into the budget process, and the Government has taken up quite a number of them—although we have not entirely agreed with every detail of implementation. However, that very process of negotiation and compromise will have to happen in relation to manifesto commitments when we see the results of the election, ideas from the Christie commission and, indeed, ideas from elsewhere.

I agree with Johann Lamont that if we are talking about that long-term context, we need to give the public sector greater clarity now. After all, we know neither the commission's recommendations nor the political results of our debate about them. Nevertheless, I hope that at the same time Johann Lamont agrees that a budget for Scotland's people will need to listen to people during and after the election and that, in that respect, the most important message was given 13 years ago when two thirds of Scotland's voters voted yes, yes to a Parliament with tax-varying powers. I think that Scotland's people knew then that at some point in the future they would again see a right-wing Government they did not vote for inflicting an ideological attack on public services, and they wanted a Parliament that was capable of defending Scotland against such an agenda.

A budget for Scotland's people would not slash the housing budget in the final years before our shared commitment to ending homelessness is due to be met. It would not freeze public sector pay, which, after all, is equivalent to an arbitrary tax on those employees, including many low-paid workers. It would not cut funding for higher and further education, arts and culture, the voluntary

sector and public transport. Indeed, it would not simply hand on a series of Tory cuts that no one, not even Tory and Liberal voters, actually voted for. A budget for Scotland's people would oppose that ideological, anti-state agenda by raising revenue progressively and fairly. We can do that in Scotland by empowering our councils to do it locally and in time by using the SVR or the Calman powers. If we mean a word of our speeches about social justice, public services, a greener economy and a more equal society, we must agree that that is the kind of budget for Scotland's people that we need.

10:58

Pauline McNeill (Glasgow Kelvin) (Lab):

Scotland and its people face a challenging time as the stark economic circumstances begin to make a real impact on our lives—and we still have a long way to go. As a result, people need to trust their Government, even if it is at the end of its term. Facing a tough election is no excuse and Scots will simply not tolerate such comments. Scotland's finances have been seriously challenged, but a Government should not opt out of its responsibilities just because things are hard. Once again, the MSPs on the Government benches have forgotten that they are in government and are responsible to the people of Scotland.

Every previous Administration has approached its budget through the CSR, and any departure from the practice of having three-year budgets is unprecedented. The cabinet secretary tries to pretend that delays in the past are somehow reason enough to excuse having a one-year budget, but I can tell him that they are not. Such short-termism gives rise to the accusation that we have already heard that the only reason for such a move is that the SNP faces a difficult election and wants to keep people in the dark. I agree that it faces a tough election, and the fact is that it does not have a single ally to back up its charge in relation to the one-year budget. Is it going to limp on against the overwhelming demand from other parties in the chamber and a range of organisations that is pleading with the Government for some long-term planning? It is not fair that Scotland's local authorities, voluntary sector, police and arts organisations cannot look to the longer term; indeed, I have to wonder whether the Government is listening at all.

Moreover, I do not accept that creating a commission to examine the impact of public service reform is a reason for not having more than a one-year budget. Has the SNP ever heard of revising budgets? Does it not know that the budget could be adjusted to take into account the commission's recommendations? At the same time, the uncertainty continues for local

government workers, who do not really know what the no compulsory redundancy commitment actually means. Indeed, I am not sure that every local authority has such a policy. Nothing so far has convinced me that the Government's policies protect low-paid workers. For a start, there is no commitment to the living wage in the budget. When will the Government stand up for the low-paid workers who will bear the brunt of the rise in the cost of living? Labour is committed to implementing a living wage and feels that such a commitment should be central to public service reform. After all, we have the power to introduce such a measure.

I acknowledge the work that Jeremy Purvis and others have done in pushing the Scottish Government to tackle the high bonus culture and recognise that the Government itself has moved on the issue. However, the issue is not the bonus culture for highly paid employees; indeed, I suggest that further scrutiny will reveal that the same attitude extends to the kind of retirement and severance packages that are not open to low-paid workers. I have been disturbed by answers to parliamentary questions that indicate that agencies such as Scottish Enterprise have been busy using public money to trim the workforce and give large packages to well-paid staff. In contrast, lower paid staff not associated with those agencies are walking away with nothing more than the statutory severance package. Such issues have to be addressed in any restructuring or reform of public services and, in that respect, I call on the Christie commission to examine fairness across the public sector workforce.

On the face of it, the situation with the arts budget is not as bad as people might have predicted; indeed, it does not seem to be as bad as the situation in England. However, the jury is out. In any case, it is hard to judge what is happening, because the figure is only for one year. In contrast, the Welsh arts budget is being cut by 4 per cent over three years. One can begin to appreciate why the arts sector is a little bit concerned: the Gaelic budget has been cut by 9 per cent and Creative Scotland, the National Galleries of Scotland and our performing companies face a 10.4 per cent cut. The Minister for Culture and External Affairs has said that the budget is so tight that there is no flexibility and organisations will simply have to do more with what they get. However, those organisations do not really know what that statement means because they only have the picture for one year and reductions in local authority funding and the lack of flexibility mean that the arts sector faces even more funding uncertainty.

The one-year budget will make planning hard in particular for museums, which are complex organisations that need to plan years in advance,

and significant fixed costs have to be met to maintain our national collections and services to the public. Although I welcome the minister's statement on continuing the policy of free access to museums, I am not clear about how the Government will achieve it with a one-year budget. As I say, the sector cannot plan on that basis. I also welcome Glasgow Life's announcement that there will be no entry charges to Kelvingrove art gallery, but even George Osborne has said that the policy commitment to free access will continue to be funded in England.

This morning, a number of SNP back benchers have shouted at us, "What would you do?" For the purposes of clarity, I simply repeat that we would honour the convention of having a three-year budget and three-year projections; we would make it transparent; we would provide the financial information; and we would give certainty to all those organisations that want to see what is ahead.

I know that I have to close, Presiding Officer, but I must respond to Rob Gibson's comment that we are taking a risk. On that basis, Ireland is taking a risk, Wales is taking a risk, the Confederation of British Industry is wrong, the Labour Party is wrong and the Liberal Democrats are wrong. Everyone but the SNP seems to be wrong. Nevertheless, I ask it to do the right thing tonight and listen for once to what it is being told. Fairness is what matters. We need a three-year budget for Scotland.

11:04

Bob Doris (Glasgow) (SNP): Labour's amendment yesterday afternoon on the Scottish variable rate and its motion today are hardly Parliament's finest moments—certainly not since 2007, when I entered this place. Yesterday's overegged amendment, which used expressions such as "abuse of power", was an attempt by Labour to play the man and score party-political points ahead of an election. I accept that some sincere speeches—but only one or two—were made in yesterday's debate. I single out Patrick Harvie, who attempted to play the ball and who focused on process.

This morning, Johann Lamont has promised consensus and no yah-boo politics. That is not achieved by placing the word "corrosive" at the heart of the motion, which makes it impossible for the party of government to support. That is seeking not consensus but division.

Johann Lamont forged more consensus across the chamber by using phrases in her speech such as "dereliction of duty". If that is an example of Labour in Scotland seeking consensus, let us hope that it is never placed in charge of delicate,

high-level, international diplomacy—I can see that that would result in mushroom clouds around the world.

In these unprecedented financial times, as the minority SNP Government seeks to steer the 2011-12 budget through Scotland's Parliament, it is simply not good enough for Labour to oppose for opposition's sake. Labour's policy ideas and budget suggestions are non-existent. Labour is running on empty. The three-year budget demand is a fig leaf to hide Labour's inadequacies.

No one denies that there are strong merits in having three-year budgets. However, only outlines would be given, because the Parliament only ever sets one budget, one year at a time, as we have heard.

It has been said that the voluntary sector wants figures for three years. That sector receives most of its work via local authorities. It wants indicative figures for three years because it hopes that councils will give it more security of funding, and I understand that. However, voluntary sector representatives also raised many other issues with the Local Government and Communities Committee yesterday. They wanted to know whether a £7.15 living wage in the public sector would have an impact on the voluntary sector. They wanted to understand better whether if councils had no compulsory redundancies, that would keep more work in-house in local authorities and whether, as budgets were squeezed, work would be brought back in-house to avoid compulsory redundancies. They wanted to know how they might benefit from further challenge funding that was similar to the £70 million that the NHS will deploy in social care, to promote preventative spend.

A dynamic landscape is at play in challenging times. We have savage UK cuts, the onset of a living wage, redundancy issues in councils, shared budgets and a massive drive towards shared services in councils. Yesterday, the voluntary sector representatives also mentioned a culture of resistance in some quarters of the public sector.

Jackie Baillie: Did the voluntary sector representatives mention the decline in social care spending that it has inherited from the SNP? In 2007-08, £3.2 billion was spent on social care. In 2009-10, that was reduced to £2.8 billion. To continue the football analogy, is that not a bit of an own goal?

Bob Doris: One of the two of us has certainly scored an own goal. In its budget, the Government is protecting free personal care and, in the previous budget, it increased funding for free personal care.

For all the reasons that I have given and because of the dynamic situation that local

authorities, all other public bodies and the voluntary sector face, the Scottish Government has established the Christie commission, which will attempt to achieve joined-up thinking in sectoral reform. That reform will not be dictated top down from the Scottish Government or via local institutional self-interest but will come from an independent review that is headed by a well-respected public figure.

It would be crazy to give a three-year indicative spend for budget lines now when how budget lines are drawn up and formulated and the purposes to which they are directed might change radically within a year. Structures might change. The Scottish Government does not intend to tie the Christie commission's hands. Reform and new ideas are needed. We will move on to three-year budgets after the next election.

I will bring the Parliament back to the real world and the commitments that the Government has made to help the Scottish economy. When I went out for dinner last night to a little restaurant called Al Dente in Easter Road, I met a gentleman called Graziano, who is the restaurant's owner. He told me that if it had not been for the small business bonus scheme, he would not have been able to employ a waiter or to keep his business going. That is real help in difficult times from another commitment in the budget—another commitment that the Labour Party has refused to back in previous budgets.

In hard times, when radical change and difficult decisions are needed, John Swinney is the man for the job and the SNP Government is the team for the job. I will back John Swinney's amendment this afternoon.

11:11

Ross Finnie (West of Scotland) (LD): I make no apology for focusing on the process of a four-year review, in the same way as the Government has made no apology for announcing the Christie commission, which is about process. We should not diminish the importance—at certain times—of matters of process.

It is disappointing that we got into difficulties yesterday because we wanted to stick to the legal position that the Scottish variable rate has—of course—not been abolished. After an hour or so of debate, it became clear that we should pay attention not just to the legal position but to what was happening on the ground.

Today, the cabinet secretary appears somewhat concerned to hide behind the requirement for only a year's budget. The suggestion is that anything else is just an optional extra, but it is not. The history of the development of the production of financial information in the Parliament has been

long and vexed. At times, the process has been highly unsatisfactory.

As a Cabinet minister way back in 1999, I well remember being deeply surprised at the paucity of financial information that was produced to the Parliament and to ministers. It has taken a long period of deep probing by the Finance Committee and a long process by those who have served in government to improve the appalling level of financial information and to recognise that, although we must produce a one-year budget for Parliament, we can do better. At times, those efforts were stymied by processes down in Westminster, when it switched from a longer-term view to a short-term view. However, I always took the position that that would not be good enough in Scotland and that a longer-term, four-year view was required.

I listened carefully to what the cabinet secretary said about why we could not take such a view. Of course we are in difficult times, but that is why the longer term needs to be considered. Just because we are in difficult times, that does not excuse the need to take a longer-term view. The Government has announced the Christie commission, which could suggest profound changes in Scotland, but I do not think that they would necessarily happen overnight. If the commission takes a genuinely long-term view, it will require time to report and Parliament will require time to digest the commission's outcome.

It is interesting that no one has suggested that, now that the Scottish Parliament has existed for 11 years, one issue that needs to be addressed—perhaps the Christie commission will address it, although it is not explicitly mentioned in its remit—is the creep in the balance of power between local government and the Scottish Government, which perhaps requires to be defined more clearly.

None of that is an excuse for not following the development of the production of financial information to the Parliament by creating and allowing us to have a four-year view.

We have heard the excuse that DEL, AME and all sorts of things in the world are going to change. Well, that is new; the world is going to change! Good gracious, that will stop us having a four-year budget! My response is no, that is not the approach in the private sector and it should not be the approach in the public sector. We should be sufficiently fleet of foot to be able to make the adjustments that are necessary to allow informed decisions to be taken by the Parliament and its committees, local government, the NHS, the further and higher education sector and people who operate in the voluntary sector and other aspects of government.

That is what good financial planning and management are about. Unless we have a structure upon which we can base decisions, we are fumbling in the dark. If we are to appreciate the potential benefits even of a Christie commission report, we ought today to be able to see figures for four years, which would direct us to decide that we need to do things differently and better. We cannot come to such decisions if we are fumbling in the dark.

The arguments that were adduced by the Government in the debate were not satisfactory. Just as it was an error of judgment not to bring to the Parliament the changes in relation to the Scottish variable rate of income tax, it is an error of judgment to suggest that, just because there is a crisis, a single-year budget is the right way to proceed. Such an approach does not allow sensible forward planning. A four-year budget might have to be changed, but we would understand the basis on which longer-term changes were being made.

There has been a mistake and an error of judgment. The amendment in Jeremy Purvis's name is well argued. There is a case for considering the longer term. Difficult financial circumstances do not excuse the Government from its duty to come up with decent financial management or to continue the development of financial planning, which has been a long-term and vexed exercise in the Parliament. We fought long and hard to move away from one-year budgets. We should not change our approach today.

11:17

Gavin Brown (Lothians) (Con): I attended a voluntary sector conference just over a month ago, which Johann Lamont also attended. A number of issues arose, of which an obvious one was the sector's enormous potential. I will be fair and say that there was a degree of praise for Jim Mather and for some of what the Scottish Government has done for the third sector, but the main message that I and perhaps other people took away from the conference was that, whatever else voluntary sector organisations wanted, they did not want to be given one-year budgets and spending plans. The sector was looking for three or four-year plans, because such plans are critical to the running of organisations.

In the past seven or eight years I have probably been to a dozen or so voluntary sector hustings and conferences with people from across the political spectrum, and the issue has come up at every meeting. At every conference or hustings, representatives from every party, including the SNP, have expressed the view that one-year funding is not acceptable and that organisations

have to be put on a more sustainable footing, through three or four-year funding.

Des McNulty: The issue is not new. In the late 1990s I was a member of a commission that the SCVO set up under the chairmanship of Arnold Kemp, the core recommendation of which was three-year budgeting. The recommendation was followed through for local government and voluntary sector organisations during the past decade. The reality for voluntary sector organisations is that that is being undone by the Government.

Gavin Brown: I thank the member for his intervention. I do not intend to talk about the voluntary sector for my entire speech but I wanted to use that example to demonstrate that parties across the political spectrum, including the current Government party, agree that three or four-year funding, not one-year funding, is the right solution.

If that is right for the voluntary sector it must follow that it is correct for the Scottish Government's and the Parliament's budget. If we go back to first principles, I think that members of all parties agree—although SNP members might not want to admit it today—that the three or four-year funding approach is superior to the provision of figures for only one year.

All the Opposition parties are united behind the motion, and, more important, there is a united group outside the Parliament. Organisation after organisation has put its name to the principle that there ought to be figures for three or four years. I challenge Mr Swinney to tell us who is saying to him that one-year budgets are superior. Are the chief executives of local authorities telling him that they prefer one-year figures and do not want three-year figures? Are health boards telling him that they do not want indicative figures for three or four years and would rather have figures for one year? Are the police and fire services telling him the same thing? Is anyone out there saying to the cabinet secretary, "We prefer one-year figures; we do not want three or four-year figures"?

Throughout the debate we have heard that south of the border there are departmental figures up to 2014-15. In Wales there are figures for more than one year. We heard recently about Northern Ireland, too. If the devolved Administrations in Wales and Northern Ireland can do it, why cannot we do it?

The first reason that we heard for not providing figures for more than one year was that the 2007-08 budget in advance of the election contained figures for only one year. However, the critical difference between then and now is that at that time there was no UK spending review. It would have been unreasonable to have forced the then finance minister to produce a three-year budget,

when he had figures for only one year. That is why the Conservatives could not support an attempt to force the Scottish Government to produce a budget in advance of the comprehensive spending review.

Secondly, we heard that the figures could change. That argument has been fairly well rebutted. It is true every year that the figures could change. For example, there are the autumn revisions south of the border, as Jeremy Purvis said. Chief executives of organisations and people who run charity and voluntary sector organisations understand that. They also understand that there will be an election next year and that there is potential for change in that context.

Thirdly, we heard that it would be foolhardy to provide figures for three years when the Scottish Government wants to reform public services. I say again, if Wales, Northern Ireland and England can provide such figures, why cannot the cabinet secretary do so? Is he seriously suggesting that there will be no reform of public services in Wales or Northern Ireland? The SNP has levelled criticism at the coalition Government, but it cannot suggest that reform of public services is not taking place south of the border. An enormous amount of reform is taking place, so if we can have three or four-year figures south of the border, why cannot we have them for Scotland?

11:23

John Swinney: I will reassure Richard Baker about the budget allocations for local government. As part of the financial arrangements that were agreed with the leadership of COSLA and confirmed by ACPOS, as I think that Mr Maxwell pointed out at yesterday's meeting of the Justice Committee, there is sufficient funding in the budget settlement to maintain police numbers throughout 2011-12 at at least 17,234, which is of course 1,000 more officers than there were when the Government came into office in 2007. The funding arrangements for that are provided in the financial settlement. I hope that that gives Mr Baker the reassurance that he sought.

Richard Baker: Will the cabinet secretary clarify how much money has been allocated to local authorities for that purpose? I presume that it is an amount far greater than the £31 million that is being cut from the Government grant for police forces.

John Swinney: The point is to be explained with reference to the reduction in local authority budgets, which is a reduction in revenue support of 2.6 per cent. That is the approach that is taken with police authorities. The foundation is the deal with local government, which provides the funding

for maintaining police numbers at 1,000 more than when we came into office.

At yesterday's meeting of the Justice Committee, ACPOS accepted the importance of police authorities delivering efficiencies. No part of the public sector should and will be immune from the delivery of efficiencies.

Robert Brown asked where the third sector fits into much of our planning and referred to the compacts that exist with local authorities. The Government has intensified the focus on the work of community planning partnerships, in which we bring together public sector organisations at local level—health boards, local authorities, the enterprise agencies, fire and rescue authorities and the police—and the third sector. The partnerships give the third sector an opportunity to be part of the identification of solutions to some of the challenges that we face in public service delivery at local level. The Government has taken that route, which gives the third sector a strong role to perform in what the Government wants it to do. Gavin Brown made the fair point that the Government has made efforts to ensure that the sector has a greater role in the delivery of public services.

Robert Brown: I applaud any moves to give the third sector equality of respect. However, if there is no background framework and local authorities must operate on one-year funding packages, with no indication of funding in future years, it is very difficult for them and the voluntary sector to produce the outcomes that Mr Swinney and I seek.

John Swinney: As I said in my opening speech, this will not be the first year in which the third sector has had to operate with a one-year budget allocation: it had to do so in 2010-11 and in 2007-08. This is not an unprecedented situation, as has been suggested.

In responding to Patrick Harvie's and Ross Finnie's remarks, I will address the difference of view that exists between the Government and those who argue for a three-year budget. Mr Finnie said that the Christie commission could make profound recommendations, and it will have to do so. The question that underpins the handling of the issue is, what is the most effective method of enabling those profound recommendations about how public services should be organised to be pursued? Is the process helped by structuring an expectation in public organisations of the resources that they will have at their disposal, which will make it much more difficult to unpick and realign spending to meet the commission's profound recommendations, or should we have the debate about the profound recommendations before setting out the numbers? That is the difference of view that exists.

Jeremy Purvis: Will the Government provide the Christie commission with budgetary information for more than the coming year?

John Swinney: The commission will have at its disposal the spending settlements for the remaining three years of the comprehensive spending review period, so of course it will have such information. The question is, does it help the process of reform if we set out and demarcate the spending levels and approaches of every public sector body? Does doing that make it easier to elicit the reform that will have to happen to restructure public services? That is the nub of Mr Finnie's point and of the debate. Labour members have argued that we must provide the budget numbers to give everyone absolute certainty. If we provide absolute certainty on all budgets, we will lock out the reform that is essential.

Patrick Harvie: Does that argument hold up in relation to the 2012-13 budget? If the Christie commission reports in June, the new Parliament will get only five minutes to debate its recommendations before the summer recess. Is the cabinet secretary saying that, between September, when members return, and the budget process for 2012-13, political agreement will be reached on which of the Christie recommendations will be implemented and on what that means for the budget? If not, why can he not publish the 2012-13 budget now?

John Swinney: The Christie commission will report in June. The fundamental point that I am making is that the Administration at that time will be able to set out priorities over a three-year period to deliver the reform that is recommended.

Michael McMahon made a point about the local government deal and criticised the contents of that arrangement. I quote to him the president of COSLA, who said:

"I know within my heart of hearts that I have put the best financial package with the maximum flexibility on the table for COSLA's member councils."

That is a fair reflection of the settlement.

Michael McMahon: Will the cabinet secretary take an intervention?

John Swinney: I am about to close.

Michael McMahon: He does not want to take my response.

John Swinney: Mr McMahon knows how generous I am at giving way in debates. If he will forgive me, that was a cheap point.

We have had an entire debate about process, but we have not heard a word about what would be different under the Labour Party. We have heard Jackie Baillie complain that the health service is not getting enough money, Michael

McMahon complain that the local government system is not getting enough money and Mr McNulty complain that universities are not getting enough money. I think that that is about all—*[Interruption.]* How could I forget Mr Baker? He complained that the police are not getting enough money.

I say respectfully to Labour members that I have delivered a balanced budget for the Parliament to consider. It is up to all other members to engage with the budget process—to stop dodging reality and ducking the issues, and to start engaging in the debate about how we will deal with the sharpest reduction in public spending with which any finance minister has had to wrestle. I have addressed that challenge.

11:31

David Whitton (Strathkelvin and Bearsden) (Lab): I am pleased to speak in support of the Labour motion. I find myself in the unusual position of speaking on behalf of a united Opposition, probably for the first time. It shows how badly the Government is doing if the Opposition is united against it on so many occasions.

There is no doubt that this week, during which his judgment has been called into question, has been a bad one for John Swinney. Equally, it must be said that the problems are all of his own making. It is all so different from those heady days, three years ago, when he was promising to do things so differently. He certainly has done things differently but, sadly for Scotland, not necessarily for the better. Promises made in manifestos became promises broken in power. The trail from one of those—the promise to introduce a local income tax—led straight to Mr Swinney's office door.

We have all grown tired of the litany of excuses. We heard them again yesterday, but at least on that occasion John Swinney finally had the good grace to apologise to the Parliament for his failure to inform MSPs about his decisions regarding the operation of the single variable rate. However, today we are looking at another of his poor decisions—the decision to present only a one-year budget for 2011-12.

I am sure that Mr Swinney could have asked Andrew Goudie, the chief economist, and his talented staff to produce a detailed one-year budget, along with indicative figures for the following years, if he had wanted to. The problem is that he did not want to. As we said last week, he decided to put the political problems of the SNP before the political and financial issues facing Scotland.

It may come as a surprise to SNP members, but with government comes responsibility. On more than one occasion, the SNP has not shown that. On the day of the UK budget, we waited with bated breath, but Mr Swinney had already set up the independent budget review team. We tried to encourage debate through our Parliament's committee system, but again we were mothballed—to use the current phraseology. We tried to encourage a three-year budget as something beneficial for Scotland, alongside the comprehensive spending review, even after the independent budget review team reported. What we got was an announcement about what Mr Swinney would not do, rather than about what he would do. I fear for the Christie commission and its detailed outcomes.

Through the summer, my colleague Andy Kerr and I called on Mr Swinney to bring forward his budget proposals so that all parties in this Parliament of minorities could have an input, but we were told that we would have to wait for the comprehensive spending review so that Mr Swinney would know exactly how much money he had at his disposal. That was despite Dr Goudie and his team having reported—very accurately—on what the outcome of the comprehensive spending review might be. Instead of providing figures for at least three years, which everyone now understands to be the sensible approach, Mr Swinney has again ducked his responsibilities to the Scottish people and has provided numbers for only one year. He might think that it is politically astute to bypass the hard decisions in areas such as public sector reform by fobbing them off to a series of commissions that will not report until after May, but the Scottish electorate are not that stupid.

