



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 16 December 2010

Session 3

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Scottish Parliament

Thursday 16 December 2010

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

Winter Resilience

The Presiding Officer (Alex Fergusson): Good morning. The first item of business is a Labour Party debate on motion S3M-7604, in the name of Andy Kerr, on winter resilience. As the debate is very heavily subscribed, I ask members to stick rigidly to the timings given.

09:15

Andy Kerr (East Kilbride) (Lab): At the start of the debate, it is only proper that I place on record the appreciation of the nation and the many communities throughout it for all those gallant men and women in the public and private sectors who, despite treacherous conditions, fought hard to keep our communities connected and our people looked after. I welcome Keith Brown to his new post as Minister for Transport and Infrastructure.

It is also correct for us to reflect on individual experiences such as that of a constituent of mine, who was concerned, stressed and worried about getting the dialysis that she requires three times a week to treat her life-threatening condition. She was looked after by our national health service at Monklands hospital, whose stalwart service went above and beyond the call of duty. Of course, the weather conditions created similar situations for many of our constituents.

In bringing this debate, Labour seeks to give the Parliament the opportunity to look forward not just over the next few months but over the much longer term with regard to our ability to cope with severe winter weather conditions. In my speech, I want to focus on ideas, options and choices for the future. Although my colleagues and I are quite happy to discuss past events, I believe that it is best to look forward. In that light, we will abstain on the Liberal Democrat amendment, which we believe fights last week's battle, not this week's. Of course, had the previous transport minister not decided to resign, we would have supported it.

I share the Cabinet Secretary for Finance and Sustainable Growth's view, expressed in the media, that when we have conditions such as those that we have just experienced, which we will experience again, there will be delays and disruptions. However, it is our duty to reduce those delays and disruptions to a minimum. Our economy lost millions; our schools were closed; our workers could not get to their workplaces; our

elderly were trapped; and the sick and disabled were housebound. For many, Scotland ground to a halt, and we must put in place as many measures as possible to mitigate such a consequence.

As everyone recognises—indeed, I heard the Minister for Transport and Infrastructure discussing this very issue on the radio this morning—communications are vital in such situations. For a number of years, we on these benches have called for a dedicated phone line or single point of reference, and we repeat our request that the Scottish Government establish a Scotland-wide telephone helpline in preparation for such events. There was undoubtedly a lack of consistency in the messages that were being given by Scotland's many helplines, which were staffed by people in different councils or different organisations.

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I know that Mr Kerr and his colleagues have pursued the matter for some time but, in considering the practical consequences of the situation, the Government has focused on the essential point that individuals who phone helplines must get the help that they require at a local level. That suggests to me that effective mechanisms must be in place in all parts of the country to deliver support to back up any local or national telephone helpline that might be established.

Andy Kerr: People still need a single point of access. It is of course important that they are referred on to other public services, but consistent advice must be given on first contact. I believe that our idea still has merit and should be discussed further.

The scale of the problem has also been highlighted by our pensioner organisations. According to the Scottish Pensioners Forum, 200,000 pensioners in Scotland were left vulnerable and trapped in their own homes. The treacherous conditions on our highways and local roads meant that many old people were unable not only to get the support of those who work with them but to go out themselves, get fresh food and supplies and even keep their homes warm.

That brings me back to a point that should be made in this debate. We need to ensure, as neighbours and friends, as a society and as communities, that we personally look in on those who are vulnerable or elderly and that we act as good neighbours. It is not all about Government intervention; there is a role for all of us in society.

I return to communications. Our messages must be clear and consistent, and decisions that have been taken must be communicated effectively to all news and information outlets. I welcome the

six-point action plan that the transport minister announced, but I have picked up reservations from local authorities that they were not included in the discussion about that plan. Indeed, my local authority was able and willing to assist Amey Highways when it was having real difficulties with major carriageways in and around South Lanarkshire, but there was a lack of co-ordination in the situation.

We all assume that websites can deliver everything for everybody, but many websites crashed because of the level of demand, and the accuracy of information on websites has been criticised. The websites of the Government, Transport Scotland and ScotRail did not meet the challenge that they required to meet. Further work needs to be done on that. Indeed, some in the media have described those websites as next to useless. If people try to interrogate poorly designed websites that crash and about which our communities express concerns, that undermines people's confidence in our ability to take on and challenge the inclement weather conditions that we face.

There are other forms of communication, of course. At 10.30 on Monday morning this week, I had a welcome meeting with the Cabinet Secretary for Finance and Sustainable Growth and the new transport minister in Glasgow. During that meeting, I said that we should consider whether it is possible, with digital communications, to have a dedicated radio channel just for dealing with such conditions so that our messages can be given out in a clear and unadulterated fashion and people can rely on them.

On leadership, I acknowledge the difficulties that we all face, particularly the ministers, but many organisations that had a role in dealing with what we have seen over the past wee while were unclear about where final decisions were being made and the communication of those decisions. The emergency committees were there, and people from them looked good standing in the Scottish Government's response room or standing next to shiploads of grit, but if there is a lack of leadership and a lack of understanding of who is responsible for decisions, that can, of course, lead us into difficult situations. We advocate the holding of a national planning day to ensure that we bring together all the agencies involved and iron out those situations. I hear noises from members in sedentary positions, but if one engages with the officers, councillors, agencies, bodies and individuals concerned, one will hear those concerns being expressed. We will find out in future whether they are right or wrong; all that I am saying is that those matters require to be looked at.

We must consider procurement strategies for vehicles and equipment in light of the conditions. Diesel vehicles could not be heated or used, and the police and other services have been unable to provide sufficient four-by-four vehicles. I believe that the availability of registers to get access to those pieces of equipment is being addressed. There has been a big discussion about tyres, particularly for large goods vehicles and private vehicles. We need to consider such matters. I think that the transport minister will have something to say about packs for stranded motorists and how we support them. I welcome the fact that we have had positive engagement with the Government on such matters and that ideas are coming forward.

The retail industry and the supply chain rely on just-in-time deliveries. Therefore, we must ensure that we engage realistically with our freight transport organisations. It is easy to say that we should stack and rack LGVs and other vehicles at the side of motorways or in pens, but we need to understand the impact on the supply of goods and services, and on supplies of essential goods, particularly fuel. We must ascertain the facts, consult now and ensure that the right decisions are made for future incidents. I understand the