The SNP knows exactly how much money the Scottish Government has for the next three years, so why can it not give families, local authorities, the health service, the business community, the third sector and other public bodies the same certainty? We all need to be able to plan ahead. As we have heard in the debate, it is not just the Opposition parties that are calling for three-year plans; it is the whole of civic society in Scotland. My colleague Jackie Baillie outlined why decision making is better when those in the public sector, particularly in the national health service, can plan ahead.

Mr Swinney mentioned the report on preventative spending that the Finance Committee is working on. How can the proposals that flow from that report be taken up without our knowing what the forward budget proposals are for key areas?

Michael McMahon detailed the difficulties that face local government with its one-year budget. Mr

Swinney has quoted the president of COSLA. I could quote the Labour leaders of Glasgow City Council or North Lanarkshire Council, who both disagree with the president of COSLA.

Richard Baker detailed the problems that face the police service and spoke about how civilian workers will lose their jobs in order to keep SNP promises about front-line officers. Des McNulty highlighted the critical problems facing Scotland's education sector—in schools, universities and colleges.

John Swinney: I take it from those remarks that Mr Whitton does not support the maintenance of police numbers at more than 17,234.

David Whitton: I was highlighting the fact that, as a consequence of Mr Swinney's actions, civilian workers are being made redundant.

Derek Brownlee detailed the uncertainty that is being caused in various parts of the public sector, and he told Mr Swinney that there is no excuse for not setting out indicative figures. Jeremy Purvis made the obvious point—which SNP members failed to grasp—that the Opposition parties require the Government of the day to bring forward its plans so that we can hold it to account.

As I said, it is not just here in the Parliament that people are calling for three-year budget proposals. Outside the Parliament, a number of organisations are also calling for that. Pauline McNeill pointed that out.

It was one of the SNP's own ministers who gave the game away. In one of his growing number of television performances, Alex Neil informed the nation that the SNP had all the information that it needed to produce a forward budget covering the next three years, but it was just not going to do so until after next May's election. Bob Doris, Alex Neil's bag carrier, repeated that this morning.

I believe that the SNP will pay a price at the ballot box next year for treating the electorate with so little respect. It might think that it has done enough by maintaining the council tax freeze, but all that that does is to hide cuts and job losses behind smokescreens and mirrors. Where is the SNP's courage to take the hard decisions? We all know that it will not be easy. The public know that it will not be easy, but they want to know what lies ahead in the next few years, not just the next few weeks.

Joe FitzPatrick: Mr Whitton is talking about detail. Could he at least give us the figure for how much he wants to raise the council tax by?

David Whitton: That is a favourite of Mr FitzPatrick, and it adds nothing at all to this morning's debate.

Even in Ireland, where the problems are greater than ours, the Government yesterday came up with a four-year package. As we have heard, the Assemblies in Northern Ireland and Wales have done likewise. The question must be asked: why not here in Scotland?

There is still time for Mr Swinney and his team to do the right thing and come up with indicative figures covering the CSR period by the time of the stage 1 debate at the end of January. We and the other parties would be happy to help him do so. If he refuses to do that, he will clearly stand accused of putting party before country.

As our motion says, we need a budget for Scotland's people, and we call on Mr Swinney to produce one. Scotland certainly deserves better than what is now before us.

Scottish Executive Question Time

General Questions

11:39

Nigg Yard

1. Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive what efforts are being made to bring the Nigg yard in Easter Ross into full use. (S3O-12065)

The Minister for Enterprise, Energy and Tourism (Jim Mather): Highlands and Islands Enterprise and Scottish Development International continue to engage with KBR and with agents for the Wakelyn trust. The situation is moving forward and further discussions are planned. HIE and SDI are continuing to work with the objective of achieving a successful outcome for all parties that will bring the Nigg yard into full use.

Jamie Stone: The continuing delay is deeply frustrating, both for my constituents and for me. Does the minister agree that, as time goes by, we are in danger of losing the skills that we have in Easter Ross and east Sutherland, and that the yard has a huge future not just in renewables fabrication but with regard to existing oilfields in the North Sea, where more work needs to be done?

Jim Mather: Yes, indeed. We are highly conscious of the high strategic importance of Nigg to Scotland. It was recently emphasised in the national renewables infrastructure plan. I also share the member's view that the opportunities there are a blend of work from new renewables and from oil and gas, which has many years to go and many other dimensions to move into, including west of Shetland and on the Atlantic margin. I can assure the member that HIE and SDI are continuing to pursue a successful outcome.

Rob Gibson (Highlands and Islands) (SNP): Given that competitors are snapping at our heels to develop offshore renewables, and given the 18 months of reluctance on the part of Highland Council to begin a compulsory purchase order to liberate Nigg, when and how many times did Highland Council and HIE contact the Scottish Government to discuss a way forward for Nigg?

Jim Mather: I am afraid that I cannot give the member a detailed answer as to how often they did so, but I will do that in writing. SDI and HIE have briefed Highland Council officials on the matter frequently and throughout the process. That is part of the on-going teamwork that SDI, HIE and the Highland Council are involved in with

regard to Nigg. I have been involved on several occasions, meeting representatives of KBR in Inverness—as well as a wide group of allies and stakeholders—and across in Houston, Texas.

Animal Welfare

2. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive what importance it places on good animal welfare. (S3O-12136)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Scottish Government considers animal welfare to be of considerable importance. The Animal Health and Welfare (Scotland) Act 2006 increased the penalties for animal cruelty, imposed a duty of care on animal keepers and gave inspectors the power to seize animals in danger of suffering.

Irene Oldfather: Is the minister aware of the increasing body of scientific evidence on the matter, including a recently published report by the faculty of veterinary medicine of the University of Cambridge, which concludes that snaring is an unacceptable method of pest control, because of its extreme effects on animal welfare? Is he further aware that the consultations that have been carried out have consistently shown an overwhelming majority of respondents to be in favour of an outright ban? Given that, will the minister undertake to introduce an amendment to the Wildlife and Natural Environment (Scotland) Bill to ban snaring?

Richard Lochhead: As the member is well aware, we have taken steps to regulate snaring. We have to strike a balance between animal welfare and the interests of the countryside. She will be aware that, as well as laying the Snares (Scotland) Order 2010, which came into force on 11 March and contains a number of new regulatory measures, we are progressing two changes to the Wildlife and Countryside Act 1981 through the Wildlife and Natural Environment (Scotland) Bill. They will say that all snares must be fitted with identification tags and that there must be compulsory training for those who wish to set snares.

The Government has taken a number of substantial steps forward. We do not support a ban on snaring, for the reason that I outlined at the beginning. We have to strike a balance between the interests of Scotland's countryside and our land-based industries, and animal welfare. I thoroughly believe that the measures that we have introduced achieve that balance.

Scottish Investment Bank

3. Gavin Brown (Lothians) (Con): To ask the Scottish Executive what progress has been made with the Scottish Investment Bank. (S3O-12057)

The Minister for Enterprise, Energy and Tourism (Jim Mather): Work on the Scottish Investment Bank is progressing well and is currently focused on developing the Scottish loan fund. The loan fund will operate under the auspices of the Scottish Investment Bank, alongside the existing equity-based funds that are currently operated by Scottish Enterprise. On-going tasks include a public procurement exercise to appoint an independent fund manager and continuing discussions with private sector financial institutions to secure additional funding for the Scottish loan fund.

Gavin Brown: It is going well, Presiding Officer. Apparently, the Scottish Investment Bank has been going well since April 2009, when the First Minister announced its establishment. When will the Scottish Investment Bank lend any money that was not available before its establishment?

Jim Mather: I note the member's position and his comments. We are doing this in an exceedingly challenging climate. The Scottish Investment Bank will be open for business and operating from January 2011.

Scottish Coal (Opencast Coal Reserves)

4. Hugh O'Donnell (Central Scotland) (LD): To ask the Scottish Executive, in light of its policy on renewable energy, what its best estimate is, at current prices, of the amount and value of the opencast coal reserves remaining in the land transferred to Scottish Coal at privatisation. (S3O-12102)

The Minister for Enterprise, Energy and Tourism (Jim Mather): I regret that the information is not held centrally.

Hugh O'Donnell: That kind of shoots my fox. Thank you, Mr Mather. In light of that, I suspect that I will get a similar answer to my follow-up question. Will the minister ascertain the information and write to me at a later date with it? Also, who would receive any royalties resulting from the extraction of the said coal? For example, would the Scottish Government be a beneficiary? What could be the impact of the extraction of the said coal reserves on the Government's carbon emissions reduction targets? I fully recognise that the minister will not have his answers to hand.

Jim Mather: I understand the member's frustration that I do not have the data to give him. I also understand his desire to see royalties, but minerals policy is, of course, a reserved matter. I can tell him something that might be quite

interesting and point a way forward. Russell Griggs, who heads the regulatory review group and sits on the Scottish Enterprise board, has run a couple of interesting events recently, one of which happened at Powharnal in East Ayrshire. He spoke to the community and wider interests there about the economic, environmental and social impact of coal. On the back of that, he was asked to hold a two-day session on carbon capture and storage—he has now completed it—in which he brought together all the stakeholders in a Shell scenario-type planning session, which may end up having global significance. Others across the world are looking at it with some interest. That may be the route to doing something together that might allow us to take forward the member's suggestion. Perhaps we can talk further about that.

Kenneth Gibson (Cunninghame North) (SNP): In light of the draft electricity generation policy statement that was published last week, can the minister confirm that 2.5GW of new, efficient thermal generation would satisfy all of Scotland's security of supply needs? Will he further confirm that there is therefore no need for an increase in current thermal capacity and that the basis of the decision on each application for thermal electricity generation new build, such as at Hunterston, will be the economic, environmental and social merits of the application?

Jim Mather: I have to agree with that. It is a sound analysis of what is in play. Equally, Scotland is pressing ahead with looking to consolidate the demonstrator at Longannet and the carbon capture and storage potential that could be a huge new industry for Scotland, which could have a disproportionate impact on and benefit for our country.

Business Start-up Rate

5. Derek Brownlee (South of Scotland) (Con): To ask the Scottish Executive what impact its policies have had on the new business start-up rate. (S3O-12063)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The Scottish Government has always been clear about the importance of creating a supportive business environment to both stimulate start-ups and grow existing businesses. We have introduced policies specifically to improve the business environment in Scotland, such as the small business bonus scheme and the transfer of the business gateway to local authorities.

Since 2006, which is the baseline for our national indicator on business start-ups, the start-up rate has increased from 36 per 10,000 adult population to 38 per 10,000 adult population in 2008. However, many factors will influence

whether or not an individual will start a new business, such as skills, educational attainment, access to finance, innovation and labour market choices.

Derek Brownlee: I thank the minister for his reasonably comprehensive answer. In relation to the rest of the United Kingdom, Scotland underperforms on new business creation, and the UK performs poorly on that metric compared with many other nations. This is not a new issue. I appreciate that it did not start with the election of this Government. However, what additional measures is the Government considering to boost the start-up rate, given that business start-up is the main way in which we will increase employment and growth in this nation?

Jim Mather: Just yesterday, the business gateway announced statistics showing that the total number of private businesses increased by 1.9 per cent in the year to 2009 and that, in the period 2002 to 2008, start-ups in Scotland increased by 15.2 per cent against a lower increase of 11.4 per cent down south.

The member asked what else the Government is doing. In essence, we are looking to ensure that business gateway in particular elevates to a new level. To that end, we ran an event in Glasgow on 8 November to which we brought a wide range of stakeholders around the business gateway, regulators, licensing, planning and professional offices. From early conversations with the Federation of Small Businesses, I can tell the member that there are plans to replicate the event at local authority level. Much will happen in that regard.

In the current climate, access to capital is tough, VAT increases are coming and a cuts agenda is emanating from Westminster. These are tough times. We must come together to get better results. That means everybody in the chamber.

Local Authority Housing Allocation

6. Nanette Milne (North East Scotland) (Con):

To ask the Scottish Executive what advice it has given to local authorities on the allocation of housing. (S3O-12060)

The Minister for Housing and Communities (Alex Neil): The Scottish Government launched a consultation on a draft social housing allocations practice guide for social landlords in August. The guide does not introduce a new allocations policy, but clearly sets out the legal framework and the flexibility that landlords have when allocating their houses. We expect to issue the final practice guide in early 2011. In February 2002, the Scottish Government also provided a guide on the statutory provisions for housing lists and allocations under the Housing (Scotland) Act 2001.

Nanette Milne: The minister will have received my letter about my constituent in Braemar who has been refused affordable housing within the village for which there has been little demand, even although three generations of his family live there and he has secure employment locally. What will the minister do to help people like my constituent to secure affordable accommodation so that they can remain and work in rural communities of their choice? What advice will he give to local authorities and housing associations about granting priority status to such people when considering housing allocation in rural communities?

Alex Neil: I have two responses to make, the first of which is on the framework that the Scottish Parliament and the Scottish Government set for housing allocations. Under the framework, priority must be given to categories of people such as those who live in below-tolerable-standard housing or overcrowded conditions. Beyond that, it is the responsibility of the local authority to set the allocations policy. The second response is on rural areas, about which Nanette Milne raises a very fair point. If they so wish, local authorities in rural areas are entitled to use local lettings initiatives—effectively, separate allocations policies. I suggest that she takes up the matter with the local authority, which can apply a policy to tackle the situation.

Angela Constance (Livingston) (SNP): I would never argue against a local authority's statutory duty to house the homeless and those in priority need. However, many of my constituents who are financially excluded from the property market are not considered in priority need for council housing, which creates great demand for affordable housing in my local area. Does the minister accept that, for the sake of mixed, balanced and sustainable communities, we need to be able to accommodate hard-working families and individuals who do not necessarily have social problems? Does he further agree that local authorities need to have flexibility in allocating houses? If so, should that not be reflected both in regulation and in law?

Alex Neil: Angela Constance raises a very valid issue. I have two responses to make. First, as I have just outlined to Nanette Milne, local authorities have very wide flexibility in their allocation policies. For example, I think that I am right in saying that West Lothian Council has an allocations policy of 50 per cent to homeless people and 50 per cent to other categories. The second response is on the supply of housing. We recognise that there will be increased demand as a result of the difficulties in the mortgage market. Initiatives such as the national housing trust will provide some housing at mid-market rent. Many of the people who previously would have been in the

first-time-buyer market, but who cannot get a deposit to get a mortgage, may well now end up in the mid-market rental market. I accept that a sector of people will find it difficult to get high up the social housing allocation list. Nevertheless, there are mid-market properties in both the private rented sector and the social sector that may be more appropriate for some of them.

Local Food Sourcing (Public Bodies)

7. Jim Tolson (Dunfermline West) (LD): To ask the Scottish Executive what action is being taken to encourage bodies such as local authorities and national health service boards to improve their levels of local food sourcing. (S3O-12062)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): The Scottish Government is committed to promoting sustainable food procurement across the public sector and one of the outcomes of our national food and drink policy will be guidance to the public sector to support that commitment.

Jim Tolson: What action will the cabinet secretary take to improve the procurement process to the benefit of smaller local producers, particularly given the differing levels of local food sourcing across public bodies in Scotland? Surely we should expect to source well over a third of food—that is one of the suggested targets that I have seen recently—from within a 100-mile radius.

Richard Lochhead: I totally agree with the member's sentiments. Over the past few years, huge inroads have been made in persuading public authorities to source their food, particularly fresh produce, more locally. Indeed, Stirfresh, which is based just outside Montrose, now supplies between 4,000 and 5,000 tonnes of fresh produce a year to Scotland's schools and hospitals. As I said, we will update our guidance for public authorities early in the new year to encourage such sourcing.

Under the public procurement process, Scotland has now been divided into geographical lots, which will allow more individual local contracts to be signed for food and fresh produce. I believe that that will be a big step forward.

Equine Welfare

8. John Scott (Ayr) (Con): To ask the Scottish Government what recent contact it has had with equine welfare organisations. (S3O-12064)

The Minister for Environment (Roseanna Cunningham): My officials have regular and frequent contact with equine welfare organisations. The head of the Scottish Government animal welfare branch attended the annual conference of World Horse Welfare on 11

November 2010, and on 6 November the deputy chief veterinary officer and I spoke at the Scottish equine welfare conference, which was organised by the British Horse Society Scotland.

John Scott: Will the minister join me and the international charity World Horse Welfare in calling for an end to the inhumane long-distance transportation of horses intended for slaughter in Europe, given that tens of thousands of horses every year suffer needless exhaustion, dehydration, illness and injury as they are transported for days without proper rest, food or water when they could be slaughtered closer to home and transported as meat?

Roseanna Cunningham: I can respond very positively to that question. Members may wish to know that horses are not transported from the United Kingdom in that fashion, but there is considerable concern about horses imported to the continent with journeys of up to 100 hours, which is absolutely unacceptable. The European Union says that it is unacceptable and we strongly support the campaign to ensure that the regulations are fully complied with.

The Presiding Officer (Alex Fergusson): Question 9 has been withdrawn.

M8 Baillieston to Newhouse (Upgrade)

10. Ms Wendy Alexander (Paisley North) (Lab): To ask the Scottish Executive when it received the report on the local public inquiry into the M8 Baillieston to Newhouse upgrade. (S3O-12068)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): The reporter's report on the public local inquiry into the M8 Baillieston to Newhouse upgrade was received by ministers in October 2008.

Ms Alexander: How can a Government that is apparently committed to speeding up the planning process possibly justify leaving a report on the most important motorway link in Scotland lying unattended to on a minister's desk for more than two years?

Stewart Stevenson: The member will be aware that it is a matter of general practice, when such reports are received, to address the issues raised within them and, in particular, on schemes of this kind, to work with local interests to ensure that any modifications to the scheme can proceed with minimum difficulty.

I am sure that the member will be delighted, as others are, by the huge support that is being given to the west of Scotland through the Edinburgh to Glasgow improvement programme, the M74 project, the M80 project, Paisley corridor improvements, Dalmarnock station and, of course,

the continuing support shown in the budget for the projects about which she asks.

Elaine Smith (Coatbridge and Chryston) (Lab): In terms of local interests, does the minister have any idea of the anger and frustration among my constituents about the delays to this vital road improvement project?

Stewart Stevenson: We are making best progress on the matter. As I say, we are working with local interests and we expect to make an announcement soon.

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-2730)

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

Iain Gray: Yesterday, the Cabinet Secretary for Finance and Sustainable Growth was forced to apologise to the Parliament for covering up the fact that tax-varying powers were no longer available to us. Presumably, the First Minister knew that too and also hid it. Will he, too, apologise to the Parliament?

The First Minister: I endorse what John Swinney said to the Parliament yesterday. He fully informed me of the situation. Therefore, I join in his apology to the Parliament for not keeping it informed of the developments.

I also support John Swinney in pointing out that—as I am sure Iain Gray must acknowledge, given that he has had time to peruse the documents—the Scottish variable rate was not in a workable condition in 2007 and that it would have taken many millions of pounds to implement it.

I am sure that Iain Gray has seen the quotation in *The Times* newspaper today, which says:

"It was clear to the Scottish government, both before and after 2007, that there would have to be investment in SVR to maintain the position on implementation".

When I heard Andy Kerr yesterday, I assumed that he was still under the illusion that £50,000 was all that was required to maintain 10-month availability of the SVR. It seems from that quotation in *The Times* that, perhaps, there is more documentation to obtain from before 2007 to show what finance ministers really knew before the previous election.

Iain Gray: Yesterday, we called for publication of all documentation and we have nothing to fear from that. However, the document that I perused as part of preparation for yesterday's events was the local income tax consultation paper that the Scottish Government launched on 11 March 2008. That consultation paper makes it clear that, to collect the local income tax, the Scottish Government planned to use the system that Her Majesty's Revenue and Customs had designed to collect the Scottish variable rate. Now the Government tells us that that system was inoperable.

I always thought that the local income tax was unfair, unwanted and unworkable. Now we know that the Scottish Government, too, knew that it was unworkable, even as it launched its plans. True to form, it covered that up as well. Will the First Minister apologise for that?

The First Minister: Luckily, I anticipated Iain Gray's question, so I brought along the consultation paper on local income tax. It actually says:

"The Government does not propose to use the Scottish Variable Rate (SVR) to replace the council tax".

That is on page 26, if Iain Gray would like to catch up on it.

I was interested in that because, yesterday, one of the Liberal Democrats quoted the second part of that sentence, which says:

"even though the SVR could, in principle, be introduced relatively quickly."

Of course it

"could, in principle, be introduced relatively quickly",

and the principle is the many millions of pounds for which HMRC asks in order to implement it. The revenue wanted millions of pounds to implement the SVR.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Read the next sentence.

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

The First Minister: I read a range of quotations in the newspapers. *The Herald* editorial today asks why John Swinney did not bring the matter to the Parliament. It is puzzled by the fact that he did not, given the obvious political capital, as it puts it, that could be made out of the failing of the past Labour-Liberal Democrat Administration. The Parliament should accept that John Swinney is the sort of person who, when he sees a difficulty and a problem, attempts to solve it, which is what he did. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: Others may have seen the advantages of showing Labour and the Liberal Democrats that Labour finance ministers and Liberal Democrat deputy finance ministers had not kept the SVR in a position that would assure its implementation. Of course the SVR could be implemented relatively quickly if members of the Parliament are prepared to pay a multimillion-pound bill to HMRC. I do not think that that is a good idea at present.

Iain Gray: Of course, the second part of the paragraph that the First Minister read out, on page 26 of the consultation paper—paragraph 4—says:

"the Government believes that earlier preparations made by HMRC for the SVR at the time of devolution should provide a basis for the arrangements that will be needed to implement a local income tax."

Presumably, the First Minister was suggesting at that point that the Government should indeed spend the many millions of pounds that it knew would be needed to make that system operable, but which it omitted to tell us about.

In a sense, this is an academic debate, because on 11 February 2009 Mr Swinney withdrew his plans to replace the council tax because, he said, there was no parliamentary majority—that is just as well, because there was no collection system either, as it turns out.

Let us talk about what the First Minister was prepared to spend. Why did he continue to spend taxpayers' money on a staffed-up council tax abolition unit in the civil service for 18 months after the Parliament had told him to drop his local income tax? Will he apologise for that?

The First Minister: That team is dealing with a range of issues, such as the council tax freeze, which we should remember that Iain Gray was against, then he was for it and then he was against it again, as long as the basket of tax rises was capped. There is a range of things on which Iain Gray had better decide what position he intends to adopt before he gets to the election, never mind pay restraint in the public sector.

I point out to Iain Gray that it is absolutely true that if we were to implement local income tax, we would have to have a contract with the revenue so that we could proceed with implementation. A new contract would be essential to do that, but that would involve paying for a contract for a tax that is fair and which would be implemented. Iain Gray seems to suggest that we should have paid millions of pounds to introduce a tax that was not going to be implemented. If he went outside on to the streets of Edinburgh—this time not to demonstrate outside the Parliament with a no pay freeze banner, but to ask, "Should we pay many millions of pounds to the Inland Revenue for a variable rate that we're not going to implement?"—even fewer people would support that than support the Edinburgh tram project.

Iain Gray: No—I am asking why the First Minister has spent more than £250,000 on a local income tax that the Parliament does not want and which he will not implement.

Yesterday, we discovered that the Government had secretly stopped spending money on a tax power that the Parliament should have. Today, we find that it was secretly spending money on a tax that we do not want and which it has given up on. It is not good enough to say that the local income tax unit was working on a range of things, none of

which was the thing that is in its title. In fact, the Government has spent more money on the unit since local income tax was dropped than it spent on it before the policy was dropped.

It is bad enough that this Parliament does not know what the Scottish Government is doing. The real problem is that it does not know what it is doing, either. The Government is an incompetent shambles. Will the First Minister apologise for that?

The First Minister: That was a true demonstration of labouring a question. I believe that John Swinney was right to apologise to Parliament yesterday for not bringing the matter to the Parliament for a decision. I join in that apology, but that does not change the underlying twofold issue. First, it is quite clear that the Scottish variable rate was not in a condition in which it could be implemented. Right up until the debate yesterday, Andy Kerr was talking about £50,000, but it is clear that it would take many millions of pounds to prepare the SVR to a state of readiness.

Secondly, the only point at which we should be prepared to pay a multimillion-pound bill is when we are going to invoke the power, which remains available to the Parliament. It does not make sense to pay the bill unless we decide to move forward and invoke the power.

Iain Gray does not seem to like my points so far. I accept the point about reporting to the Parliament, but on the principle of when we should pay multimillion-pound bills, I cite this morning's *Daily Record* editorial:

"Swinney may have made the right decision back in 2007 given the costs involved and his own government's plans not to use the tax during their term in office."

If the *Daily Record* believes that John Swinney probably made the right decision, we can assume that a broad swathe of Scottish society agrees.

Prime Minister (Meetings)

2. Annabel Goldie (West of Scotland) (Con): To ask the First Minister when he will next meet the Prime Minister. (S3F-2731)

The First Minister (Alex Salmond): I have no plans to meet the Prime Minister in the near future, although I wrote to him yesterday to ask for an urgent meeting.

Annabel Goldie: Mr Swinney was first bruised and then humbled by the Parliament yesterday, quite correctly eventually conceding that he had got it wrong, made errors of judgment, and represented himself and his Government in a poor light. He apologised to Parliament. Today, the First Minister said that he knew, and he apologised to

Parliament, although his demeanour was less than humble and his apology was less than convincing.

When did the First Minister know? Did he instruct Mr Swinney to engage in the cover-up? Did his Cabinet know about all this?

The First Minister: Mr Swinney briefed me as soon as he got the document from the permanent secretary in May 2007.

I repeat that I agreed with John Swinney's decision not to pay a multimillion-pound bill for a tax that he was not going to use. I also accept the position that John Swinney accepted yesterday: that the Parliament was due an apology for us not informing the Parliament of that decision. As I pointed out, there was only political advantage to be gained by pointing out the decrepit state of the SVR that we inherited. The point of principle is not about political advantage. Regardless of whether it was politically advantageous, it was right and proper for the Parliament to be informed. Mr Swinney apologised yesterday, and I have apologised today. I hope that Annabel Goldie will accept that we believe that the Parliament should have been informed about a decision about the SVR.

Annabel Goldie: The tiles are coming off the roof. John Swinney was not acting alone. We have just heard that he has had an accomplice since May 2007—the First Minister. The First Minister may resort to whatever rhetoric and hyperbole he likes, but he has now conceded that he orchestrated a cover-up, a collective irresponsibility, and a concerted effort to hide the truth from the Parliament and the people of Scotland. That is a shocking state of affairs.

Having admitted his culpability, will the First Minister eat fare that is foreign to him—humble pie? Will he apologise not just to the Parliament but to Scotland for this disgraceful episode?

The First Minister: I am Spartacus: I apologise with John Swinney to the Parliament. I think that I am now on my fourth apology.

It is a point of principle that the Parliament should have been informed. I knew about it, Mr Swinney advised me about it, I am First Minister, and I believe that it is a lesson well learned. On whether it is right and proper at this time or at any time to give many millions of pounds to the Inland Revenue for a tax power that we are not going to use, that cannot be a good decision. Of all parties, the Conservative party, which is slashing public expenditure in Scotland willy-nilly by the day, complains endlessly about waste in public spending. I presume that Annabel Goldie is not seriously saying that we should have met a multimillion-pound bill for a tax that we were not going to use. It cannot be credible to say that a

Conservative or indeed any rational person would pay millions of pounds and then not use the tax.

Secretary of State for Scotland (Meetings)

3. Tavish Scott (Shetland) (LD): To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-2732)

The First Minister (Alex Salmond): I have no plans for a meeting in the near future but, as with the Prime Minister, I have asked for an urgent meeting with the Secretary of State for Scotland to discuss the Conservative-Liberal Democrat version of the Calman proposals.

Tavish Scott: After all the smoke and mirrors this morning, will the First Minister, on behalf of his Government, now tell Parliament exactly what Mr Swinney apologised for—[*Interruption.*]

The Presiding Officer: Order.

Tavish Scott: Will the First Minister, on behalf of his Government, tell the Parliament exactly what Mr Swinney apologised for, given the entire motion that the Parliament passed last night?

The First Minister: Mr Swinney apologised for not informing Parliament of key moments during the discussion on the Scottish variable rate and the fact that it would take many millions of pounds to make it available for early implementation.

Occasionally, ministers are in the position of not being able to inform Parliament of some things. For example, my officials and Mr Swinney's officials have been engaged in 14 meetings with the Treasury on the Calman proposals—or a version of them. I know what is in the proposals on Calman to be published next week, and I also know what is not in them, but I am not in a position to tell Parliament because I have been asked to keep a confidence on the detail of the proposals. Sometimes, ministers are in that position but, as John Swinney acknowledged yesterday and I have acknowledged today, the information on the SVR should have been brought to Parliament so that it could make a decision on whether John Swinney was right not to spend millions of pounds on a tax power that he did not intend to use.

Tavish Scott: Parliament is asking Mr Salmond about things that he is responsible for, not other things. He has to decide how to repair the Government that he leads and for which he is responsible. Mr Salmond let his own independent budget review experts believe that

“There is no reason, in principle, why the Scottish variable rate of income tax ... could not be used”.

Mr Salmond's Government implied in this chamber last week that it had considered whether to use the tax power from next April even though it knew

that it could not. Mr Salmond's finance secretary told Mr Harvie in that debate:

“I do not think that there is a compelling argument in favour of using the tax-varying powers at this time.”—[*Official Report*, 17 November 2010; c 30477.]

Why does Mr Salmond not understand that Parliament passed a motion last night condemning his Government for misleading Parliament? Will he now refer that matter to his independent advisers on the ministerial code—the former Presiding Officers?

The First Minister: I will consider any letters that come into me.

Let me point out to Tavish Scott that no finance minister who has announced to this Parliament that they are not using the tax-varying powers was ever in a position to implement them the following April. As we know from the documents produced yesterday, even if the 10-month trigger period had still been in operation, it would not have been possible. No minister could stand up in November and, even if the 10-month trigger period had been in operation, implement a tax change the next April. I know Tavish Scott did not appreciate that point when he was calling for a cut in the variable rate, but it has always been the case.

What we also know now—and what Mr Swinney and I should have brought to the Parliament—is that that 10-month period was not implementable. It was not implementable before 2007 and it was not implementable when Andy Kerr was Minister for Finance and Public Services and Tavish Scott was Deputy Minister for Finance and Public Services. It was not capable of being implemented except if we had been prepared to pay many millions of pounds to HMRC to bring in the system.

If Mr Swinney had considered it important to use the variable rate at any time over the past three and a half years, the way to do that would have been to pay many millions of pounds to HMRC. He was not going to use the rate; therefore, he decided that it was not a good idea to waste millions of pounds of Scottish taxpayers' money.

Iain Smith (North East Fife) (LD): The First Minister will be aware of press reports that the Ministry of Defence is considering closing RAF Leuchars in North East Fife instead of RAF Lossiemouth. Does the First Minister agree that it is totally unacceptable for the MOD to play one off against the other? Does he agree that RAF Leuchars and RAF Lossiemouth both play vital but distinct roles in the United Kingdom's defence, to say nothing of the respective economic and social importance of the bases to the communities where they are located?

The Presiding Officer: Quickly, please.

Iain Smith: Will the First Minister give me an assurance that he will support the campaign to save RAF Leuchars with the same vigour and commitment that he has shown to the campaign to save RAF Lossiemouth? Will the First Minister—

The Presiding Officer: I am sorry, but I must ask the First Minister to reply. We do not have time, Mr Smith.

The First Minister: I agree with the substance of the question. I agree that this looks like a pretty shabby divide-and-rule tactic from the MOD. We should not allow ourselves to be divided and ruled.

As Iain Smith knows, the document that was signed and endorsed by all four of the party leaders in Scotland contained support not just for the north-east air bases, but for RAF Leuchars. Now that it seems that RAF Kinloss is destined for closure, one third of the air capacity in Scotland is to be removed. That seems, to me, more than enough of a sacrifice for Scotland to make in the defence review. Therefore, the Parliament should unite in making it clear to the MOD and to anyone else that it is not acceptable to close RAF Lossiemouth and that it is not acceptable to close RAF Leuchars. We should not allow ourselves to be divided and ruled.

Fuel Poverty

4. Sandra White (Glasgow) (SNP): To ask the First Minister what action the Scottish Government is taking to tackle fuel poverty. (S3F-2742)

The First Minister (Alex Salmond): We are providing targeted support to tackle fuel poverty through the energy assistance package and the home insulation scheme. The energy assistance package helped more than 67,000 households in its first year and is on target to top 100,000 this year. We delivered 11,500 measures such as boilers and full central heating systems, and we are on target to do the same this year. We are also reducing the cost of heating for many other households with insulation being delivered through the home insulation scheme, and we are providing benefit and tax checks so that households can maximise their incomes. Sandra White will be aware, however, as I am aware, that substantial increases in the cost of energy can overcome even the significant measures that we are taking.

Sandra White: I welcome the help that is being given to people by the Government and echo what the First Minister says regarding fuel prices. I am sure that he shares my frustration that the biggest factors affecting fuel poverty—which he has already referred to—are energy price rises and welfare, both of which are reserved to Westminster, and that rises in energy prices and cuts in benefits will result in more people living in poverty in Scotland. Does the First Minister also

agree that removing moneys from the most vulnerable will lead to many more being at risk of fuel poverty and that Westminster's too-far, too-fast approach to cuts will have a devastating effect on the very people we should be protecting?

The First Minister: I share Sandra White's frustration that not all the levers that influence fuel poverty are at the control of the Scottish Government and about how that affects our ability as a Government to meet our 2016 target of eradicating fuel poverty.

Despite our efforts to continually improve the energy efficiency of the housing stock, there was a 20 per cent rise in fuel prices between July 2008 and July 2009, which far outstripped the rise in household incomes. That is the context in which we have to judge the cuts to welfare announced by the coalition Government and indeed the spending cuts imposed generally by the Government in Westminster. The substantial analysis from respected authorities is that on the basis of what we have seen of the welfare cuts programme so far, those in the poorest income deciles will suffer most and hardest.

Police Officers

5. Richard Baker (North East Scotland) (Lab): To ask the First Minister what the Scottish Government's reaction is to the recent report by PricewaterhouseCoopers that states that the number of front-line police officers will drop by 2,000. (S3F-2735)

The First Minister (Alex Salmond): I suppose relief, in the sense that when I examined the report, as I am sure that Richard Baker did, I found that PricewaterhouseCoopers was assuming a real-terms cut in police funding of 9 per cent in the coming year. Luckily, we have managed to negotiate with the Convention of Scottish Local Authorities—or at least all the political parties in COSLA with the exception of Labour—a totally different settlement of 2.6 per cent revenue for local government and a guarantee of 2.6 per cent for police budgets.

Just as Richard Baker celebrated the 1,000 additional police on the streets of Scotland, I know that he will now join me in saying, "Thank goodness this Government was able to negotiate with COSLA a totally different situation from the PricewaterhouseCoopers report."

Richard Baker: I note that the *Daily Record* leader to which the First Minister referred earlier was actually headlined "SNP guilty as charged". Given the First Minister's confidence on police numbers, despite the fact that forces are being asked to maintain numbers while having their Government grant cut by £31 million and are cutting thousands of civilian staff posts, can I

assume that he will have no difficulty in agreeing to my request that a new independent police numbers projection study be published, to allow effective planning for forces beyond the end of the next financial year? Will he agree to that request?

The First Minister: Here was I thinking that the Labour Party was against consultancies, as I am told by Iain Gray every week—I will come back to that in a second, because it is pertinent to the question.

However, we should all remember that Richard Baker has form on these issues. Two years ago, he said that the SNP Government would never achieve our target of 1,000 additional police officers on the streets of Scotland. He was even more negative than Iain Gray, who said that it would take us 13 years to achieve the target. When we achieved the target, Richard Baker, far from congratulating us on achieving it and the lowest crime rate in Scotland for 32 years, said that it would not last into the future. Today, when we have an agreement with all the political parties in COSLA—except the Labour Party thus far—to help the COSLA budget to maintain police numbers at their record level, Richard Baker cites a consultancy report that projects a 9 per cent fall in police income, instead of the deal that we negotiated with COSLA.

The PricewaterhouseCoopers paper goes on to say that the police are delivering an effective service and will require restructuring, and that PricewaterhouseCoopers has already done work of that sort with some large United Kingdom forces. PricewaterhouseCoopers was doing a report, but it seemed to me that it was also touting for consultancy business.

Irish Economy

6. David McLetchie (Edinburgh Pentlands) (Con): To ask the First Minister what lessons the Scottish Government considers can be learnt from the current economic situation in Ireland. (S3F-2746)

The First Minister (Alex Salmond): The first and overpowering one is to regulate the banks properly. [*Interruption.*]

The Presiding Officer: Order.

The First Minister: The Republic of Ireland is not the only country that did not manage to regulate its banks. Other countries, such as the United Kingdom, did not do that, nor indeed did the most powerful country in the world, the United States of America.

I know David McLetchie well. I also rather liked the tone of the Chancellor of the Exchequer's remarks in the House of Commons earlier this week, that Ireland is our strongest, closest

neighbour. I am sure that everyone in this chamber will want to support the people of Ireland as they address these difficult economic and financial challenges.

David McLetchie: I am sure that the people of Ireland are relieved that they do not have a First Minister like Alex Salmond to tackle those challenges.

At First Minister's question time only two years ago, the First Minister claimed that it was the "independent status" of Ireland that had

"caused the revival in the economy of that nation."

He told us that we should all

"go to Dublin ... and learn some lessons about how to run an economy successfully."—[*Official Report*, 21 February 2008; c 6221.]

The recent events in Ireland are a graphic illustration of just how wrong Alex Salmond can be. He can be no more wrong than on his party's policy of adopting the euro, which has exposed so-called independence in Europe as the contradiction in terms that it always was. Does he agree that Scotland's interests are best served by keeping the pound and by an interest rate policy that is made in Britain rather than one that is dictated by Brussels?

The First Minister: I do not agree with David McLetchie's analysis of the euro area. Let us consider the fall in output over the recession period. In the euro area as a whole, the fall in output over the recession was just over 5 per cent; in the United Kingdom, it was 6.5 per cent. On the recovery over the euro area as a whole, output in the euro area is now down to 3.1 per cent below the peak of output; the UK figure is still at 3.9 per cent. David McLetchie should look at the balance of statistics.

On the first part of David McLetchie's question, I, like many other people, hugely admired Ireland's progress in coming from 30 per cent below UK wealth per head to 20 per cent above it. I thought that that was a significant achievement, and I was not the only commentator who felt that they should praise the people of Ireland for that achievement. In an article in *The Times* in February 2006, George Osborne said:

"Ireland stands as a shining example of the art of the possible in ... economic policymaking".

He said that the Irish

"have much to teach us, if only we are willing to learn."

12:32

Meeting suspended until 14:15.

14:15

On resuming—

Scottish Executive Question Time

Education and Lifelong Learning

Class Sizes (Orkney)

1. Liam McArthur (Orkney) (LD): To ask the Scottish Executive what assessment it has made of the impact on schools in Orkney of its class size commitment for primary 1 to primary 3. (S3O-12099)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Schools census data published since 2007 indicate that the proportion of Orkney's primary 1 to primary 3 pupils in classes of 18 or fewer in successive years was as follows: in 2007, the proportion was 41.4 per cent, which is good; in 2008 it was 43 per cent, which is better; and, in 2009, it was 44.8, which is very much better. The census data for 2010 are due to be published next week, on 1 December.

Orkney is the second highest performing council in this respect, and we believe that, as with other councils that are following a class size reduction policy, its pupils will benefit from enhanced interaction with their teachers.

Liam McArthur: I think that Papdale primary school is due some plaudits, as it is the only primary school with multiple class intake.

I assure the minister that I need no persuading of the benefits of smaller class sizes, particularly in the early years. However, they are only one element in ensuring a quality education.

It might not surprise Mr Russell to learn that, in Orkney, parents and teachers have not been kept awake at night worrying about classrooms overflowing with pupils. In many instances, the concern has been, and remains, the precise opposite. I acknowledge the Government's position regarding the class size commitment, but will the minister accept that allowing headteachers the flexibility to manage their staff and financial resources in a way that best meets the needs of the school and its pupils is desirable?

Does he acknowledge that as local authority budgets and, therefore, school budgets become tighter, that flexibility will become even more essential? Does he agree that if, in order to keep class sizes lower throughout primaries 1 to 3, class sizes balloon elsewhere in the school, pupils with additional support needs struggle to receive the support that they need, and some pupils are

prevented from remaining in the same classes as their friends, that brings into some question the overall benefits that are achieved?

Michael Russell: Like the curate's egg, that question was good in parts. I accept the argument that class size reduction is important, I agree that it is not the only element of good education—good teaching is exceptionally important—and I agree that there should be flexibility for headteachers in many aspects of education policy and delivery. I also know that that question will be raised again in this chamber this afternoon.

However, I do not accept that there should be a free-for-all with regard to class sizes. I know that Orkney is an enlightened local authority and I look forward to seeing its director of education at tomorrow's Association of Directors of Education in Scotland conference, but I think that one or two less enlightened local authorities might use any substantial change in this policy to very much weaken the important connection between young people and teachers that the class size policy represents.

Mr McArthur should support what we are trying to do, and should not try to trim it.

Education and Lifelong Learning (Budget)

2. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive how much funding and what resources the Cabinet Secretary for Education and Lifelong Learning has been allocated following the recent budget statement. (S3O-12142)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The planned resources and funding allocated to education and lifelong learning for 2011-12 come to £2,583.6 million. That figure can be found in table 9.01 on page 135 of "Scotland's Spending Plans and Draft Budget 2011-12".

Karen Whitefield: I am sure that, when the minister appears before the Education, Lifelong Learning and Culture Committee next week, we will go over those figures with a fine-toothed comb.

Can the cabinet secretary confirm that the agreement between the Scottish Government and the Convention of Scottish Local Authorities that was signed off last week will result in an additional 1,200 teacher job losses on top of the 3,500 teachers who have been lost to the Scottish education system since 2007?

Michael Russell: I cannot confirm that, because it is an erroneous interpretation of the agreement. As the First Minister indicated this morning, the negotiating teams for COSLA and the Scottish Government, of whose team I was a member, came to an agreement on the document

and recommended it. The only people who seem to be carping about it are those in the Labour Party, who seem to wish to sit outside it.

This agreement is good news for Scottish education. It has reduced the fears of substantial reductions. It presents challenges, but it also provides solutions. I tend to think that that is what politicians should do—we should face up to problems and provide solutions. I am aware, however, that I have not heard a single solution from the Labour benches in the whole year in which I have held this post.

Christina McKelvie (Central Scotland) (SNP): Will the cabinet secretary explain what provision has been made in the Scottish Government draft budget to support young people from less well-off backgrounds to continue in education?

Michael Russell: That has been a core concern of mine. As was announced in the budget statement, the Scottish Government will continue the education maintenance allowance scheme, thereby reinforcing our commitment to supporting the least well-off students in Scotland. In other parts of the United Kingdom, that scheme is being removed.

Despite the constraints on our budgets, we will also guarantee that no existing student will experience a decrease in living cost support in the academic year 2011-12.

I pay tribute to the universities and colleges, which despite the difficulties of the settlement, have made it clear that they intend to maintain the number of student places. That will help every student in Scotland. Those people are putting the public interest before anything else—which is a lesson for members in this chamber.

Outdoor Education

3. Bill Wilson (West of Scotland) (SNP): To ask the Scottish Executive whether it is aware of research and anecdotal evidence indicating that outdoor education can improve the behaviour of disruptive pupils. (S3O-12095)

The Minister for Skills and Lifelong Learning (Keith Brown): There is wide-ranging evidence of a variety of benefits stemming from outdoor learning experiences for children and young people. Many of those benefits, in particular improved mental, emotional, social and physical wellbeing, have a positive impact on behaviour in educational settings.

Bill Wilson: Has the Scottish Government examined whether the perception that health and safety legislation is a barrier to outdoor education is a significant deterrent to the provision of such education? If so, what is the Scottish Government

doing to encourage sharing of best practice in outdoor education?

Keith Brown: We are very much aware of the fact that health and safety legislation can be seen as a barrier to outdoor education. To that end, we have worked with Learning and Teaching Scotland to produce online advice and guidance for teachers who want to get involved in the outdoor learning experience, which is something that we very much encourage.

Lord Young, who used to be an adviser to the Conservative Government, has made recommendations for educational visits in order to reduce the amount of bureaucracy. We support that. I wrote to Lord Young and received a response suggesting that measures will be taken to ensure that health and safety—which is a reserved matter—is not seen as a barrier and that, instead of some of the licensing regimes, we might have a code of conduct that would make it easier for teachers to be involved in outdoor education. Despite those inhibitions, it is gratifying to see that many teachers, including one or two who are present today in the chamber, still ensure that they provide children with a full range of experiences outwith the classroom. We want to encourage that.

Textiles Industry (Skills)

4. Jim Hume (South of Scotland) (LD): To ask the Scottish Executive what support it has offered to aid in the development and training of skills in the textiles industry. (S3O-12098)

The Minister for Skills and Lifelong Learning (Keith Brown): We are working with Skillset, the relevant sector skills council for the industry, to develop and support a wide range of initiatives to help the textiles industry in Scotland.

As well as updating the national occupational standards for the sector, new qualifications have been developed to address employers' needs. Small employers in the sector are able to access workforce development support as part of the Government's flexible training opportunities scheme. Through the skills in textiles programme, the Government is helping textiles firms to improve their productivity and links with academia.

Jim Hume: The minister mentioned Skillset. With that in mind, and given that the Scottish National Party's draft budget states that there will be increased urgency in enhancing people's skills, does that mean that ministers today can assure me that the action plan that is being formulated by Skillset will be implemented and fully funded, and that the excellent skills in textiles and world-class skills projects will maintain their funding?

Keith Brown: I am happy to update the member on the progress that has been made by Skillset in relation to, for example, the Scottish

Qualification Authority's accreditation co-ordination group, which has approved a leather production level 2 Scottish vocational qualification structure.

SQA has also approved a fashion and textiles assessment strategy. A level 3 SVQ in kilt making—which is very topical today—has been accredited and added to the Scottish credit and qualifications framework.

We enjoy a good relationship with Skillset, although we had some concerns during its establishment about the way in which the previous regime had been changed at UK level. As I am sure the member is aware, those issues are determined by and large at UK level. However, we have been very active in ensuring that Skillset serves the interests of the textiles industry. If there are continuing issues of concern, I am more than happy to meet the member to discuss them.

John Lamont (Roxburgh and Berwickshire) (Con): I recently met the management of the Hawick Cashmere Company Ltd in my constituency. The company is one of the leading textile producers in Scotland, if not the United Kingdom. The management highlighted to me the difficulty that it has in encouraging young people, particularly school leavers, into the industry, especially given the historical difficulties that have been faced by the sector. Does the minister believe that the answer is more effective training, or is it perhaps more to do with improving the industry's profile among school careers advisers, not just in the Borders but throughout Scotland?

Keith Brown: Improving the perception of careers in the industry is important. That can take place at school level, and we have encouraged that through SDS in particular, and through the careers service, but it is also true to say that the colleges have to make their offer of training for the textiles industry much more obvious. It was clear to me when I met the industry some months ago that there was not an appreciation of what the colleges can do—for example, in providing bespoke courses at the request of employers, rather than employers' having to tap into current, continuing courses. The relationship is now working far better with Heriot-Watt University and Borders College, and that will lead to a greater uptake by young people, as the member mentioned.

Gaelic-medium Education

5. Rob Gibson (Highlands and Islands) (SNP): To ask the Scottish Government what progress is being made toward meeting demand for Gaelic-medium education across Scotland. (S3O-12078)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): We are

aware of a good number of areas where parents have expressed a demand for Gaelic-medium education and we would like to see it established in those areas. Of course, it is up to each local authority to make provision for such education. We support those local authorities to the limit of our abilities throughout Scotland.

Rob Gibson: I have examples from Thurso to Edinburgh of evidence that local authorities are not fully meeting parental demand. In Thurso, there has been a failure to set up a Gaelic-medium unit, and in Edinburgh there is the rumoured threat to cap the number of students at the Tollcross Gaelic-medium school, where demand outstrips supply. Will the cabinet secretary investigate those cases?

Michael Russell: I am aware of the examples that the member mentioned, and of others. Clearly, I have a long knowledge of the sector. As the member will know, I and the minister with responsibility for Gaelic discuss the matter with councils, Bòrd na Gàidhlig and parents groups. We are directing available funding to councils in order to make progress and to support them with the delivery of Gaelic-medium education.

We should look not just at the one or two places in Scotland where the glass might be slightly empty but at the many places where the glass has filled up pretty rapidly. When I met the parents of children at the Edinburgh Gaelic-medium school recently, we all reflected on how far Gaelic-medium education has come in a decade. There is room for continued progress and I know that there is a demand from parents. If local authorities, parents, Bòrd na Gàidhlig and the Scottish Government work together, we will continue to meet that demand.

Ken Macintosh (Eastwood) (Lab): As Mr Russell knows, he, I and Rob Gibson share an enthusiasm for Gaelic-medium education. However, I was interested to hear him talk about “the limit of” the Government's “abilities” and say that it is not just about funding. He could remove a limit from the Government's abilities if he delivered the SNP's election promise, which I remind members was:

“We will guarantee in law the right to a Gaelic medium education at primary level, where ... demand exists”.

Does the minister have plans to fulfil his election promise in the six months that remain?

Michael Russell: That is an interesting question. I have to say that, as we are getting close to the election, there will be an opportunity for all of us to reflect on it. Given the present difficult situation for local authorities, I do not think that it would be reasonable at this stage to put that additional burden on them. However, I look forward to Mr Macintosh telling Scotland's local

authorities that that is precisely what he intends to do. I am sure that the Labour local authorities that are having such difficulty in accepting even the generous offer from the Government of a reduction of only 2.6 per cent will welcome the opportunity to get right behind Mr Macintosh and ensure that they deliver even more for less money. If that is Labour economics, thank goodness Labour is not going to be in a position to implement it next year.

Early Years Education

6. Patricia Ferguson (Glasgow Maryhill) (Lab): To ask the Scottish Executive what priority it gives to early years education. (S3O-12117)

The Minister for Children and Early Years (Adam Ingram): Early years education, both in the home and in pre-school settings, helps to set the foundations for a child's future learning and life chances. That is reflected in the early years framework, which we developed jointly with the Convention of Scottish Local Authorities and other partners. We are working with COSLA, community planning partnerships throughout Scotland and other partners in the public, private and voluntary sectors to take forward the implementation of the jointly agreed priorities that are set out in the framework.

Patricia Ferguson: The minister will be aware of the concordat pledge that, by August 2010, local authorities will provide 15 hours a week of free early years education for three and four-year-olds. The minister might also be aware that Glasgow City Council delivered on that pledge in August 2009, which was a full year early. That council now provides more than 880 such places for two-year-olds, and they are either free or at minimal cost. The council is also working towards providing all those places free and towards extending the provision. Can the minister update the Parliament on progress by Scotland's other local authorities on implementation of that pledge on early years education?

Adam Ingram: I am happy to do so. Expansion plans have been affected by the Westminster cuts agenda, first under Labour and then followed up by the Conservative and Liberal Democrat coalition. Despite that, we have fully achieved the first phase of our expansion to 475 hours of pre-school education per year, delivering 8 million more hours to our children than was delivered in the final year of the previous Administration. Several councils as well as Glasgow City Council are pushing ahead to delivering 570 hours, and there are no barriers to councils offering places to under-threes. Indeed, there are 3,000 such places across Scotland.

City of Glasgow College

7. Sandra White (Glasgow) (SNP): To ask the Scottish Government what educational and economic benefits the new City of Glasgow College will bring for students and Glasgow. (S3O-12093)

The Minister for Skills and Lifelong Learning (Keith Brown): The educational and economic benefits of the merger were set out in the business case that was jointly prepared by the three colleges concerned. Ministers also received advice from the Scottish Further and Higher Education Funding Council, which supported the merger. We have published on our website all the key documents on which our decision to approve the merger was based.

In approving the merger, we took into account the intended benefits for students, including wider provision, greater choice, better articulation with universities, better support and less duplication. The merger has established Scotland's largest college in the heart of Glasgow, and has given the city an institution of international significance.

Sandra White: I know that the college will be a huge boost to the economies of Glasgow and of Scotland as a whole. It has been stated in the merger proposal document that two out of every five students will come from the most deprived postcode areas in Scotland, which is to be welcomed. How will that be achieved?

Keith Brown: It is fair to say that all colleges in Scotland have a good track record in bringing learning opportunities to people from deprived backgrounds. It is a feature of all the colleges that they encourage significant numbers of students from deprived areas. As the largest college in Scotland, the new City of Glasgow College, where one in 10 of all Scotland's learners will study, will offer a stunning prospectus of more than 2,500 courses. That will provide an unparalleled level of opportunity to many who live in areas of deprivation and who might not otherwise have been attracted to learning.

Free School Meals

8. Charlie Gordon (Glasgow Cathcart) (Lab): To ask the Scottish Executive what progress local authorities have made toward delivering the Scottish Government's commitment on free school meals. (S3O-12119)

The Minister for Children and Early Years (Adam Ingram): In March 2010, the Convention of Scottish Local Authorities and the Scottish Government agreed that councils will provide a nutritious free meal to all children in primaries 1 to 3 in those schools that are in the 20 per cent most deprived communities in a council area. Reporting is a matter for local authorities and the information

is held by them. We will continue to keep in close contact with COSLA and local authorities on the issue but, at this stage, there is no intention to introduce new or additional reporting burdens on local authorities.

Charlie Gordon: I understand that the provision of free breakfasts in schools counts towards implementation of the Scottish Government's policy. Given the demise perforce of free breakfasts in Glasgow and the likely price increases for school breakfasts and lunches in the city, will the Government give councils such as Glasgow an above-average grant settlement for next year, or will it allow its school meals policy to die in the water?

Adam Ingram: I urge Glasgow City Council to revisit those potential decisions on withdrawing breakfast club initiatives. On allocating resources, the formulae that have been in use for many years will be used again for the distribution of funds from the Scottish Government to local authorities.

Europe, External Affairs and Culture

St Andrew's Day

1. Linda Fabiani (Central Scotland) (SNP): To ask the Scottish Government what events are planned to celebrate St Andrew's day. (S3O-12075)

The Minister for Culture and External Affairs (Fiona Hyslop): A programme of 15 high-quality events is taking place across Scotland from Friday 26 to Tuesday 30 November to mark St Andrew's day, our national day. In addition, all 48 of Historic Scotland's winter ticketed attractions are open for free for four days around St Andrews day, including the weekend before, the privilege holiday and St Andrew's day itself.

St Andrew's day offers us an unrivalled opportunity to celebrate the best of Scotland's rich traditional and contemporary culture at home and abroad. Where possible, Scottish ministers will engage in activity across the country to celebrate our national day. I will be at East Lothian's saltire celebrations and Edinburgh's event in St Andrew Square gardens.

Linda Fabiani: I know that the minister is aware that last year—St Andrew's day 2009—Glasgow the Caring City, a charity based in Glasgow, launched the cross out child poverty in Scotland campaign, supported by the minister and, indeed, by the First Minister. What support is being given to that initiative this year? Is she aware that we are launching the initiative in East Kilbride this Sunday, representing St Andrew's day 2010, in an effort to cross out child poverty in East Kilbride?

Fiona Hyslop: I am certainly aware of the event, and I extend my best wishes for the launch of the cross out child poverty campaign in East Kilbride on Sunday.

I have met the Rev Neil Galbraith from Glasgow the Caring City. He will be among the judges for the public final of the St Andrew's day debating championships on 29 November here in the Parliament, when the motion will be:

"This house believes that the private sector should do more to solve child poverty".

The cross out poverty campaign has also been part of the engage for education website, and information about the campaign has been given to directors of education. The Rev Neil Galbraith also met officials on 18 November to discuss his involvement in the Scottish Government's discussion paper on Scotland's child poverty strategy.

Ted Brocklebank (Mid Scotland and Fife) (Con): Is the minister aware that Professor Louise Richardson, the first female principal of a Scottish university, will deliver a St Andrew's day lecture in Brussels to celebrate the 600th year of the University of St Andrews? Will the Scottish Government be supporting the event, and will the minister attend any of the other hugely important occasions during the forthcoming 600th anniversary year?

Fiona Hyslop: I would be delighted to attend any of the events for the 600th anniversary. It is a very important event to mark not just for St Andrews and the university but because of the university's contribution to wider thinking and academic achievement. I point out that Louise Richardson, although very impressive, is not the first female principal of a Scottish university, but I am delighted that she is taking the message about the launch of the 600th anniversary campaign to Brussels, ensuring that we can engage with our European friends to help to celebrate this important anniversary.

Cultural Co-ordinators (Termination of Contracts)

2. Robin Harper (Lothians) (Green): To ask the Scottish Executive what discussions it has had with local authorities regarding the termination of the cultural co-ordinator contracts. (S3O-12052)

The Minister for Culture and External Affairs (Fiona Hyslop): The Scottish Government has not had any discussions with local authorities regarding the termination of the contracts. It was announced in 2007 that the programme would be phased out. The programme was managed by the Scottish Arts Council, as was, and that body was involved in the contractual discussions between the cultural co-ordinators and the local authorities.

Robin Harper: I thank the minister for her reply, but there remain problems. I hope that she shares my concern that, as ever, arts and culture are in the front line for local authority cuts and that encouraging creativity in our young people still has such a low place in local authorities' scale of priorities.

The cultural co-ordinators feel completely abandoned, and I would like the minister to respond. The Government and local authorities want to take no responsibility, but Unison is of the opinion that employment law is not being upheld. Will she have a meeting with Unison, representatives of the cultural co-ordinators and whoever else needs to be spoken to in order to sort this out?

Fiona Hyslop: I am happy for the member to write to me outlining his concerns in detail. I point out that, in the area that he represents, Midlothian Council and West Lothian Council continue to pay for cultural co-ordinator posts using local authority funding. The phasing-out announcement back in 2007-08 identified that it was open to local authorities to do that. The City of Edinburgh Council decided not to take the programme forward. However, it has received grants from Creative Scotland's creative learning network fund and has set up an ambassador network. Also, in the past few weeks, the City of Edinburgh Council has appointed a manager for arts and learning, who is located in the education department. The individual in that post is an ex-cultural co-ordinator from Aberdeen.

Scots Language

3. Maureen Watt (North East Scotland) (SNP): To ask the Scottish Government what action it is taking to support the use of the Scots language. (S3O-12091)

The Minister for Culture and External Affairs (Fiona Hyslop): We have taken a number of important steps to support the Scots language. Those include an audit of Scots language provision, a national conference on the Scots language, the funding of two Scots bodies, a survey of attitudes to Scots, the introduction of a census question on Scots and the establishment of a ministerial Scots language working group. The report from that group will be published soon and we will then consider how we can make further progress in responding to the recommendations of the group.

Maureen Watt: Does the minister agree that any successful strategy for encouraging the greater use of the various regional dialects of Scots must be based on an accurate picture of how widely they are currently used in day-to-day life? If so, does she agree that it is essential that members of the public are made aware of the

meaning of the Scots language question in the 2011 census in order to avoid confusion over its meaning and to ensure an accurate response?

Fiona Hyslop: The member raises an extremely important point. We want accuracy in the census, but that relies on people being aware of what is being asked and what is appropriate in reply. That is why we have established the short-life working group to focus on raising awareness of the Scots language question in the census. The aim is to ensure that we inform people of the choices so that we receive accurate responses to the question and that people have the confidence to respond. We are working with representatives from the General Register Office for Scotland and the Scots language centre on that.

Alasdair Allan (Western Isles) (SNP): Will the Scottish Government consider implementing any recommendations of the Scots language working group that refer specifically to the use of the language by children of primary school age?

Fiona Hyslop: I look forward to the group publishing its report. I will give serious consideration to any recommendations in the report, and I suspect that it will include recommendations on the preparation of materials as well as on teaching and learning. I was extremely impressed by the Falkirk teachers I met who have integrated Scots into their learning. They have found that learning in their own dialect and language has a great impact on children, who can then respond properly in the classroom with confidence and an improved performance. The Scots language is not just a celebration of our culture; as those teachers from Falkirk relayed to me, it has an important role to play in improving the educational experience of many of our young Scots.

Public Art

4. Tricia Marwick (Central Fife) (SNP): To ask the Scottish Government what action is being taken to promote public art. (S3O-12082)

The Minister for Culture and External Affairs (Fiona Hyslop): Public art is a key part of our streetscapes and gives a sense of place and visual delight to communities across Scotland. The Scottish Government is doing much to promote public art through the work of Creative Scotland, Historic Scotland and other cultural bodies in conjunction with local authorities. For example, the National Galleries of Scotland this year commissioned the celebrated sculptor Antony Gormley to display six life-size figures along the Water of Leith. The project has helped passers-by to appreciate and enjoy the public spaces that they inhabit.

Tricia Marwick: The minister may be aware that, earlier this week, I welcomed Ruth Parsons of Historic Scotland to view a selection of the public art works in Glenrothes as part of my campaign to have some of them listed and protected for the future. Does the minister agree that the public art collection in Glenrothes is a unique part of Glenrothes's heritage? I invite her to Glenrothes to see for herself the hippos, dinosaurs, irises, mushrooms and other artworks.

Fiona Hyslop: I welcome the member's interest and passion in advocating recognition of the diverse and unique pieces of town art that exist in Glenrothes. I would be delighted to come and see the hippos and so on. I suspect that my six-year-old son might enjoy the visit as well.

On a more serious point, recognising and promoting public art is part of Historic Scotland's responsibilities, too. In looking at our civic collections, we should think not just about our buildings but about our art. I am delighted that there has been a constructive dialogue with Historic Scotland. I know that Glenrothes has a special place in Tricia Marwick's heart and I would be delighted to come and visit.

Ian McKee (Lothians) (SNP): I draw to the minister's attention what I regard to be almost the Cinderella of the art world: sculpture, an art form that can give great pleasure and even inspiration to many of us. I was glad to hear the minister mention the work of Antony Gormley in her first answer. What further action is the Scottish Government taking to promote sculpture, which is often used as public art?

Fiona Hyslop: We have supported and are helping to fund the now fully funded phase 1 of the redevelopment of the Edinburgh Sculpture Workshop through our partner, Creative Scotland, with lottery funding and the recent grant in aid. I understand that the work on that is due to start in early 2011. It is an ambitious project, which will create a centre of excellence for visual arts in Scotland, with local, national and international impact. I reassure the member that that certainly takes sculpture, as part of our contribution to Scotland's cultural experience, from being a Cinderella, as he perceives it, to being not just local but national and international in its reach.

Museums (Report on Funding)

5. Bill Butler (Glasgow Anniesland) (Lab): To ask the Scottish Executive whether it has received the report that it commissioned on museum funding. (S3O-12113)

The Minister for Culture and External Affairs (Fiona Hyslop): I received the report from the museums think tank last week and have now read it and am considering its findings and

recommendations. I will also have a number of meetings with museums organisations this week, which will help to inform my response to the report that is due in the near future. As I advised the member in my answer to his written question on 18 November, the remit of the think tank is broader than just matters of funding.

Bill Butler: I am pleased to hear that the long-delayed report has finally been handed over to ministers, as there is much work to be done to ensure the most equitable distribution of cultural funding throughout Scotland.

The minister will be aware that I have been keen to ensure that the National Galleries of Scotland increases the number of works made available for display at other sites throughout the country. She will also be aware that I campaigned for Titian's "Diana and Actaeon" to be displayed in Glasgow, which proved a resounding success, as it had more than 140,000 visitors. Given that fact, will the Government give serious consideration to ensuring that similar works by artists such as Botticelli, Cézanne, Raeburn and Blake are displayed regularly outside Edinburgh?

Fiona Hyslop: I thank the member for his support for the collaboration that has already taken place and for recognising the importance of the Titian exhibition in the Kelvingrove in July as part of the Scotland tour. I draw to his attention the fact that the very successful Glasgow boys exhibition, which is now taking London by storm, also featured 30 paintings that were loaned from the National Galleries of Scotland. That indicates the movement by both Glasgow and the national collections in working together for the benefit of the people of Glasgow and Scotland. That is the type of collaboration, exchange and co-ordinated exhibition that I want to encourage in the future.

Christopher Harvie (Mid Scotland and Fife) (SNP): I am sure that the minister will be aware of and will welcome the recent £2.8 million Heritage Lottery Fund grant support for Dunfermline's major museum and art gallery, which is linked to the development of the Dunfermline Carnegie library. Does she agree that, considering the new museum's proposed emphasis on Dunfermline's industrial heritage and the close connection between Dunfermline, Andrew Carnegie—175 years old today—and the Scottish town planner Patrick Geddes, the man who coined "ecology", it would be desirable if the new project could stress those links in its concepts and exhibitions and perhaps repeat for the benefit of our banking fraternity Andrew Carnegie's great line, "The man who dies rich dies disgraced"?

Fiona Hyslop: I thank Chris Harvie for his question and for providing an opportunity for the Parliament to mark the 175th anniversary of the birth of Andrew Carnegie. It will be up to the

museum itself to establish what exhibitions it has, but I cannot believe that there would be an exhibition in Dunfermline that did not celebrate the historic link with Andrew Carnegie.

I also put on record my thanks to Fife Council and commend it for committing £6.8 million to this significant project, which will further enhance Dunfermline's tourist attractions.

China (Visit)

6. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive what assessment the Minister for Culture and External Affairs has made of the Scottish Government's recent visit to China. (S3O-12101)

The Minister for Culture and External Affairs (Fiona Hyslop): The First Minister's visit to China in July and the Cabinet Secretary for Education and Lifelong Learning's visit to China in October ensured that the Scottish Government continued to make significant progress in deepening our bilateral relationship with China across a range of areas and in support of the objectives that are set out in the Government's China plan. The First Minister led a high-level trade mission to China from 4 to 11 July 2010 to pursue Sino-Scottish business opportunities in key sectors, including the renewable energy, tourism, education and textile sectors. Following the First Minister's meetings with the vice-minister of administration of quality supervision, inspection and quarantine during his 2009 and 2010 visits, the geographical indicator status of Scotch whisky has been agreed. The United Kingdom Government announced that on 8 November.

John Farquhar Munro: I thank the minister for that comprehensive answer.

I am sure that the minister would join me in welcoming Vince Cable's success in reaching an important agreement with the Chinese Government to protect Scotch whisky. Has the Government made any assessment of the potential financial benefit that that will bring to our whisky industry? What help will it offer that vital Scottish industry as it continues to develop in the Chinese market?

Fiona Hyslop: I congratulate the Scotch Whisky Association, which has campaigned for three years for a GI of origin in China; indeed, it made its first application in 2007. There have been discussions between the SWA and the Chinese Government for three years, and I am pleased that the Scottish Government has played its part.

The important issue to consider for the industry is that there were £44 million of Scotch whisky exports to China in 2009. We should bear in mind the global scale of whisky exports, and that Scotch

whisky contributes £3.9 billion in gross value added to the Scottish economy. We should also bear in mind that China is now the second biggest market. There is huge potential there, and the protection to prevent the production of counterfeits and stamp out claims of Scottish provenance where none exists will greatly enhance the opportunities in that market.

Cultural Activity (Linlithgow)

7. Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive what action it is taking to promote cultural activity in the Linlithgow parliamentary constituency. (S3O-12134)

The Minister for Culture and External Affairs (Fiona Hyslop): Alongside local authorities, Creative Scotland promotes cultural activity across Scotland to ensure a vibrant and thriving cultural scene throughout the country. I was delighted to announce the continuation of funding for the youth music initiative during my visit to the Scottish youth brass band championships in Perth on Sunday. The further investment of £10 million ensures that that successful programme will continue for another year, and it will provide young people throughout the country, including in the Linlithgow constituency, with the opportunity to get involved in music projects and activities. The evening was a fantastic showcase of entertainment, and West Lothian was well represented by the West Lothian schools brass band, which came runner-up in the premier section.

Mary Mulligan: I am very aware of the musical abilities of people in West Lothian.

Will the minister join me in congratulating the management board and patrons of Bathgate Regal community theatre, which is based in my constituency, on the completion of their project to restore the design of the theatre's frontage to its original 1930s design? Will she give a commitment to urge national arts companies to use that theatre and therefore allow my constituents to experience national productions in their community?

Fiona Hyslop: Indeed I will but, at the end of the day, it will be up to the companies to make their programming decisions themselves. Bathgate Regal community theatre now looks spectacular; it is changed days from its recent position. It should be celebrated. It is a great space, and it provides great opportunities to showcase some of the best of Scotland's talents.

My answer to the question is similar to my answer to a question that Ted Brocklebank asked about the Byre theatre in St Andrews. We must be conscious of ensuring that all parts of Scotland can enjoy some of the best of our cultural productions. I know that, in celebrating Scotland's

sense of place, Creative Scotland is keen to ensure that there is a regional impact from investment in our cultural bodies. Bathgate certainly deserves to see the best.

The Presiding Officer (Alex Fergusson): I am afraid that we must conclude themed questions at this point. *[Laughter.]* I am glad that that is amusing.

Children's Hearings (Scotland) Bill: Stage 3

Resumed debate.

14:55

The Deputy Presiding Officer (Trish Godman): The next item of business is continuation of stage 3 proceedings on the Children's Hearings (Scotland) Bill. In dealing with amendments, members should have the bill as amended at stage 2, the marshalled list and the groupings, which the Presiding Officer has agreed. There is a supplement to the marshalled list containing manuscript amendments that were lodged yesterday and which the Presiding Officer agreed can be taken. The supplement also provides information about where the amendments are grouped and when they will be called. The division bell will sound and proceedings will be suspended for five minutes for the first division this afternoon. The period for voting for that division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate and all other divisions will be 30 seconds.

Section 170—Children's hearings: procedural rules

The Deputy Presiding Officer: We start with group 18. Amendment 146, in the name of Margaret Smith, is grouped with amendment 147.

Margaret Smith (Edinburgh West) (LD): It is essential that children remain at the heart of the children's hearings system and that children feel able to express their views to panel members. At stage 2, at the request of the Scottish Child Law Centre, I lodged amendment 86, which would have required a separate report on the child's views to be put to the hearing. My key motivation was to ensure that the child's voice is heard and taken into account. We all know that, although some children feel able to speak on their own behalf at a hearing, the majority probably find that a fairly daunting prospect. It is likely that some at least would say that they were content that their views had been taken into account, even if they had not been, just to get the process over and done with.

The minister accepted the principle and the concern behind my stage 2 amendment, but he did not wish to add a further report and felt that the child's view could be incorporated into reports that are already produced for panel members. As ever, I am less bothered by the mechanism and more bothered by the outcome. I want to ensure that the child's point of view is heard. So, following discussion with the Government, I have lodged

amendments 146 and 147. Amendment 146 will insert a specific rule-making power into section 170 to enable rules to be made in connection with obtaining views of the child. Amendment 147 creates a duty to ensure that any views that are expressed by the child are included in the report that is put before the hearing.

The amendments are supported by several children's organisations. I hope that the Parliament will support them, as part of the efforts that are being made through the bill to listen effectively to the views of children who are directly affected by the hearings system.

I move amendment 146.

Ken Macintosh (Eastwood) (Lab): I thank Margaret Smith for lodging amendments 146 and 147. At stage 2, the Education, Lifelong Learning and Culture Committee agreed to several amendments that put children at the heart of the bill. The amendments are in keeping with that, so Labour members are happy to offer our support for them.

The Minister for Children and Early Years (Adam Ingram): I share Margaret Smith's concern that the views of the child must be heard at a hearing. The law already provides for that, but many children feel that they do not have the chance to contribute at hearings and, if and when they have the chance, they do not always feel that they are being listened to. That has to change. The bill and wider reforms provide a greater opportunity to make that change.

There are significant provisions in the bill to that end. Every hearing will now check that a child has had the chance to express their views before a hearing and, yesterday, we agreed Christina McKelvie's amendments on advocacy support. When we discussed the issue at stage 2, I made it clear that the Government will look to use the procedural rules to make it more explicit that the information that is provided to panel members in advance of hearings must include the views of the child.

I welcome and support amendments 146 and 147, which helpfully take us in that direction. They strike the right balance, in making it clear that the views of children must be provided to hearings, but that that should not require additional paperwork or bureaucracy. The amendments will also allow flexibility in how the views are gathered and provided to take account of the particular circumstances of the child. In due course, we will give further thought as to how we can further strengthen the rules, but the bill and the rules will not by themselves secure the positive change that we want. That is as much, if not more, about changing practice and culture. We will continue

our work with partners to help deliver that in the coming months.

15:00

Margaret Smith: I welcome the support for my amendments from the Government and others. I echo the minister's comments that, although we have made progress throughout the bill's stages, an awful lot of other things can be done to allow the child's voice to be heard, such as changing culture and practice. I am absolutely certain that panel members throughout Scotland are committed to doing just that.

Amendment 146 agreed to.

The Deputy Presiding Officer: I move to group 19. Amendment 96, in the name of the minister, is grouped with amendment 96A.

Adam Ingram: Amendment 96 relates to a new provision made during stage 2 that amended section 170 of the bill. That provision enabled the Scottish ministers to make rules specifying the matters that could be considered by pre-hearing panels. The matters are set out in a closed list in section 78 of the bill and although I do not intend to adjust them in the near future, it is appropriate that flexibility is available without the need to adjust primary legislation. In light of the potential for those rules to adjust matters contained in primary legislation, I consider that affirmative procedure is required. That is what amendment 96 will achieve.

Amendment 96A, on behalf of the Subordinate Legislation Committee, provides that rules containing provisions on certain matters in section 70(2) be subject to affirmative procedure. I offer my support for that amendment.

I move amendment 96.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I am grateful for what the minister has just said. On behalf of the Subordinate Legislation Committee, I propose amendment 96A, which seeks to amend the Government's amendment 96.

Section 170 of the bill enables the Scottish ministers to make rules about the practice and procedures of the children's hearings system, but we are concerned specifically about section 170 (2)(a) to (m). As the bill stands, those paragraphs are subject to negative procedure. When we looked at the bill, we questioned whether negative procedure was appropriate in all those cases and, as the minister mentioned, we were concerned about paragraphs (d) to (f), (h) and (k), which deal with substantive rights such as attendance at, excusal and exclusion from hearings, the withholding of documents, and representation at hearings, all of which could engage the European

convention on human rights. In those cases, we asked the Scottish Government to consider making the provisions subject to affirmative procedure. In doing so, my committee seeks to safeguard the Parliament's ability to ensure proper scrutiny. I am grateful to the minister for deciding to accept amendment 96A. It is very much to his credit and that of the Parliament.

I move amendment 96A.

Amendment 96A agreed to.

Amendment 96 agreed to.

Amendment 147 moved—[Margaret Smith]—and agreed to.

Section 173—Sharing of information: panel members

Amendment 97 moved—[Adam Ingram]—and agreed to.

After section 173

Amendment 98A moved—[Ken Macintosh]—and agreed to.

Amendment 98 moved—[Adam Ingram]—and agreed to.

Section 176—Amendment of section 32 of Sheriff Courts (Scotland) Act 1971

The Deputy Presiding Officer: I move to group 20. Amendment 148, in the name of Ken Macintosh, is the only amendment in the group.

Ken Macintosh: In speaking to amendment 148, I thank the minister for the effort that he has made to address the criminalisation of children—

I am sorry; I am one step ahead of myself and have moved on to the next group.

The Deputy Presiding Officer: We are dealing with representation before a sheriff.

Ken Macintosh: I beg your pardon, Presiding Officer, and the minister's.

Amendment 148 seeks to clarify the way in which a lay person may represent a party to proceedings under the Children's Hearings (Scotland) Bill, when enacted. It would do so by adding the line,

"including through the making of oral submissions to the sheriff on the party's behalf".

Currently, section 176 outlines the circumstances under which a lay representative may appear at the sheriff court. Section 107 similarly stipulates that a person who represents the child or relevant person at the hearing need not be a solicitor or advocate.

It is unclear whether either or both references to a lay representative allow them to speak on a child's behalf. If that is the case—I understand that it will be allowed under section 176—I ask the minister to clarify whether he envisages similar provisions around using lay representation as have recently been approved under sections 126 and 127 of the Legal Services (Scotland) Act 2010.

I move amendment 148.

Bill Aitken (Glasgow) (Con): Mr Macintosh was, in the Glasgow vernacular, chapping at the right door but up the wrong close in respect of amendment 148. Overall, I am not entirely satisfied that the amendment is necessary at this stage.

The principle to which Mr Macintosh refers is well established in civil matters down south. The Lord Justice Clerk highlighted in his recent report that the so-called McKenzie friend principle can in time be introduced in civil legislation in Scotland, which would allow lay representation. However, it seems—as Mr Macintosh himself indicated in his submission—that other sections of the bill already allow for that. I do not think that much divides members on the issue, but I would be grateful for some clarification from the minister.

Adam Ingram: I thank Ken Macintosh for lodging amendment 148. It is not strictly necessary, as the court rule power in section 176 already provides that a person can be represented in court proceedings by someone other than a lawyer. Such representation would include the making of oral submissions, but I am content for that to be made explicit, so I support Mr Macintosh's amendment.

Ken Macintosh: I thank the minister for his support and his clarification.

Amendment 148 agreed to.

Section 177A—Rehabilitation of Offenders Act 1974: treatment of certain disposals by children's hearings

The Deputy Presiding Officer: We move to group 21. Amendment 99, in the name of the minister, is grouped with amendments 100 to 103 and 149.

Adam Ingram: I am grateful to the Education, Lifelong Learning and Culture Committee for supporting my stage 2 amendments, which tackled the unequal and in some cases disproportionate disclosure of offences that emanate from children's hearings. We have taken a real step forward in striking the right balance between taking a proportionate response to the offending behaviour of children and young people and protecting the public. There is much work to be

done in implementing those complex changes, but the stage 2 amendments provide a robust legal framework.

Only one of my amendments signifies a slight shift in policy, which is to reduce the time until an alternative to prosecution with compulsory supervision order disposal becomes spent. Spent periods were set out at stage 2 as three months where a case is discharged and six months where a compulsory supervision order is made.

On reflection, we believe that those time periods depend too much on the disposal of the case. As other members will know, that often does not reflect the seriousness of the offence. I therefore propose that in all cases, regardless of the disposal, an alternative to prosecution should become spent after three months of the grounds being accepted or established. I know from discussions with stakeholders that they support that shift.

My other amendments bring the bill into line with my stated intentions at stage 2, when I advised the committee that the legislation would be retrospective. The amendments ensure that disposals that are made under the Children (Scotland) Act 1995 and the Social Work (Scotland) Act 1968 are brought into the bill.

Amendment 103 will allow the order that sets out serious and violent offences to differentiate between degrees of seriousness. In particular I am keen that, as was discussed in committee, we are able to differentiate between assault and assault to severe injury. That will allow for full and proper consideration of what it is proportionate to include in the list.

I understand the intention behind amendment 149, which Ken Macintosh lodged, but I am slightly disappointed to see the amendment, following the sensible and well thought-out discussion on disclosure and public safety at stage 2, which the committee considered in reaching its decision. The amendment does not appear to be in line with those considerations and raises several concerns.

As I have no doubt that Ken Macintosh will explain, the amendment would allow an individual to make an application to a sheriff to have the fact that they have committed a serious violent or sexual offence removed from their disclosure certificate. I will explain why I am concerned about the amendment's implications.

The disclosure would come into play only if the individual wished to work with vulnerable children and adults or in positions of trust. If the amendment was agreed to, we would offer a person who had committed a serious crime the opportunity to work with the most vulnerable in our society. The right would be available only to a young person whose criminal behaviour had been

dealt with by the children's hearings system and not by the courts. The unintended consequence could be that courts would be the preferred route for dealing with young people who committed serious crimes, regardless of the circumstances that led to that behaviour. That could take children away from the best forum that is available to provide the support that they need—the children's hearing.

If new evidence comes to light that casts doubt on whether the child committed the offence, the child has the right to seek a full review by a sheriff of the grounds determination that led to the disclosure. If that review succeeds, the information will be entirely wiped from disclosure.

Amendment 149 contains no criteria to identify the validity of a request for a review, apart from requiring a minimum time to have passed since the grounds were accepted or established. Neither does it contain criteria to assist the sheriff in making a decision, beyond an assessment of assertions from the applicant that he or she will not reoffend and does not pose a risk to public safety.

I will set the scene for how the amendment could be used. A 15-year-old boy has committed a serious sexual offence that has been dealt with through children's hearings. He might be under compulsory supervision for that offence until he is 18. If Ken Macintosh's amendment was agreed to, that boy could work with vulnerable groups at the age of 17 and his employer would be told nothing of his past offence.

I understand the intention behind the amendment—to be fair to those who do not reoffend and who go on to lead perfectly respectable lives. The answer to achieving that is in the work that is under way on weeding rules. The Association of Chief Police Officers in Scotland is reviewing the weeding and retention rules that dictate for how long an offence is disclosed. ACPOS shares my view that the rules are too long and need to be shorter. That work holds the answer to the legitimate concern about how long information should be available for disclosure. Mr Macintosh's amendment seeks to address the same issue but would have consequences that I presume are unintended and which would not be sensible or safe.

I ask members to consider that disclosure consequences apply only to serious violent or sexual offences—not shoplifting or childhood pranks. Disclosure certificates would show the information only if the individual wanted to work with vulnerable children or adults or in positions of trust. Amendment 149 is well meant, but it gets the fundamental balance wrong and would risk undermining public safety. Given the points that I

have made, I urge Ken Macintosh not to move the amendment.

I move amendment 99.

15:15

Ken Macintosh: I thank the minister for his comments and for his efforts at the earlier stages of the bill in considering the issue of the criminalisation of children as they move from childhood to adult life without any assessment being made of their risk of reoffending or their danger to the public. I welcome the amendments that the minister lodged and in particular the retrospective application.

I appreciate the minister's comments on the potential danger of the approach in amendment 149, although I am not sure that I accept his argument. The point of amendment 149 is that it would introduce not a blanket acquittal of all children who have been found guilty of a sexual or other serious offence in childhood, but the principle of a review or appeal procedure for young people who have gained such a record, which will follow them into adult life. We discussed the matter in detail at stage 2, as the minister said, and I have redrafted an amendment that I lodged then, to focus simply on the review—that is, the opportunity to look again at a young man or woman's life.

At stages 1 and 2, I put forward the case of a young man who, at the age of 13 or 14, commits a sexual offence and admits to it, and therefore cannot appeal on the ground of new evidence. The young man's case will not be picked up by the approaches in the Government's amendments. Indeed, even though he is on the straight and narrow as he becomes an adult, his criminal record—the offence that he admitted to as an adolescent of 13—will follow him until he is 40.

The minister was right to say that it is about proportionality. We must consider whether we have got the balance right. The minister and members know that many children's organisations, such as Children in Scotland, the Scottish Child Law Centre and Scotland's Commissioner for Children and Young People, submitted evidence on the point that I have raised. The children's commissioner said:

"At present, the system administers blanket criminalisation of children who accept an offence ground referral ... The consequences through the Disclosure system last for decades ... In my view, this cannot be reconciled with Scotland's children's rights obligations, which require an approach that avoids criminalisation and promotes rehabilitation and reintegration of the child into society".

The commissioner noted that it has been argued that the current approach

"does not contribute to promoting desistance from offending".

We heard evidence for that at stage 2. The commissioner went on to say:

"I therefore support amendment 149 ... which would give affected persons the right to apply to a sheriff for removal of offence information from their criminal record, where the sheriff is satisfied that the person does not pose a significant risk to another person, or of reoffending."

I would welcome members' comments. I appreciate that the minister expressed a couple of concerns, particularly about the possibility of different procedures between the sheriff court and children's hearings. I was pleased to hear what he said about the weeding and retention system on which ACPOS is working. There is no single way of addressing the matter, but it was worth raising the issue again at stage 3, to emphasise that the problem has not gone away and will need to be considered by the Parliament.

Bill Aitken: The group contains various amendments, but it is amendment 149, in the name of Mr Macintosh, that must be carefully considered. The minister was correct to say that it is all about proportionality. No one wants to damn a youngster for ever, but the public interest and public safety must come into consideration.

There are a couple of issues. First, there could be ECHR compliance difficulties with regard to retention in a case of the type that Mr Macintosh described, in which a 13-year-old could find himself unable, under the bill as it stands, to have a particular conviction reviewed or taken from the disclosure record. Secondly, the check and balance in this context would be the judicial determination of the sheriff. Some members might argue that we are seeking to introduce a legal aspect in an area in which the principle has been to try to remove legalism as far as possible, but that is the check and balance, because nothing could happen unless a summary application had been made and the sheriff had considered the matter.

A sheriff would seriously consider any risk of danger to the public in light of the appellant's pattern of behaviour and would almost invariably refuse applications of the nature that we are considering.

I imagine that such applications would be very rare. The fact that both Mr Macintosh and the minister had to stretch for hypothetical examples—for the best of purposes—illustrates the difficulties that could arise.

I think that the appropriate safety factor is in place, but the minister has the opportunity to persuade us to take a different route. At the moment, I think that amendment 149 is

commensurate with the degree of difficulty that might arise.

The Deputy Presiding Officer: I am minded to take a motion without notice to extend the next time limit by 10 minutes.

Motion moved,

That, under Rule 9.8.5A, the remaining time limits be extended by 10 minutes.—[Bruce Crawford.]

Motion agreed to.

Margaret Smith: Throughout the bill process, members of the Education, Lifelong Learning and Culture Committee and the Government have been concerned about the criminalisation of children. The committee took evidence on that important issue from a number of children's charities and from Scotland's Commissioner for Children and Young People. Many of us were concerned that, rather perversely, a system that was meant to have the child's best interests at its heart ended up letting the child down.

Children who accepted offence grounds or had offence grounds established were left with a criminal record for the next 20 years. That seemed particularly perverse where a child had admitted the offence, especially because the evidence against them had not been tested in court and it is at least debateable whether they would have known the full consequences of their acceptance of offence grounds. Where the offence was minor, it seemed even more perverse and wrong that that should compromise a child's rehabilitation and job prospects in later life. That is why we were pleased when the minister lodged amendments on the issue at stage 2.

A balance must be struck between decriminalising the child and maintaining public safety. That is why I accepted at stage 2 that it is right that some offences ought to appear on disclosure certificates. Convictions for serious violent and sexual offences will continue to be disclosed when someone is seeking to work in regulated work—for example, with vulnerable adults or children. That is absolutely right and brings a sense of proportion that was previously lacking in the system.

The Scottish Government will consult on the list of serious, violent and sexual offences, and the matter will be subject to affirmative procedure in the Parliament. There will also be welcome changes to procedural rules, so that it will be the reporter's responsibility to inform the child and relevant persons of the consequences of accepting such grounds. The hearing panel chair will also check that with the child before the hearing begins. I believe that the Government has responded reasonably and proportionately and urge the Parliament to support its amendments. I

particularly welcome the retrospective nature of the Government's proposals.

At stage 2, Ken Macintosh attempted to bring a level of risk assessment into the system by placing a duty on the panel to make judgments about whether a person poses a risk of reoffending. His stage 2 amendment was roundly rejected by all other members of the committee. I accept that amendment 149, which he has lodged at stage 3, is different. This time the sheriff, rather than the children's panel, is asked to make decisions about the risk of further offending. The member's main motivation appears to be that he does not like the blanket approach that the minister's amendments take. In my view, the minister's approach has the benefit of delivering clarity, as it enables a child and their family to know in advance what the consequences of accepted offence grounds may be.

I share some of the minister's concerns about Mr Macintosh's amendment. Now, information from the children's hearings system will be disclosed only about people who committed a serious violent or sexual crime, if they are seeking employment with vulnerable groups or in positions of trust. It is not unreasonable for society to maintain that position on public safety grounds. Amendment 149 might also make the courts a preferable route, which we want to avoid.

Bearing in mind the minister's comments on the right to a review under existing rules and the on-going work of ACPOS, I urge the Parliament to accept the minister's amendments and to reject amendment 149, no matter how well meaning Mr Macintosh's intention. I accept absolutely that the member wants to ensure that children have the opportunity to get on with their lives and are not held back by something that they did in their teens. However, given the seriousness of the offences that we are discussing, we must be proportionate. The proportionate response is to reject amendment 149.

Adam Ingram: I will respond to Bill Aitken on a couple of points. I ask him, rhetorically, how he can predict what the sheriff would do, given that amendment 149 does not spell out any criteria whatsoever. Secondly, I do not quite understand his point about ECHR compliance. It is fine as far as we are concerned, because the system is based on consent and was approved under the Protection of Vulnerable Groups (Scotland) Act 2007. There is no ECHR problem.

Rather than reprise all the arguments that I made in my opening remarks, I will leave members to answer some key questions. How will the sheriff make his decision? How will that protect public safety? How does it protect vulnerable groups? How does it protect children from being processed through the courts more frequently than

happens at present—bypassing the children's hearings system?

Bill Aitken: Would the minister not agree that, although predicting judicial determinations can be a little difficult under any circumstances, judges get them right in the vast majority of cases?

The minister is making some fairly good points in respect of the rest of the matter, but he would surely also agree that, in the extreme cases—which are few and far between—the matter is most likely to go to a court, which would have to be the place for it.

Adam Ingram: I merely respond by saying that it is notoriously difficult to predict whether people will reoffend. Essentially, Mr Macintosh's amendment 149 suggests that we are not leaving a lot of time between the original disposal and the right for the person to come before a sheriff for a review. It could be a matter of months before that happens. I do not think that that is a risk worth taking with public safety, particularly when it comes to vulnerable groups, which is what the disclosure process is for.

I urge members to support the Government amendments in the group and to oppose amendment 149.

Amendment 99 agreed to.

Amendments 100 to 102 moved—[Adam Ingram]—and agreed to.

Section 177B—Criminal record certificates

Amendment 103 moved—[Adam Ingram]—and agreed to.

Amendment 149 not moved.

After section 177C

The Deputy Presiding Officer: We come to group 22. Amendment 104, in the name of the minister, is the only amendment in the group.

Adam Ingram: Amendment 104, which is of a technical nature, relates to the effect of orders made outside Scotland. Section 33 of the Children (Scotland) Act 1995 enables regulations to be made to allow court orders that are made in other parts of the UK to have effect as if they were supervision requirements. As supervision requirements will be replaced by compulsory supervision orders, amendment 104 inserts a new section into the bill to enable regulations to be made to allow an order that has been made by a court in England, Wales or Northern Ireland to have effect in Scotland as if it were a compulsory supervision order. The amendment also enables the modification of the bill or of the Social Work (Scotland) Act 1968 in their application to such

orders, where appropriate. That is similar to provision that is contained in the 1995 act.

I move amendment 104.

The Deputy Presiding Officer: There is too much noise in the chamber.

Amendment 104 agreed to.

Section 181—Subordinate legislation

Amendment 161 moved—[Adam Ingram]—and agreed to.

After section 183

15:30

The Deputy Presiding Officer: Amendment 150, in the name of Karen Whitefield, was debated with amendment 4. Ms Whitefield to move or not move.

Karen Whitefield (Airdrie and Shotts) (Lab): Not moved—[*Interruption.*] Moved, Presiding Officer.

The Deputy Presiding Officer: I had not put the question, Ms Whitefield, but you will have to be much quicker than that in future. That is not acceptable.

Amendments 150A to 150C moved—[Adam Ingram]—and agreed to.

Amendment 150 agreed to.

Section 184—Meaning of “child”

The Deputy Presiding Officer: We come to group 23. Amendment 105, in the name of Robin Harper, is grouped with amendment 106. I draw members' attention to the information on pre-emption that is given in the groupings paper.

Robin Harper (Lothians) (Green): Making children's hearings the default option for minor offences that are committed by young people up to the age of 18 would bring Scotland into line with the United Nations Convention on the Rights of the Child, which has rightly been ratified by Britain and should be honoured. If my amendments in the group were to be agreed to, young people between the ages of 16 and 18 would not face criminal charges for minor offences and would instead be dealt with in the children's hearings system. We would serve justice, our communities and our young people better if young people were not criminalised the first time they committed an offence that could attract a short jail sentence.

The majority of our prisoners, young and old, have problems—drug problems, health problems, mental health problems, learning difficulties and alcohol problems—and, above all, they need help to reduce the likelihood of reoffending. Stripping a

17-year-old boy of the remains of his self-esteem knocks out any confidence he may have left. Locking him up with hardened criminals after his first indictable offence is one good way of ensuring that he is more likely to reoffend. That is evidenced by the fact that we lock up more young people than almost any other country in Europe.

Sheriffs can already refer offenders between the ages of 16 and 18 to the children's panel reporter, but the power has rarely, if ever, been used in recent times. There are many programmes that help young people who have offended or who are at risk of offending. One such programme is Action for Children's youthbuild, which has a 70 per cent success rate in getting young people into work. Sheriffs could use all of those programmes at a fraction of the cost of the £31,000 a year it costs to lock up a young person who has committed his first offence.

I moved a similar amendment at stage 2 at the Education, Lifelong Learning and Culture Committee. I did not press it, given the committee's somewhat lukewarm response. Its members have had time to reconsider. I will listen carefully to responses before deciding whether to press or seek leave to withdraw amendment 105. I ask the minister to respond in particular to my last point.

I move amendment 105.

Adam Ingram: As Mr Harper said, amendments 105 and 106 mirror amendments that he lodged at stage 2. I share Robin Harper's view that we must, where possible, seek to avoid any young person being deprived of their liberty, and this is an important debate, but the proposed change is not the right way to achieve that goal. It is important to be clear about the value and flexibility of our system. The children's hearings system focuses its efforts and resources on identifying and addressing the welfare needs of the youngest and most vulnerable in our society, whose risks and needs are, in the vast majority of cases, apparent long before their 16th birthday. That has to be right. The idea is attractive in principle, but I cannot support carte blanche inclusion of 16 and 17-year-olds in the children's hearings system.

I firmly believe that the current system already allows an appropriate measure of flexibility in dealing with such young people. First, 16 and 17-year-olds are already in the hearings system. Supervision requirements can and do continue until children reach the age of 18, and the bill provides for that practice to continue. Secondly, in the context of offending behaviour, courts already have the power in some cases to choose to seek advice from a hearing or to remit a 16 or 17-year-old back to the system for disposal, whether or not they have been in the hearings system before they turned 16.

We have a good adult court system and a children's hearings system. We must consider how those systems can be used effectively to manage appropriately the needs and risks of these young people. Further, such a change would require extensive consultation to determine the potentially profound impacts that it would have on policing, the courts and the children's hearings system.

A change to the existing provision is not needed to get the best out of the systems that we already have. I believe that flexibility is key in order to best focus the resources that we have at our disposal on those who are most in need, and that the current system provides it. Although I understand Mr Harper's intentions, my concern is that his amendments would risk that flexibility and focus.

I do not support Robin Harper's amendments, and I hope that he will withdraw amendment 105 and not move amendment 106.

Margaret Smith: Amendments 105 and 106 echo those that were lodged by Robin Harper at stage 2. Although I have some sympathy with the view that we should try to keep young people out of Polmont and out of prison and that we should be particularly attentive to the needs of children coming out of care, I had a number of issues with the amendments, which Mr Harper chose not to press at stage 2.

First, it is fair to say that, despite arbitrary age limits, there is no age below which all people are children and above which all are adults. Different Governments have taken a range of different approaches to the issue. It is also fair to say that there are some 15-year-olds who are more mature and capable than some 17-year-olds. Therefore, what we need is a flexible system and approach to these issues, and I believe that the current system has that flexibility.

Currently, young people can stay under the care of the children's panel up to the age of 18 if they have been dealt with by the hearings system and are, for example, subject to an order. There is flexibility in the system and courts already have the power to remit 16 and 17-year-olds back to the hearings system for disposal, regardless of whether they have been in the hearings system before.

For some individuals, it will be right that, between the ages of 16 and 18, they remain within the hearings system. For others, possibly with a long-term history of offending, it will be right for them to be dealt with by the adult courts. The current system has the flexibility to make those decisions in the best interests of the child or young person.

I think that, if we are to reconsider the issue, it would be useful to do so in the wider context of the different approaches that are being applied to

youth criminal justice. Only last week, when I asked Fergus Ewing a question on youth violence, he was able to give me quite encouraging statistics on the progress that is being made on the issue. We should consider the issue in that context, rather than try to deal with it, rather late in the day, through this bill. The system that we are working with has the flexibility to get the approach right for each and every child.

Robin Harper: In response to Margaret Smith's suggestion that I was not able to quantify the effects of the proposal, I say that that would involve a major piece of research that would be best done by the Government. I was not capable of doing that on my own.

There remains a problem with regard to young people between the ages of 16 and 18—particularly those who have just reached 16 and those who are leaving care. Far too many of those young people fall through a hole in the system, and disproportionate numbers of those young men end up in institutions such as Polmont. I hope that successive Governments will do more to address the problems in that area.

We need to keep in mind our commitment to the UNCRC to move to treating young people between 16 and 18 as children. The final problem that has not been addressed is that sheriffs do not use the powers that are available to them. Obviously, we cannot direct the law in that respect, but will the Government respond on the issue of advice and help to sheriffs on alternatives to prison, particularly for young people?

I will not press amendment 105.

Amendment 105, by agreement, withdrawn.

Amendment 151 moved—[Adam Ingram]—and agreed to.

Amendment 106 not moved.

Amendment 152 moved—[Adam Ingram]—and agreed to.

Section 185—Meaning of “relevant person”

Amendment 107 moved—[Adam Ingram]—and agreed to.

Section 187—Interpretation

Amendments 108 and 162 moved—[Adam Ingram]—and agreed to.

Schedule 1—Children's Hearings Scotland

Amendment 109 moved—[Adam Ingram]—and agreed to.

The Deputy Presiding Officer: We come to group 24. Amendment 110, in the name of

Elizabeth Smith, is grouped with amendments 111 to 117.

Elizabeth Smith (Mid Scotland and Fife)

(Con): The most challenging part of the bill—certainly the one that has given the Education, Lifelong Learning and Culture Committee the greatest amount of work and has led to probably the greatest number of representations from a large number of people, including panel chairs, panel members, safeguarders, local authorities and families—is how to balance the need for better national training and more consistent standards throughout Scotland with preserving the best possible practice at local level.

At the start of the process, questions were asked about whether new legislation was necessary—questions with which I had a great deal of sympathy. Were we in danger of compromising some of the best practice in the existing system at the expense of setting up a large and overcentralised bureaucracy, which would find it difficult to represent the needs of children who come from diverse parts of Scotland and whose circumstances may vary considerably? I note with interest that some of those concerns remain, especially among the panel chairs.

It has been our duty as parliamentarians to take those concerns seriously. The will of the committee at stage 2, however, was that legislation was needed, particularly when it came to improving consistency throughout Scotland. Therefore, it was incumbent on us all to try to create an effective balance between retaining the best parts of the existing system and adopting new practices that would not get in the way of that effective local delivery. It was, in simple terms, a debate about how to avoid localism being compromised at the expense of increasing centralisation; how to avoid the powers of the new national convener being excessive; how to define more carefully the links between area support teams, local authorities and panels themselves; and how to improve accountability, all the while remembering that what was central to the debate was the best interests of our children rather than complex systems and unnecessary legal wrangles.

At stage 2, concerns were raised by the Scottish Government about whether my attempts to preserve local autonomy at the same time as recognising the need for a national convener would encounter incompatibilities with the ECHR. Clearly, those concerns were extremely important, provided that they could be proven to be genuine rather than based upon a perceived fear that there would be a problem, when in fact none existed.

As ever, there was complex legal advice to be considered and some paring down of what was and was not a relevant consideration. I still have a

few concerns that, at times, the ECHR has been driving too many aspects of the bill rather than just the essential sections where incompatibility was a real issue. Nonetheless, I put it on the record that I am grateful to the minister and his team for allowing David McLetchie and me to discuss those legal concerns with them on several occasions, and for the Scottish Government's willingness to move to accommodate our concerns about how to preserve localism in the bill. Amendments 110 to 117 are the result of those deliberations. I hope that members will feel able to support them on the basis that they help to underpin the central ethos of ensuring that there continues to be effective local delivery in local areas.

I move amendment 110.

15:45

Karen Whitefield: The central tenet of the bill has undoubtedly been the policy intent of strengthening the children's hearings system by ensuring that the decision-making process is independent while ensuring that there is consistency throughout the country and improved levels of accountability.

It is fair to say that the aspect of the bill that we are discussing has been the subject of more debate, deliberation, and briefing and lobbying of the committee than any other. Panel members, panel chairs and the Convention of Scottish Local Authorities all raised considerable concerns about the bill. I accept that the Government listened to those concerns. That is why the original bill was withdrawn and redrafted. The reintroduced bill was a much better attempt. However, despite the minister's best attempts, concerns continued to be raised.

The Labour members of the Education, Lifelong Learning and Culture Committee were happy to support Elizabeth Smith's amendments at stage 2 because we believed that they went some way towards addressing the outstanding concerns of key stakeholders about the tension between the day-to-day operation of the children's hearings system and the role of the national convener. The fact that we now have a series of further amendments highlights the complexity of the area. We all want to do the right thing and ensure that we continue with what is best about the local delivery of Scotland's children's hearings while allowing for a much more consistent service throughout the country. That is why the Labour Party will support Elizabeth Smith's amendments at stage 3 today. We believe that they take us slightly closer to meeting those objectives.

Margaret Smith: One of the key problems that we have tackled in considering the bill to date is how we can have a consistent system that is

based on consistent standards when we want it to remain local in its delivery and accountability. We all agree that it is important that the system is rooted in the local community. That is a key part of our unique system. However, it is fair to say that, at various points, we have not had agreement from stakeholders about how we should achieve that. Committee members have done their best to try to come up with a position that squares the two sides of the equation.

In response to concerns about the powers that are being given to the national convener, Liz Smith lodged stage 2 amendments 71 to 74 and 78, which placed area support teams under the control of local authorities rather than the national convener. Those amendments were prompted by concerns that the bill did not achieve the right balance between local and national decision making. The intention was to tip the balance in favour of local delivery to respond to the many concerns that had been raised on the issue.

The minister argued that the amendments were not ECHR compliant, that they undermined the independence of the hearing, and that they set up potential conflicts of interest because local authorities would be in control of the system and would also be the bodies that were charged with taking on the provision of services to children who had come through the system. I certainly accept that that was a danger. Although committee members supported the amendments, we were clear that it would be preferable if further options were discussed and explored by Elizabeth Smith and the minister that addressed all those issues.

I know that Elizabeth Smith and the minister have put a lot of time and effort into finding a solution that all who were concerned could accept. I am therefore pleased that the discussions have led to the group 24 amendments, which will give the national convener the power to set up and maintain area support teams. Limits have been put on the number of local authority members on the teams so that the teams will not be controlled by local authorities; that will ensure that the teams are independent. Current children's panel advisory committee members will automatically become members of the area support teams, thus aiding transition from one system to another. The amendments provide more local influence than was given in the bill as it was first presented, but they pose no questions over ECHR compliance.

I accept that concerns have been raised about the position that the committee adopted at stage 2. By accepting Elizabeth Smith's amendments, I hope that we will allay the fears of panel chairs, Children 1st, CPACs, and various other people who have lobbied us strongly on these issues all the way through the bill process.

More importantly, by accepting the new proposals we are going a long way towards achieving the national and local balance that we need if the new system is to be successful for Scotland's children.

Adam Ingram: I am grateful to Elizabeth Smith for lodging amendments that overturn amendments 71 to 74 and 78, which were passed at stage 2. As others have said, the stage 2 amendments gave control of area support teams to local authorities, and that gave local authorities direct influence over issues such as the recruitment, selection and appointment of panel members, and decisions over training. As I said at stage 2, that represented a serious attack on the impartiality and independence of panel members, so the provisions had to be removed.

If those provisions remain in the bill, they will lead to the construction of a system that fails to comply with the ECHR duties that have been placed on the Scottish Government and Parliament as part of the Scotland Act 1998 and the Human Rights Act 1998. Panel members are clear about the independent nature of their role in making crucial decisions about a child's life. In making such decisions, it is vital that the hearing upholds human rights, particularly those in article 6 of the ECHR, which demands that

"In the determination of his civil rights and obligations ... everyone is entitled to a fair and public hearing ... by an independent and impartial tribunal established by law".

It would have been impossible to meet that obligation if local authorities had responsibility for area support teams. That is because a local authority, which has to implement and pay for the decisions of the children's hearings system would also control the body—the area support team—that is responsible for recruiting and servicing the decision maker, or the hearing, that is taking the decision.

As Margaret Smith and others have said, the Education, Lifelong Learning and Culture Committee and members in general have received a large number of representations from stakeholders who had serious concerns about the amendments that were passed at stage 2. I wrote to the committee with a clear explanation of the legal position and the potential consequences of those earlier amendments. Of all the issues in the bill that were debated, this is the most critical and it must be resolved today.

For the record, if the bill were to retain after stage 3 the changes that were made by amendments 71 to 74 and 78 at stage 2, it would lie outwith the legislative competence of the Scottish Parliament in terms of the Scotland Act 1998. That is the Scottish Government's unequivocal position. The bill could therefore be subject to referral to the Supreme Court by the

Lord Advocate, the Advocate General, or the Attorney General, for consideration of its legislative competence. That would, of course, be a decision for each of those law officers. If such a referral is made, the bill cannot be submitted for royal assent until the Supreme Court has made its decision and the issue of legislative competence is resolved. Such a situation has not arisen since devolution, and we should avoid this bill being the first to trigger such a legal dispute.

I am convinced that the amendments that have been presented today by Elizabeth Smith overturn those that the committee supported at stage 2, and they provide greater clarity about the powers of the national convener and the role of local authorities in providing local support to panel members. They also allow for the continued contribution of the volunteers that are central to the hearings system without compromising the bill's key principles and objectives to protect the independence of decision makers, improve consistency and introduce accountability.

As Liz Smith described, the amendments place a duty on the national convener to establish area support teams with the agreement of local authorities; to provide local authorities with guaranteed membership of the teams with an appropriate balance; to include panel member representation in area support teams; to allow for the automatic continuation of CPAC volunteers in area support teams; and to delegate rota management to area support teams.

Amendment 117 reinstates the powers and duties of the national convener in training panel members. Training is the primary means of developing the skills of panel members to make decisions in a hearing. Those decisions centre on making compulsory supervision orders that place a duty on local authorities to provide support to children, so it is wholly inappropriate to provide local authorities with a level of influence over the training of panel members, who we must remember are lay members, on the decisions that they should be making for children.

Liz Smith's amendments offer a way out of the situation that we find ourselves in, and I am grateful to her for working with me to find a resolution that guarantees localism in the hearings system while ensuring that the Parliament satisfies its obligations under the ECHR. I strongly support the amendments lodged by Liz Smith.

The Deputy Presiding Officer (Alasdair Morgan): I am minded to take a motion without notice to extend the next and last time limit by up to 20 minutes.

Motion moved,

That, under Rule 9.8.5A, the remaining time limit be extended by up to 20 minutes.—[Bruce Crawford.]

Motion agreed to.

Elizabeth Smith: I put on record my thanks to the minister, to my committee colleagues and to colleagues within my party for their work on the issue. As I said at the beginning, it was not an easy task because we had to take on board the views of those with the expertise and skills who make the system work on the ground, and allay their fears about having excessive bureaucracy put on them.

I am aware of lots of different views on the subject. The process has not been easy, but we have probably got the best possible compromise to ensure that we can take forward the local delivery and have new standards in training and the office of the national convener.

Amendment 110 agreed to.

Amendments 111 to 116 moved—[Elizabeth Smith]—and agreed to.

Schedule 2—The Children's Panel

Amendment 117 moved—[Elizabeth Smith]—and agreed to.

The Deputy Presiding Officer: We come to group 25. Amendment 153, in the name of Ken Macintosh, is grouped with amendment 154.

Ken Macintosh: Amendment 153 is straightforward. It would require the national convener of children's hearings Scotland to involve children and young people in the training of members of children's hearings. The proposal was made initially by the Aberlour Child Care Trust and Action for Children Scotland and supported by other children's organisations in evidence on the bill. It was one of a series of amendments designed to put children at the heart of the new hearings system.

Amendment 153 proposes a practice that would help to create and develop a listening culture and ensure that children and young people feel more involved and have a greater say in key decisions about their lives. The need to develop such a culture emerged in the evidence taken by Action for Children Scotland in its survey and event on the "Where's Kilbrandon now?" report.

Amendment 153 suggests that the age of 25 be used as the cut-off point so that we may learn from the experience of those who have been through the system. I am aware that the minister agreed in principle to the approach at stage 2, and I hope that he will be able to support the reworded amendment at stage 3. I indicate Labour's support for Margaret Smith's amendment 154, which addresses a similar issue.

I move amendment 153.

16:00

Margaret Smith: As I have said many times during consideration of the bill, it is important that panel members are able to hear the views of the child and that those views are properly taken into account. Amendment 154 places a duty on the national convener, when training or planning the training of panel members, to have regard to the need for members to be trained in the best way to gain the child's views. I do not pretend that that is always an easy task. I have five children, so I know that it is not always an easy task. Each child is different and, indeed, each panel member is different. Not every panel member will find it an easy thing to do, although some panel members will be adept at it.

Amendment 154 is not prescriptive about how that is to be done. Different approaches might be taken, including taking advice from young people who have gone through the system—Mr Macintosh's amendment 153 proposes that—or getting input from panel members throughout the country who have developed best practice in this important aspect. Panel members share our aspiration that the child should be a full partner in a hearing that will have a direct impact on his or her life.

I hope that Parliament will support both the amendments in the group.

Elizabeth Smith: The Conservative party will support both amendments. If there was any unanimity of views in the committee, it was on the need for better training. Essential to that is the quality of the feedback and that panel members should feel better informed about the impact that their decisions have made.

Adam Ingram: As I said in relation to the previous group of amendments, panel member training is crucial to the success of the children's hearings system. It is integral to ensuring that we have panel members with the skills, knowledge and experience to take decisions in the best interests of children and young people. Passing responsibility for training to the national convener as the bill proposes will ensure that we address concerns about consistency of the existing training arrangements and equity of access—panel members are offered more training opportunities in some areas than in others. The bill also gives us the chance to consider training more broadly.

I am keen for children and young people to be involved more consistently in panel member training. It is important that panel members are able to put children at their ease and to communicate clearly and effectively with them. Amendment 153 requires the involvement in that training of young people who have been in the hearings system. That is a welcome step,

especially with regard to their involvement in the delivery of training, although it is not immediately clear to me how straightforward it will be to involve those young people in the development of the training. The national convener will, no doubt, relish taking on that challenge in due course.

Amendment 154 requires panel member training in how best to elicit the views of children and young people. That places in statute what happens at present: all panel members receive the training, as they should. Nevertheless, I understand why Margaret Smith would like the provision to be included in the bill. It fits well with other measures that are already in the bill, which seek to ensure that the views of children at hearings are heard.

I do not believe that it is all about the bill. A change in culture and practice is key to ensuring that children are effectively engaged with the hearings system and feel able to speak at hearings. However, both amendments underpin that change and I am happy to support them.

Amendment 153 agreed to.

Amendment 154 moved—[Margaret Smith]—and agreed to.

Schedule 3—The Scottish Children's Reporter Administration

Amendment 118 moved—[Adam Ingram]—and agreed to.

Schedule 5—Minor and consequential amendments

The Deputy Presiding Officer: We come to group 26. Amendment 119, in the name of the minister, is grouped with amendments 120 and 121.

Adam Ingram: These three amendments seek to add minor and consequential amendments to schedule 5 and further repeals to schedule 6.

I move amendment 119.

Amendment 119 agreed to.

Schedule 6—Repeals

Amendments 120 and 121 moved—[Adam Ingram]—and agreed to.

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

Children's Hearings (Scotland) Bill

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a debate on motion S3M-7399, in the name of Adam Ingram, on the Children's Hearings (Scotland) Bill. I point out to members that time is very limited, so they will need to stick to the time limits.

16:05

The Minister for Children and Early Years (Adam Ingram): I am delighted to open this stage 3 debate on the Children's Hearings (Scotland) Bill—passing it will be quite a landmark achievement, considering how long it has been in the pipeline, and quite a relief, given that, as a Parliament, we have spent nearly 30 hours considering it.

Our consultation with partners has shaped the bill considerably and is greatly appreciated. In fact, some partners have attended parliamentary sessions so often that they may now qualify as honorary MSPs.

I thank members of the Finance Committee, the Subordinate Legislation Committee and the Education, Lifelong Learning and Culture Committee. The diligent scrutiny of the bill by members of the Education, Lifelong Learning and Culture Committee in particular has helped, as it should, to shape the final form of the bill. There have been a few areas where we have not agreed, but the important thing has been the way in which we have worked together to resolve the issues.

I thank the committee clerks who have worked so hard to support the work of the committees. Finally, I thank my officials, as well as the Government and parliamentary legal teams, for their work on the bill. They have worked extremely hard on what has been a demanding and challenging bill.

The Government has undertaken a significant programme of engagement in developing the bill. There have been a number of areas on which we have found consensus with partners: the value placed on the system; updating the system to take account of the European convention on human rights and the United Nations Convention on the Rights of the Child; improving consistency and standards nationwide; and updating and simplifying procedures.

I am sure that members would agree that it has been difficult to achieve common ground on many issues in the bill. The children's hearings system is highly valued by a wide range of partners and that breadth of interests does not lend itself to achieving consensus on every point. There has

been no united voice among our partners on many matters and that has been very tricky to overcome.

When I brought the bill to Parliament in February, it represented the outcome of a lot of hard work to carefully balance the views that the Government had heard. As members of the Education, Lifelong Learning and Culture Committee will know, that balancing act does not stop during the parliamentary process. If passed today, the bill will contain a number of compromises, but even those will not accommodate all the views of all partners. To be frank, it cannot—on some issues opinion has varied greatly.

However, the bill has always represented our genuine efforts to improve outcomes for Scotland's most vulnerable children and young people. It will ensure that those making often life-changing decisions are fully and consistently supported by modernised legislation to enable them to deal with the challenges presented today and in the future.

The system now deals with more than 10 times the number of care and protection cases that there were nearly 40 years ago. The number of children and young people referred to the reporter in 2009-10 was 42,532. Although that represents a reduction of nearly 10 per cent from the number referred in the previous year, it is still 4.7 per cent of the Scottish child population.

The bill brings change to the system to ensure that it is strengthened for the future. Importantly, it retains and protects overarching elements that are treasured within the system.

The system will continue to abide by Kilbrandon's principles, protecting the ethos that children who offend and those who require care and protection are equally deserving of being considered as children in need. The welfare of the child continues to be of paramount importance.

To ensure that our cherished hearings system stands strong for the future, it is imperative that this bill addresses concerns and criticisms that have manifested themselves over the years. The bill will achieve that by introducing new roles and responsibilities that are currently lacking. For the first time, we will have a figurehead to represent panel members and ensure consistency of support throughout the country.

The bill also strengthens children's rights, which is important. The impact of offence-related behaviour in later life is addressed and, for the first time, the development of an advocacy service specifically for children in the hearings system will be required so that the voice of the child can be heard as strongly as possible.

The bill simplifies a number of procedures for those involved in hearings and introduces new processes. Interim compulsory supervision orders, for example, have been warmly welcomed, and the feedback loop has been embraced by partners who are keen to learn about successful interventions that can contribute to better outcomes for children and young people.

The bill is not the only element of our work. The wider reform programme will provide much of the detail to support the implementation of the framework and the hard work will continue over the coming years as we implement the bill to ensure that Scotland's children and young people can have the best start in life and are ready to succeed.

I move,

That the Parliament agrees that the Children's Hearings (Scotland) Bill be passed.

16:11

Karen Whitefield (Airdrie and Shotts) (Lab): I welcome the passing of the Children's Hearings (Scotland) Bill today. The journey has been long and often arduous, and there have been a few false starts along the way. As the minister has said, there is no doubt that some will retain reservations about whether the bill will really deliver the positive changes that we have all, I am sure, been seeking, but I believe that all parties—committee members, the minister, and those with a specific interest in the children's hearings system—have acted in good faith to try to improve matters for some of our most vulnerable young people.

With that in mind, I thank everyone who has contributed to the passing of the bill. I thank the committee clerks, who, as ever, provided committee members with excellent support and assistance during all stages of the bill process, and our external adviser, Kenneth Norrie, who provided support for the committee during the early stages of the bill process. I also thank all the organisations that gave evidence and lobbied strongly to ensure that the Kilbrandon principles remained at the heart of the bill. Indeed, it is worth recognising the hard work and commitment of the hundreds of panel members throughout Scotland who give up their time and energy to serve their communities and to help to protect vulnerable children and young people. I say an extra-special thank you to the panel members who sat through every single meeting of the Education, Lifelong Learning and Culture Committee in which the bill was discussed and who are even with us here today. Finally, I thank the minister and his officials for their assistance and perseverance with what has been a rather complex and difficult bill.

We can be rightly proud of our children's hearings system in Scotland, which is the envy of many other countries. It ensures that the welfare of children and young people remains at the heart of any decision that is made that affects their life. As a result of the bill's introduction of the feedback loop, we will not only be able to believe that; we will, probably for the first time, be able to prove it as well.

The children's hearings system could, in other circumstances, be a very legalistic and confrontational judicial system, but it is a system that ensures that the needs and problems of the young people concerned are focused on. It uses the experiences and knowledge of local people to ensure that the circumstances surrounding a young person's referral to the hearings system are understood and appreciated by those who make important and powerful decisions about their lives.

The bill's central aim is to improve the children's hearings system by bringing it into line with current ECHR legislation while protecting its underlying principles and values. It aims to strengthen the children's hearings system by ensuring the independence of the decision-making process, making the system more consistent across the country and improving levels of accountability. I think that the bill has achieved that aim to a large extent.

Concerns have been expressed about the possible overcentralisation of the new system. I have already said that I am pleased that the minister considered those concerns when he published the bill in February. The bill's solution is to establish a central agency, headed by the national convener, which should ensure the consistency that we all seek. However, the bill will also establish area support teams, thus retaining the best aspects of the localism that is inherent in the existing system. Those are important measures. We have a duty to guarantee that all children and young people receive a consistently high level of service but, equally, we want to ensure that wherever possible panel members have good local knowledge.

It is only fair to note that concerns were raised about the reduced role of local authorities in the new system, not least by the Convention of Scottish Local Authorities. Indeed, the movement on that issue between stages 2 and 3 provides evidence of its complexity and the degree of debate that has taken place on what is a core part of the bill. It remains to be seen whether the bill strikes the right balance between a centralised approach and a local one but, in its current form, it represents a genuine attempt to derive the benefits from both.

It is worth reiterating that the vast majority of referrals to the children's panel are on child

welfare grounds. Our efforts to improve the children's hearings system will, I hope, go a long way towards improving child welfare in Scotland. However, other issues that impact on child welfare and protection must be addressed, if not in the current parliamentary session, then early in the next one. In particular, we need to develop far more robust and dependable methods of sharing information between agencies that are involved in child welfare.

I welcome the final stages of the bill. We might not have been able to please every group and organisation that lobbied us, but we have delivered a bill that strives to ensure that every Scottish child has access to a high-quality and child-centred hearings system. It is important that the Parliament continues to scrutinise the effects of the bill once it becomes enacted so that, where necessary, we can take swift action to amend or improve the legislation.

16:17

Elizabeth Smith (Mid Scotland and Fife)

(Con): I have no doubt about the responsibility that we face as we debate the bill in its final stage. It is absolutely beyond question that the children's hearings system is an immensely important part of the way in which we protect and care for our most vulnerable children. It is also beyond question that the central principles of the bill are those that were first set out by Kilbrandon in 1964—principles that are just as relevant today as they were then. However, it is clear that several aspects of the current children's hearings system needed to be addressed, although I was sceptical at the start of the process about whether we really needed a legislative process to make the necessary changes. As I said earlier this afternoon, we should note the extent of the differing opinions, even at the later stages in our deliberations, and not just between stakeholder groups but within them. That situation has made our job as parliamentarians even more complex.

A wide range of issues have been raised, including how to improve training and national standards; the right of the child to confidentiality; ECHR compatibility; improving the feedback to panel members; the definition of the term "relevant persons"; and many more. However, for me, the most essential challenge throughout the passage of the bill has been to ensure that the best part of the existing system—the effective delivery of assistance for each child at local level—is retained while we modernise the structure, improve accountability and deliver better outcomes for our young people.

At several points in the process, I worried about whether we were about to construct a legislative sledgehammer to crack a relatively small

administrative nut—I had to put that in for the minister—and whether the Scottish Government was at times becoming a little too anxious about issues to do with the ECHR. It was much more important to me that we found a clear, manageable, fair and acceptable situation for all the parties that built on the best practice to be found in the local environment and with which children and panel members are most familiar.

I have been adamant all along that that should be the defining feature of the system and that any process of reform should not impair or remove those principles. I am immensely grateful to the other parties for their support and to the minister and his team for being prepared to negotiate on that front. I am also grateful to several panel members, local authority representatives and legal advisers for their assistance on the issue. Any legislation that lost the connection between the children's hearings system and local communities would have been a serious mistake.

I am mindful of the views of several stakeholders who felt, quite rightly, that we were in danger of debating too much about the procedures rather than about how to improve the outcomes for our children.

As we pass this bill this evening and as the convener said, we must be mindful of the need to keep a watching brief on how well we can balance the leadership role of the national convener while strengthening the local connection and delivery of a first-class service in local areas. There remains a lack of clarity about the operation of area support teams, particularly in light of recent economic troubles, which are forcing councils to review their best practice. Linked to that is accountability, whether related to how local authorities deliver their services or how they will interact with area support teams and, of course, the accountability to the Scottish Parliament of the national convener.

The bill has had a tortuous passage at several points. All along, it has been important to remember that the whole system is entirely dependent on the commitment of volunteer panel members whose skills and expertise are often of the highest standard. It has been exceptionally important to ensure that the changes that we are about to make have commanded as much support as possible from those who carry out the main duties on the front line. That has not been easy, given the requests to keep the structure as simple and non-adversarial as possible, as firmly rooted in the local community and as caring as possible for the children that we serve and to deliver more consistency across Scotland.

The Scottish Conservatives give our firm commitment to the bill in the belief that we have now made that balance more possible and that

there will be increased scrutiny of how well we achieve improved outcomes for our children and how well we provide panels with informed feedback about how successful their decision making has been. That will be the true test of how well we have delivered this new legislation.

16:21

Margaret Smith (Edinburgh West) (LD): I thank many of the people involved in the bill, particularly the many people who gave evidence to the Parliament and who have continued to engage with us in what has been a fairly tortuous process at times. I thank our committee clerks, our adviser Ken Norrie and the Government's bill team. I also thank the minister for the manner in which he conducted discussions on the bill with me and others. His description of the process as "very tricky" shows what a master of understatement and how ideally suited he is to tackling what has been a difficult process.

As a country, we should be rightly proud of our children's hearings system and the volunteers and professionals who work in it. Although we want to retain the key Kilbrandon principles, we are right to strive to improve the system. The bill before us today does make improvements: it gives the system a figurehead; it makes it ECHR compliant; and, crucially, it brings an opportunity to deliver greater consistency and national standards. Like Karen Whitefield, I hope that the Scottish Government and the Parliament will continue to monitor implementation of the bill and, if necessary, will return to it in the future. I hope that that will reassure those who still have concerns about aspects of the bill that we will pass today. There have been disagreements and questions about certain parts of the bill, but the vast majority of stakeholders have now lent their support to it.

It is vital that we never forget our purpose, which is to make a positive difference to the lives of Scotland's most vulnerable children. In 2008-09, some 47,000 children were referred to the children's reporter and the vast majority of them—more than 39,000 children—were referred for their own care and protection. The problems that lie behind those figures will need more than an effective, modern hearings system to solve them, but it is a critical component in doing so.

The system is unique. Its assumption that the child who offends is as much in need of protection as the child who has been offended against is the right one, and one of which we can be proud. The children's hearings panel has the protection and care of children at its heart. Panel members are uniquely progressive in their way of aiding those youngest citizens in need and it is vital that we retain as strong and effective a system as possible to help them.

The issue of paramount consideration has been how to balance the fundamental need for local input and delivery with the desire to have a more consistent set of standards and training procedures. That issue has given the committee some difficulties. We did not arrive at our final position on the matter in any straightforward way—more of a zig-zag approach to the legislation has been necessary—but I want panel members and others to be in no doubt that we have all been driven by the need to maintain and support the localism of the current system. The ethos of the system is based not just on the care of the child, but on that care and support being rooted solidly in the child's community—these are all our children. Therefore, I welcome the group 24 amendments that Elizabeth Smith moved today and the manner in which they were developed with the Scottish Government. They strike the right balance between localism and national standards and consistency.

There have been welcome amendments on the establishment of a national panel of safeguarders; the extension of duties to health boards to comply with requests for assistance from local authorities; advocacy; new interim compulsory supervision orders; forced marriage as a ground for referral; greater flexibility in relation to relevant persons to reflect changing family patterns; and many more.

In two key areas—the feedback loop and the ending of the wholesale criminalisation of children in the system as a result of the Rehabilitation of Offenders Act 1974—we have returned for further scrutiny and improvement at stage 3. Those are two of the most important aspects of the bill when it comes to putting the best interests of the child at the heart of everything that we want the system to deliver.

I am pleased to have played my part in lodging successful amendments to address concerns that the views of the child should be heard loud and clear and should be taken into account by the panel.

At stage 2, I raised concerns about children being held in police stations, and I thank the minister for the information and reassurances that he has given on that point. I am content that police stations are and will continue to be used as a place of safety only ever as a last resort and that, in those rare circumstances, a reporter will normally arrange for a children's hearing to take place on the same day. The fact that that can be arranged is testimony to the quality and flexibility of the system.

I am content that the Parliament is about to pass a bill that will improve the hearings system while maintaining the fundamental ethos that the child's welfare is paramount to us all.

16:25

Kenneth Gibson (Cunninghame North) (SNP): The Children's Hearings (Scotland) Bill is, as colleagues have said, one of the longest pieces of legislation in the history of the Parliament. It has demanded a large amount of work not only from the Education, Lifelong Learning and Culture Committee, but from Ken Norrie, the minister and his dedicated and hard-working staff, and many individuals and organisations who work alongside and within the children's hearings system.

I specifically thank the Law Society of Scotland for the vast array of amendments that it has offered via Ken Macintosh. I also thank the children's panel chairs group, Children in Scotland, the Scottish Association of Children's Panels and the witnesses who presented evidence to the committee for their constructive input to the legislative process. Although there is no doubt that our unique system of children's hearings has been effective, it has been clear for some time now that the system is in need of modernisation.

The creation of the children's hearings Scotland body and the national children's panel, paired with the dissolution of the children's panel advisory committees, helps to achieve the degree of simplification that is necessary in the hearings system, while complying with the UN Convention on the Rights of the Child. In doing so, the bill takes steps towards making decisions in children's hearings more consistent throughout Scotland.

In line with the idea of consistency is the responsibility that the national convener will have in overseeing the standards for the training of panel members. For too long, panel members from separate local authorities have been trained in and expected to adhere to separate standards while directing some of Scotland's most vulnerable children. The establishment both of national standards that are set out by the convener and of the national scheme for legal aid will go a long way towards making the child the focal point of the hearings system.

The bill takes great strides towards putting the child at the centre of the system, and goes further towards protecting the child's best interests than previous legislation has done. The provisions for allowing information to be withheld from a relevant person if the release of that information would be significantly against the interests of the child show that the hearings system serves to protect the child's interests.

The provision in the bill that keeps offence grounds that are accepted at a hearing from appearing on disclosure certificates required for work in trusted positions—unless it is a very severe case, as has been acknowledged—further protects the interests of the child as he or she

progresses into society. That ensures that children's panels will have the ability to show children who have committed minor offences the error of their ways before those ways can detract from future possibilities for a child.

Although one of the bill's explicit goals is to put Scotland's children at the heart of the system, it is vital that Parliament keeps in mind the Scottish citizens who volunteer their time to make the system work. One of the bill's most shining achievements will be its establishment of a feedback mechanism through which panel members, local authorities, the national convener and Scottish ministers will share information on the effectiveness of the hearings system at both local and national levels.

We in the Education, Lifelong Learning and Culture Committee have the ability to review legislation and ensure that it is efficiently and satisfactorily implemented, and I believe that panel members should expect the same. As some of Scotland's most valuable citizens, children's hearings panel members deserve access to information regarding the outcomes of their hard work.

Through the feedback loop, individual panel members and local authorities will have the ability to assess the implementation and effectiveness of their suggestions by way of information that is provided by the national convener. In addition, information regarding national trends will be available to panel members, which will allow them to make decisions that are based not solely on their own experiences, but on the experiences of panels throughout Scotland. As such, the feedback loop is one of many ways in which the bill will, while simplifying and making the hearings system more consistent, bring about co-operation between the local and national levels.

The work that committee members such as Ken Macintosh, Karen Whitefield, Elizabeth Smith and Margaret Smith have put in is to be highly commended, as is the work of my colleague Christina McKelvie, who did much from my party's point of view. For a member whose party is in government, amendments to the bill can be frustrating, given that most of them tend to be lodged by the Opposition or the minister, and they are often left on the sidelines. However, Christina McKelvie has gone deep into the bill, and I support her efforts. I look forward to the passage of the bill.

16:30

Des McNulty (Clydebank and Milngavie)

(Lab): I am the first non-member of the committee to speak so, on the Parliament's behalf, I congratulate all the committee members on their contribution to the bill. Karen Whitefield, as

convener, and the minister took the bill through, but every committee member contributed significantly, as has been said. An awful lot of time, effort and energy must be put into preparing amendments and considering all the issues for long and complicated bills. Given the history of the bill—it has had to be produced twice, more or less—members should be very familiar with its ins and outs.

Although I am not a member of the committee, I am interested in the subject because, in a previous life at Strathclyde Regional Council, one of my responsibilities was to disaggregate the children's hearings system at the time and transfer the reporters to a national system. The Strathclyde system, which served half of Scotland, had advantages. Many aims that the bill tries to achieve—such as a more centralised and consistent way of handling matters and better training arrangements—were achieved in Strathclyde, because the authority was so large. However, distributing tasks to smaller local authorities and ensuring that the children's hearings system worked well very locally also had advantages.

The bill tries to achieve the best of both worlds—centralised co-ordination and effective training for panel members as well as local accountability and the best use of local knowledge. Time will tell whether we have achieved that. Given that panel members, panel chairs and the charities that take a strong interest expressed strong feelings earlier in the process but are not assailing us at this late stage to say that we have got the whole thing wrong, I hope that a broader base of support exists for what is on the table. I noticed that the minister said that compromises had been reached on several issues; I hope that they are happy compromises that strike the right balance rather than compromises that paper over the cracks.

For Labour, the bill's main disappointment is that no action has been taken on information sharing when dealing with children. We would like a statutory responsibility on the various parties—including doctors—to share information. Often, the problem with progressing a case in a children's hearing is that somebody puts their arm round a piece of professional information and refuses to share it with somebody else, which means that the best outcome for the child is not obtained. We need to return to that issue and consider whether legislation needs to be introduced on information sharing, to overcome the barriers that undoubtedly still exist.

I am also concerned about the danger of overlegalisation of the procedures of children's hearings. Children's hearings work precisely because they are informal. If everybody who is

sitting round the table has a lawyer to represent them, the point of the process can be lost to an extent.

The Deputy Presiding Officer: Wind up, please.

Des McNulty: I hope that the bill will be implemented as far as possible without the overinvolvement of lawyers.

The Deputy Presiding Officer: The member must wind up now.

Des McNulty: I support the bill.

16:34

Christina McKelvie (Central Scotland) (SNP): I add my thanks to all the organisations that have been involved, the bill team, the clerks, the Scottish Parliament information centre and everyone else who has supported us along the way. I particularly thank committee colleagues who supported my amendments.

The children's panel chairs have followed the committee's deliberations every step of the way—that includes our marathon meetings and even our evening meetings. I believe that they were here yesterday, and they are here today, too. I pay tribute to the chairs and to all panel members. It should be remembered that the caring people who make up our panels are volunteers.

It is nearly half a century since Kilbrandon reported. In that time, society has changed and the challenges that we and especially young people face have changed. I am immensely proud of Scotland's hearings system, which puts the welfare of the child at its heart. It was time to renew and refresh the system, to allow children to participate effectively, to ensure adequate monitoring of the implementation of hearing decisions and of outcomes, and to ensure that the system is ECHR compliant.

The amendments in my name that were agreed to yesterday will ensure that the child's voice is not lost in a room full of adults. Effective advocacy in Moray and Ayrshire has delivered better outcomes for children. Have-your-say forms that are completed before panel meetings by children who have had advocacy support are much more informed and in a number of cases have enabled panel members to come to better decisions for children.

The provisions that were added to the bill at stage 2 on the age at which a young person comes to the reporter's attention will go a long way towards supporting young people. The new system will allow young people who are approaching their 16th birthday to be supported through the hearings system rather than put into

the adult system, where they can become lost to society for ever. As I said in the committee, it is important that we acknowledge that a child's vulnerability does not end at the stroke of midnight on their 16th birthday. The bill will provide for a welfare-based, caring approach to our vulnerable young people.

Another key provision in the bill is the power to request assistance. The duty to comply is extended to all local authority functions. A request could be made to local authorities and, for the first time, to health boards for assistance in realising a hearing's decisions, to support the care of a young person. The health service will be drawn into the system in a way that has never happened in the past, and the approach will ensure that a young person can have an holistic care plan.

The UN Convention on the Rights of the Child is a cause that is close to my heart. The bill places the rights of the child at the heart of the system. It modernises grounds for referral and increases consistency in relation to decision making, training and continuous professional development. It will raise standards throughout Scotland. It will also maintain the independence of the system. It provides a clearer statutory framework and will strengthen protection and improve outcomes for Scotland's children. The new national convener will ensure the involvement of children and young people in the running of the system, so a youthful outlook will be maintained.

The bill will also better organise safeguarders, improving training and ensuring consistent standards. There will be a permanent scheme of secure legal representation for children and relevant persons, which is welcome and will ensure that the highest regard is paid to the rights of the child.

The system needs to be fit for another half century. I commend the minister, Adam Ingram, and all the other people who have guided and informed us along the way. I welcome the bill becoming law.

16:38

James Kelly (Glasgow Rutherglen) (Lab): Like Des McNulty, I am an outsider in the debate, in that I am not a member of the Education, Lifelong Learning and Culture Committee. I pay tribute to all members who have worked hard on the bill and to the people outwith the Parliament, such as panel chairs and many volunteers, who support the children's hearings system.

There is no doubt that we have had a troublesome journey to get to the position that we are in today. This is the second time that we have been round the loop. That is partly because people who are involved in the children's hearings

system are committed to what they do and hold strong views, because they care about the children who come through their panels. That is perhaps why politicians found it difficult to design a solution that satisfied everyone. Many people in Scotland give up a great deal of time to support the system and to support children. I pay particular tribute to the minister and the committee for their work in bringing the bill to fruition.

As members have said, the system that was based on the Kilbrandon principles was regarded as the jewel in the crown, and some people questioned why we would change it.

The reasons that have been given for change are the requirement to comply with the ECHR; to ensure consistency throughout Scotland; and to maintain the independence of the children's hearings system. It is right that we should be aware of the ECHR and ensure that the rights that it ascribes to people are given an appropriate place in Scotland. However, as Karen Whitefield said, it is important that we remember the welfare of the child in the process. We do not want the process to become overburdened and intimidatory to children. It would be regrettable if we started to see an adversarial approach on panels; let us hope that the bill will not lead to that.

One of the strains that has run through the debate on the bill is the question of which is best—national or local? We are moving from a system of 32 children's hearings panels to having a national panel. Many of those who participate in local panels throughout Scotland have a great deal of local knowledge and expertise and identify with their local panels. Let us hope that the new training system that has been put in place will reassure those panel members and ensure that they stay with the new arrangement that is to be established on a national basis.

As Liz Smith said, it is clear that the bill will be passed this evening, but Parliament still has a watching brief. We will need to listen carefully to volunteers, panel members and panel chairs as they watch the effects of the bill in practice. It is one thing for politicians to pass the bill tonight; ultimately, the many volunteers throughout Scotland will have to make it work. We wish them well in that regard and hope that we have done a good job in providing legislation that makes their job easier.

16:42

Hugh O'Donnell (Central Scotland) (LD): During the debate, I watched members nod their heads almost unanimously when someone referred to the complicated, tricky, zig-zag nature of the bill. I have always held to the principle that, if we have not satisfied everyone who has lobbied

us, we have gone some way towards being on the right page as far as the outcome is concerned. That certainly seems to be the case with the bill.

I congratulate members of the Education, Lifelong Learning and Culture Committee. From our consideration of amendments over the past two days, it is clear that there has been a lot of detail and negotiation. Anyone who engages in such a process is to be congratulated if they get a successful outcome. As Christina McKelvie said, we hope that it will be another 50 years before we revisit this area of activity.

Members of the committee—and all other members—value the existing children's hearings system, which is recognised internationally. The system combines a volunteer base with local knowledge; critically, it has at its heart the welfare of the child. As far as I can see, those principles have been retained in the bill. However, given that the system is 50 years old, give or take, and that our society has changed and become much more complicated, it is entirely legitimate for us to revisit it—albeit that we have done so twice.

It is understandable that a national focus is needed. Des McNulty was right to commend the system that operated in Strathclyde region, which combined an element of localism with a centralised focus that permitted the dispersal of information and experience, and the exchange of ideas across a wider area. The bill will allow that to happen across Scotland and, from that perspective, it certainly seems to strike the right balance between those two requirements. Those principles are right. The bill also ties into the long-standing issues around getting it right for every child.

Although the bill might not satisfy every partner or stakeholder in every possible way, it will, I hope, be seen to address many of the challenges that exist and many of the questions that people have posed during the very long process of its consideration.

As Margaret Smith said, Liberal Democrats are fully supportive of the bill and will be voting in favour of it this evening.

16:45

Margaret Mitchell (Central Scotland) (Con): The Children's Hearings (Scotland) Bill has had a difficult passage through the Parliament. The first attempt ended in failure, with the bill being withdrawn. During stage 1 of the new bill, there was consensus about the need for reform of the children's hearings system. Achieving that modernisation while maintaining the principles outlined in the 1964 Kilbrandon report has proved to be a not inconsiderable challenge.

From the outset, the Scottish Conservatives questioned the need for new legislation. With the benefit of hindsight, I remain unconvinced that the tortuous legislative process that has characterised the passage of the bill has been the best way to make the changes that are deemed necessary to improve the children's hearings system.

The bill has attracted qualified support, but there has been no doubt about the need for the children's hearings system to retain a child-centred approach and the strong local connections that have been reflected in panel membership to date. Clearly, the best elements of the original panel system should be retained in the new bill's provisions.

I welcome the introduction of advocacy services for children who would otherwise not be able to express their views, but there is a need to limit the number of people who have the right to attend hearings. The list now includes a supporter, an advocate, a legal representative and possibly also a safeguarder. Also included in that not inconsiderable list is each "relevant person", who can, in turn, be accompanied by their own supporter. With that expanding list of potential attendees, there is a real and justified concern that the child's voice could be diminished—ironically—by those who have been granted legislative power to come to their aid.

The process is now to be increasingly legislative and complex. Consequently, it is shifting away from the child-centred approach that has, over the 41 years of its existence, been one of the strongest features of Scotland's unique children's hearings system. It seems that the need to maintain that child-centred approach as paramount has been overtaken by the primary consideration of ensuring that the bill's provisions anticipate every potential ECHR challenge. That can only be a retrograde step.

The children's hearings system has always functioned at a local level, and that is one of its strengths. It follows that a balance must be found between the new position of the national convener, area support teams, local authorities and panel members, to ensure that the system does not become overly centralised. Elizabeth Smith's amendments have gone some way towards addressing that issue.

Worryingly, however, there remains a distinct absence of clarity about how the component parts of the system will interact with one another and work together. It is essential to strike an appropriate balance between the influence of the national convener and the role of local authorities on area support teams. How area support teams will interact with local authorities has been and remains an issue. At a time when local authorities must think carefully about their budgets, when

resources are scarce and criminal justice social workers continue to be underfunded and stressed, there is a question mark over how they will support and complement area support teams. Neither is it apparent how the teams will fit into the current local authority structures. All of those questions remain unanswered.

I hope that the role of the national convener will help to address the issue of the variation in the support and training that is given to panel members, which was identified as a weakness in the current system.

As I said in the stage 1 debate in June, children's panel members play a vital role in the system. Those volunteers give willingly of their time in an effort to provide support, assistance and guidance to children from their local communities. They deserve recognition and our gratitude for the work that they undertake.

16:49

Ken Macintosh (Eastwood) (Lab): Like nearly every member in the chamber this afternoon, I start by expressing my gratitude and thanks to everyone who was involved in bringing the bill to the brink of becoming an act of the Scottish Parliament. I thank the committee clerks, our adviser Kenneth Norrie and, of course, the parliamentary clerks who were involved in drafting our amendments.

The legislative process is long and, I hope, thorough. No matter how many times we amend the rules that govern the timetabling of bills, we always seem to end up exchanging midnight e-mails, making last-minute phone calls, calling urgent meetings and generally struggling to reach agreement on final adjustments. I also thank the bill team, members of which are sitting at the rear of the chamber, for their work in meeting the demands that the Parliament placed on them.

I express particular thanks to those who not only submitted evidence but participated actively in supporting the Parliament and its MSPs through stages 2 and 3 of the bill process. I do so because the support and advice—and yes, the lobbying—that we receive from organisations, groups and individuals is invaluable. It is worth noting the particularly high level of interest and interaction that the bill engendered, which I believe reflects the esteem in which the voluntary panel system is held.

Speaking as an Opposition MSP—someone who does not have a civil service to call on—I am particularly grateful to the number of children's organisations whose efforts were very helpful in shaping the bill as it proceeded. Action for Children Scotland, Children in Scotland, Barnardo's, Children 1st, Aberlour Child Care

Trust, Quarriers, the Scottish Child Law Centre and, of course, Scotland's Commissioner for Children and Young People, amongst others—

Hugh O'Donnell: You missed the Law Society.

Ken Macintosh: I will come to it in a second.
[*Laughter.*]

All of them gave us persuasive and thoughtful submissions that helped to shape our thinking. A huge amount of work, thought and effort went into doing that and into the number of recommendations from the Law Society. I give special thanks to all involved. I am not sure whether my committee colleagues share my admiration for the Law Society and the selfless time and effort that it put in, but the bill is a better piece of legislation as a result.

I pay particular tribute to the minister, Adam Ingram, for his openness and willingness to work with others from all sides to reach agreement on what could, at times, be quite intractable issues. It was instructive for all of us to see the minister maintain his equanimity and good nature, even in the midst of the partisan divisions that frequently erupted among us and for which our committee is, unfortunately, sometimes renowned.

I thank those with a personal involvement in the children's panel system who tried to give us as parliamentarians the benefit of their experience. The list includes the children's panel chairs who are in the gallery again this afternoon. As Karen Whitefield said, they have been with us through nearly every evidence and amending session in the chamber and at committee. The list also includes the reporters, local panel volunteers and—crucially—young people who had been in front of a panel. They all informed our work.

I doubt that there is a member in the chamber or Parliament who has not heard directly from constituents in their area about their concerns and views. I suspect that many of the individuals who took valuable time out of their lives to contact us may have found the passage of the bill a frustrating business. It is certainly the case that we could not address every concern that was raised. I thank all the individuals concerned. It is not always apparent how much we rely on such approaches and how much they influence our thinking. The process is not always as transparent as we would want nor wholly satisfactory for all those who engage with it and make submissions.

I make those remarks and express my gratitude because, although I believe that the bill will improve what is a fundamentally sound system, despite all the efforts I find myself slightly dissatisfied that, even after so much work, so many views and attempts to reach consensus, agreement and compromise, in the end we will achieve possibly only modest improvements to the

lives of those who are most affected—Scotland's children. I worry that we spent months worrying over and debating processes and too little time on the help, support and outcomes that our young people who are most in need require. That point was made earlier by Elizabeth Smith.

Even now, I remain concerned that we may not have struck the right balance between local involvement and national standards and consistency. That is not a criticism of anyone or any party. In fact, it was striking that all parties united around the Kilbrandon principles and shared a desire to improve the panel system with its focus on needs, not deeds.

I want to end on a more upbeat and confident note. I believe that the new children's hearings system will continue to work successfully for Scotland's children. It will do so because the panel members who give up their time for the good of others will make it work. There are outstanding concerns: the creeping legalisation of what should be a non-adversarial system and the growing number of adults who are involved. However, I believe that the new structures will work, that the process will improve, and that there will be greater consistency, higher standards and a greater focus on the voice of the child. I am confident that Scotland can continue to be proud of our children's hearings system.

16:55

Adam Ingram: I wonder what remains to be said about the bill at this stage. I would like to start by correcting Margaret Mitchell on a point of fact. I say for the record that the bill was not withdrawn. There was a draft bill in June 2009 that was consulted on and then adjusted before being introduced in February 2010.

I thank members for their contributions today and yesterday, which again emphasised the importance of protecting Scotland's children's hearings system. I do not think that anyone doubts that modernised legislation is needed to improve outcomes for children, but it is a tribute to the dedication and professionalism of those in our children's hearings system that we have worked so well within a framework that is based on society and family life in the 1960s, which is a world away from modern society.

The implementation of this bill will build on partnerships that were developed during its preparation. To support implementation, it is vital that we continue to retain sufficient numbers of lay people, without whom the system could not operate. [*Interruption.*]

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

Adam Ingram: It would be remiss of me not to pay tribute to the commitment and dedication of panel members, past and present, who have created this jewel in the crown of Scottish life. I am delighted that this year's panel member recruitment campaign attracted the highest ever number of people to the system.

This has been a long slog, and there have been many questions about the bill throughout the process. However, I cannot bring the process to a close without responding to a phrase that I have heard repeatedly, and which I heard again this afternoon—the now infamous suggestion that the bill is a sledgehammer to crack a nut. I agree that the bill is large. It updates a lot of the Children (Scotland) Act 1995. However, to call it a sledgehammer is a little unfair. If the bill is the sledgehammer, does that make the children's hearings system the nut? Are we really saying that this bill is disproportionate, given the variety of players in the hearings system and the large number of children whom it supports? I would be surprised if that were the case, particularly since Scotland's largest tribunal will operate under it.

It is clear to me that the bill does no more and no less than what is required to protect our children's hearings system. I take pride in the fact that the bill has well and truly polished the jewel in Scotland's crown.

I thank members once again for their comments and also thank everyone else who has contributed to the development of the Children's Hearings (Scotland) Bill. I believe that the bill will make a significant and lasting difference to the life chances of Scotland's most vulnerable children and young people, and I urge every member to support it.

16:59

Meeting suspended.

17:00

On resuming—

Decision Time

The Presiding Officer (Alex Fergusson):

There are five questions to be put as a result of today's business. I remind members that in relation to this morning's debate on a budget for Scotland's people, if the amendment in the name of John Swinney is agreed to, the amendment in the name of Jeremy Purvis falls.

The first question is, that amendment S3M-7474.3, in the name of John Swinney, which seeks to amend motion S3M-7474, in the name of Johann Lamont, on a budget for Scotland's people, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 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)

The Presiding Officer: The result of the division is: For 43, Against 71, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-7474.1, in the name of Derek Brownlee, which seeks to amend motion S3M-7474, in the name of Johann Lamont, on a budget for Scotland's people, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)

Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 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)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (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 71, Against 43, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is,

that amendment S3M-7474.4, in the name of Jeremy Purvis, which seeks to amend motion S3M-7474, in the name of Johann Lamont, on a budget for Scotland's people, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 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)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (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 71, Against 43, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-7474, in the name of Johann Lamont, on a budget for Scotland's people, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Mulligan, Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Elaine (Dumfries) (Lab)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 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)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (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 71, Against 42, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament notes that the Scottish Government has been presented with its spending budgets for the four-year spending review period yet has chosen to provide local authorities, NHS boards, universities, colleges, the voluntary sector and the wider public sector with only one-year budget proposals for 2011-12; believes that such uncertainty is corrosive as it does not allow those organisations to plan effectively; believes that this inability to plan will have an adverse impact on services, individuals, families and communities, and calls on the Scottish Government to follow the example of the Welsh Assembly Government and the Scottish Parliamentary Corporate Body and publish longer-term figures up to 2014-15.

The Presiding Officer: The next question is, that motion S3M-7399, in the name of Adam Ingram, on the Children's Hearings (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Children's Hearings (Scotland) Bill be passed.

St Andrew's Day 2010

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S3M-7351, in the name of John Wilson, on St Andrew's day 2010. The debate will be concluded without any question being put.

Motion debated,

That the Parliament reiterates support for the passing of the St Andrew's Day Bank Holiday (Scotland) Act 2007 to mark St Andrew's Day on 30 November as a national holiday; considers with regret that very few public bodies have taken on board the spirit of the legislation to fully appreciate that St Andrew's Day should be granted full public holiday status, and would welcome widespread support for St Andrew's Day throughout Central Scotland in 2010.

17:05

John Wilson (Central Scotland) (SNP): I take this opportunity to thank members who have signed my motion, which recognises the importance of St Andrew's day and encourages more public bodies throughout Central Scotland to recognise it as a public holiday.

Held on 30 November each year, St Andrew's day commemorates Scotland's patron saint and was made a Scottish bank holiday as a result of the St Andrew's Day Bank Holiday (Scotland) Act 2007. The bill generated an unprecedented level of support in the Parliament, with 75 MSPs from all parties signing up to support the proposal within one month of its introduction, and the Parliament subsequently passed it unanimously at stage 3.

However, the 2007 act fell short of Dennis Canavan's intentions. Although St Andrew's day does now constitute a bank holiday in Scotland, the act made it voluntary, so employers are not obliged to give their employees time off. The act states that, if St Andrew's day falls on the weekend, the St Andrew's day bank holiday should take place on the following Monday, 1 or 2 December. It was hoped that, as more employers granted St Andrew's day as a holiday, pressure would be put on other employers to do the same. That has not been the case, despite the fact that Dennis Canavan's consultation exercise generated 85 per cent support from the respondents.

Some employers recognise St Andrew's day as a holiday, including the Scottish Parliament and the Scottish Government, which give staff a bank holiday—albeit that they will do so on different days this year, with the Scottish Parliament closing on Friday 3 December, while the Scottish Government has chosen to give staff Monday 29 November as the St Andrew's day holiday. The Scottish Government used St Andrew's day in

2008 to mark the beginning, and St Andrew's day in 2009 to mark the end, of Scotland's homecoming celebrations, the Government-sponsored year of events marking the 250th anniversary of Robert Burns's birth.

However, local authorities have been reluctant to grant the same benefit to their staff, with only a few offering it as a bank holiday. The answer to a parliamentary written question from Margo MacDonald in November 2009 highlighted the fact that only Angus Council, Dumfries and Galloway Council, Scottish Borders Council and Renfrewshire Council acknowledge St Andrew's day as an official school holiday. Aberdeen City Council makes it an in-service day to allow pupils to celebrate with a day off. That highlights the fact that, at present, the local authorities throughout Central Scotland do not adhere to the principles of the 2007 act by providing a holiday, although individual schools hold celebrations in various forms to acknowledge St Andrew's day.

The ad hoc basis on which the act is being applied in Scotland does little to suggest that a blanket approach will be achieved without further legislation to make 30 November a compulsory bank holiday in Scotland. Granting full bank holiday status to St Andrew's day would bring Scotland into line with many other countries in Europe. More than 90 per cent of countries in Europe mark their official national day with a public holiday, including Bastille day in France and unification day in Bulgaria. St Patrick's day became an official bank holiday in Ireland under the Bank Holiday (Ireland) Act 1903 and is celebrated both north and south of the border, as well as by many cities in north America.

Full public holiday status for St Andrew's day would not only allow Scots to celebrate their much-recognised national identity, but would bring Scotland more into line with other European countries in terms of narrowing the public holiday gap.

The potential economic benefits that could be generated in sectors such as retail, tourism and entertainment by more organisations providing St Andrew's day celebrations as a bank holiday is also an important consideration. In 2005, the Scottish Retail Consortium estimated that retail sales on a bank holiday can increase by as much as 80 per cent.

All Scots are proud to acknowledge their national identity and to celebrate Scotland's fantastic history. Having been confirmed as patron saint of Scotland in the declaration of Arbroath in 1320, St Andrew has become a figure who is widely recognised as part of Scotland's heritage, and he is reflected in the national flag, which embodies the St Andrew's cross.

St Andrew's day is used by the Scottish Trades Union Congress every year to raise awareness of diversity throughout Scotland. It reflects a day of national importance with a march and rally in Glasgow.

St Andrew's day is celebrated by people all over the world, in much the same way as people celebrate St Patrick's day, but workers and those in the education system here are not granted the same privilege of a day off to celebrate. It is therefore disappointing that it might be true that St Andrew's day is celebrated to a greater extent by people outside Scotland.

I congratulate all the organisations and communities throughout Scotland that have organised events over the coming days to celebrate St Andrew's day. I look forward to the contribution of the minister and other members in tonight's debate.

17:11

Ted Brocklebank (Mid Scotland and Fife)

(Con): I congratulate John Wilson on securing tonight's debate, and I welcome him to the unique group of MSPs who are trotted out at this time of year to extol the virtues of Scotland's patron saint. I believe that this is the seventh time that I have delivered a St Andrew's day speech since coming into the Parliament. I am reminded of the reported comment of Elizabeth Taylor's seventh husband on the eve of their honeymoon. He said:

"I think I know what's expected of me, but how do I make it interesting?"

Of course, as a native of St Andrews, I am delighted that my home town bears the name of Scotland's patron saint, and I pay tribute to Dennis Canavan's achievement in having St Andrew's day designated a voluntary public holiday back in January 2007. I also welcome the news that Historic Scotland and other public bodies are opening key places from Scotland's history for people to visit free next Tuesday. Scotland's tourism gets a much-needed boost at the start of the run up to the Christmas and new year celebrations—our so-called winter festival—and, if the weather is kind, St Andrews and other towns throughout Scotland will hopefully attract many visitors to the festivities that they are laying on. Later in my offering, if time allows it I will go into more detail about the exciting programme in prospect in St Andrews itself.

This is where I part company with John Wilson. What he and those who support a compulsory national holiday on St Andrew's day seem to forget is that someone has to pay for public holidays, and the cost usually falls on small businesses and the taxpayer. When approximately 7,500 Scottish Government staff are given next

Tuesday off, it is estimated that it will cost the taxpayer £1 million. It is little wonder that the Federation of Small Businesses says that in the deepest recession that we have known since the war, with its members working evenings and weekends to improve the economic situation in Scotland, they have no chance of taking a day off. CBI Scotland agrees, and makes the point that

“more and more firms are moving away from shutting on specified days towards a system whereby each employee has an annual leave entitlement and decides for themselves ... in agreement with their employer - when to take holidays”.

As we know, four of our 32 Scottish councils are giving pupils and staff a day off school next week, but why should schoolchildren and council staff in Angus, Dumfries and Galloway, Renfrewshire and the Borders get a day's more holiday than children and workers in other council areas? What about the hard-pressed parents in those council areas who are working on St Andrew's day when their children are off school and who will have to make special arrangements for child care?

To sort out messes like that, I have no objection to St Andrew's day being made a statutory public holiday, provided—this is an extremely important proviso—that it is not added to the number of statutory public holidays that we already receive. All we have to decide is which of our existing public holidays we are happy to give up. The two Monday holidays in May have always seemed to be one too many for me—why not get rid of one of them in favour of St Andrew's day?

I turn now to the actual programme for the St Andrews festival, which is supported by Fife Council and EventScotland. Over this coming weekend and lasting until Tuesday, St Andrews has a cornucopia of goodies on offer. Many events will be staged under cover this year, with a large section of the historic South Street under a canopy, including a stage, which will create a massive new street venue for acts ranging from the Red Hot Chilli Pipers and Blawbag, to local musicians such as the Black Sheep Music Society and St Andrew's university's own chanteuse, Chloe Matharu.

Elsewhere in the town there will be performances from the Edinburgh string quartet, Gypsy jazz musician Lulo Reinhardt—the grandnephew of the legendary Django—and the Amici Cantate choir. There will be a taste of Scotland food festival, a winter barbecue and a Scottish real ale and malt whisky festival. For the outdoor types, there will be a veterans rugby tournament—I can only imagine that my invitation to participate is still in the post. Reliving the iconic movie “Chariots of Fire”, parts of which were shot in the old town, there is to be a West sands “Chariots of Fire” fun run.

It will be a great festival, with something for everyone. What better place to celebrate St Andrew's day and the launch of the winter festivals than the city that bears the name of our patron saint. I issue an open invitation to the minister and all others who are interested to come along and enjoy a super St Andrews festival.

17:16

Elaine Smith (Coatbridge and Chryston)

(Lab): Like others, I congratulate John Wilson on lodging the motion and securing the debate.

As we have heard, the St Andrew's Day Bank Holiday (Scotland) Act 2007 had the overwhelming support of the Parliament, so it is disappointing that for most workers the day continues to go unmarked. As the motion says, for the majority in the private and public sectors, a holiday is not provided. That shows that the voluntary nature of the legislation means that it is not working.

A longer weekend around the time of St Andrew's day would be a really good time for an extra public holiday. It would allow Scotland to participate in a day of celebration that could signal the beginning of the winter festivities that we have—including the switching on of Christmas lights around the country, markets in Edinburgh and Glasgow, and other events in cities throughout Scotland—that culminate in the hogmanay celebrations. It would benefit my constituents to have an extra day's holiday around St Andrew's day that formed a part of those celebrations.

As this week is trade union week in the Parliament, it is appropriate to consider the position of holidays more generally, perhaps taking up where Ted Brocklebank left off. Scotland currently has only eight public holidays—I think that John Wilson made that point—compared with the European Union average of 12 per year. Scots are therefore already overworked when compared with their counterparts on the continent—and average annual hours worked are higher in Scotland than they are in most western European countries, including France, Germany and Italy.

I note that in response to the original consultation on a St Andrew's day bank holiday the STUC argued that an extra bank holiday would be a positive step for Scottish workers. I think so too, and I am sure that my constituents in Coatbridge and Chryston agree with that assessment. Even so, that would still leave Scotland with fewer public holidays than the rest of the EU.

In its submission, Unison Scotland noted that there might be some opposition from businesses to establishing such a holiday in Scotland—either the complaints that we heard earlier about a loss

of competitive advantage or complaints about having different bank holidays from the rest of the United Kingdom—but Unison concluded that it would be a national holiday and, since the majority of companies in Scotland could be expected to participate, the fear of a competitive disadvantage would be minimised. It also pointed out that Northern Ireland already has two more bank holidays than the rest of the UK—and we seem to be able to get an extra one with the flourish of a royal ring.

Big business tends to oppose changes that benefit the workers, as do Tories, but we should not forget that millions of pounds are lost to the Scottish economy through stress-related illness and, especially in the current climate, many people feel overworked and undervalued as employers seek to maximise profit, often at workers' expense. According to NHS Scotland, stress costs the UK economy about £3.7 billion every year and the loss of as many as 80 million working days per year. There is also high incidence of seasonal affective disorder and vitamin D deficiency in Scotland, so we would also benefit from an extra bank holiday day in that regard—which would go some way to alleviating pressure on the NHS.

The STUC also expressed concern that Scottish and UK workers are placed under increasing pressure as a consequence of the need to balance family and working lives. An extra day's bank holiday could allow families to spend quality time together. It could also help the tourism industry to generate income outwith the traditional peak times, serving as a boost to local economies throughout Scotland—so it would not necessarily be a drain of any kind on the economy. There are many tourist attractions in my constituency, such as the newly refurbished Time Capsule complex, which will reopen soon with a brand new flume called tornado tantrum. The complex is always well used during the holidays and a public holiday on St Andrew's day could be well spent in Coatbridge.

St Andrew's day would be an all-inclusive celebration; everybody could rally round it. Indeed, as John Wilson said, the STUC holds an annual anti-racism march to mark St Andrew's day. This year's march will be on Saturday 27 November. Trade unionists will rally round the St Andrew's day banner against racism and fascism and celebrate diversity and shared humanity.

I believe that the Parliament should do more to encourage the St Andrew's day holiday as a national celebration of Scotland's patron saint and the trade union movement's position that it could be used to promote a sense of collectivity. More private and public employers should follow the Parliament's lead and honour the day by granting a holiday; otherwise, we will need to revisit it and

consider legislating, as Dennis Canavan first suggested.

17:21

Linda Fabiani (Central Scotland) (SNP): I am glad to be able to speak in this debate. Of particular relevance to my theme is the last clause in the motion, which is about welcoming

“widespread support for St Andrew's Day throughout Central Scotland in 2010.”

I will talk briefly about an initiative that was launched last St Andrew's day with the support of the minister and the First Minister, Alex Salmond, which I believe deserves widespread support throughout Scotland.

The cross out child poverty in Scotland campaign was run by Glasgow the Caring City. It was launched on St Andrew's day last year with a declaration about child poverty in Scotland. I give credit where it was due—the declaration was authored not only by the Rev Neil Galbraith, the chief executive of Glasgow the Caring City, but by Tom Harris MP, the local MP for Cathcart old parish church, who works closely with the Rev Galbraith on the initiative.

We were asked to sign a declaration. Some people who regularly come to this chamber—although they are perhaps not here now—and who regularly go to council chambers in central Scotland and Lanarkshire signed that declaration, which said:

“We ... believe that Scotland's children deserve better. We believe that no society can be truly at ease with itself while significant numbers of children live in poverty. We believe that the elimination of child poverty must be a priority for us all ... every member of society”—

especially those who are privileged to represent people, such as politicians and community leaders. It continued:

“We believe that poverty should be defined more widely than lack of money, that it encompasses a lack of education, of health, of welfare, of self-esteem and of love. We believe that poverty corrodes children's health, their happiness, their safety and their aspirations. We recognise that children whose lives are blighted by poverty are at higher risk of educational failure ... We recognise that a life lived in poverty can lead to a life of drug abuse and exploitation.”

We see that far too often. It concluded:

“We believe that only through the elimination of child poverty can we expect the children of Scotland to live their lives to the full, and to be able to enjoy the opportunities that the rest of society take for granted. We ... believe the time for change is here.”

The initiative was well worth launching on Scotland's national day, but it should not end there—we should not just launch something, sign the declaration and then feel that the job is done. I

am glad that the minister and the First Minister have kept in touch with the Rev Galbraith to see how we can encourage that work, which I am sure all of us in Scotland care for very much.

I am also delighted to be able to say again—I have said it already today—that the initiative is spreading wider. In fact, we are launching the cross out child poverty in East Kilbride campaign on Sunday, in East Kilbride. The campaign is spearheaded by the ministers from two local churches—Claremont parish church and East Kilbride old parish church—and South Lanarkshire College East Kilbride. There is a great interest among the staff and students at the college in looking after their own community and trying, as far as possible, to drive out child poverty.

I congratulate Glasgow the Caring City on launching the initiative last year and welcome the fact that it is spreading out from Glasgow. I know that East Kilbride is not the only place that has taken it on board for this year. I hope that members here will consider speaking to community leaders and others in their area to try, as time moves on, to use St Andrew's day, Scotland's national day, as a catalyst for driving out poverty—that blight on our society that affects children all too badly.

This St Andrew's day—this national day—help us cross out child poverty in Scotland.

17:25

The Minister for Culture and External Affairs (Fiona Hyslop): I thank John Wilson for bringing his motion for debate. I also thank Dennis Canavan for his initial campaign; he continues to provide advice to the Scottish Government.

This debate gives me an opportunity to restate the Government's support for and recognition of the significance of St Andrew's day to Scotland and the wider world. St Andrew's day gives the people of Scotland a magnificent opportunity to celebrate our patron saint.

I have some sympathy with John Wilson's point that few public bodies and local authorities have taken on the spirit of the act, which received royal assent in January 2007. However, I can report that of the 39 public bodies that come within the public sector pay policy, 30 are recognising St Andrew's day.

Members might recall that the act was not in any way prescriptive; indeed, it was framed so as to allow a flexible approach on how it could be interpreted by public bodies and private firms alike. If bodies wish to observe St Andrew's day as a public holiday, the facility to substitute another holiday for 30 November is contained in the act.

For its part, the Scottish Government has continued to encourage all parts of Scotland to recognise St Andrew's day. Indeed, £434,000—the same level as in previous years—was made available to local authorities for St Andrew's day celebrations. Through that funding, the Government is supporting a programme of high-quality events throughout Scotland, which start on Friday 26 November and run through to Tuesday 30 November, to mark St Andrew's day. Of course, St Andrew's day launches our Scottish winter festival, which runs all the way through to Burns night.

I understand that Renfrewshire, Dumbarton and Stirling have begun their celebrations this evening. For 2010, the Scottish Government is holding a competition, which is open to all publicly funded schools and pre-schools, to design a St Andrew's day poster with the theme of Scotland's food and drink, to tie in with our year of celebration of food and drink. The winning entries in three categories will be displayed here in the Parliament during our family weekend, which is this weekend, and £200 will be awarded to the winning school or pre-school.

Elaine Smith: That is a very interesting point. Ted Brocklebank said earlier that some local authorities are granting a day's holiday and others are not. Will the minister consider writing to local authorities to tell them that some authorities are granting the holiday and encourage others to do so?

Fiona Hyslop: I assure the member that that has been done on a number of occasions. Her point about the voluntary nature of all this is well made, because those efforts have been made in the past.

Perhaps it is about making sure that people see the opportunities. Celebrations also provide opportunities for people to spend money, which might address the point that Ted Brocklebank made. Festivals mean that people come out and buy from local shops and small businesses. St Andrew's day is an opportunity. The burgeoning Advent fairs and markets that are taking place this weekend show that there is a commercial aspect, which we should perhaps encourage more.

Ted Brocklebank: The point is that for the people who are coming into work on the national holiday that goes against what Elaine Smith is proposing, because they will have to work overtime on that day to make a profit for their employers.

Fiona Hyslop: That is where the balance has to be struck. I draw to members' attention the fact that Scotland's most famous heritage attractions will be free—and not just for one day on the Tuesday, which is St Andrew's day; all 48 of

Historic Scotland's winter ticketed heritage sites and monuments will be open free from Saturday 27 November to Tuesday 30 November. In order for those sites to be open, staff will have to work those days, but that gives them the opportunity, with their employers, to think about the day that they will take off in lieu of working on St Andrew's day. A bit of common sense and flexibility would allow us to make progress.

The other events that are taking place include Edinburgh's four-day family festival, the undercover at St Andrews festival in Fife, the saltire celebrations in East Lothian and the St Andrew's day Border banquet and taste awards. I will be at the East Lothian saltire celebrations and Edinburgh's event in St Andrew Square gardens. There will also be a St Andrew's day debating championship in the Parliament, in which we will support the cross out child poverty in Scotland campaign. The final motion at that will be on crossing out child poverty.

Elaine Smith made an important point about the STUC and its annual anti-racism march. Our national identity is not only about our history; it is also about the values that we hold as a country. The values of fairness and justice have been well reflected by the STUC in its demonstrations and in the cross out child poverty campaign. I assure Linda Fabiani that that campaign will be informed about, and involved in, the development of Scotland's tackling child poverty strategy, which will be Scotland's first child poverty strategy.

John Wilson mentioned that there are international celebrations. There are celebrations from Australia to Zambia. Eighteen countries around the world hold lots of ceilidhs, concerts and dinners to celebrate St Andrew's day. John Wilson was correct to draw a comparison with other countries in talking about the number of public holidays that Scotland recognises. According to the figures that I have been given, Scotland has nine public holidays; Belgium, France, Germany and Ireland have 10; Denmark, Finland, Iceland, Italy and Luxembourg have 12; and Austria and Malta have 14. That is not to say that we should aspire to mirror what the Austrians or Maltese do. However, Scotland is a nation of hard-working, passionate and proud individuals who, by and large, care deeply about their identity and being Scottish. Acknowledging and honouring our patron saint is just one way of celebrating our nationality. As I mentioned, there are ways of spending money in celebrating that which help the economy. It is important that we think about that, especially in these times.

I am confident that recognition of the holiday will grow in the years ahead, and I encourage all members to join in their local celebrations of our national saint's day. I hope that, on Tuesday, all

members will think about the points that have been made in the debate, and that we will collectively take forward our ambition to celebrate our national day appropriately in the years to come.

Meeting closed at 17:32.

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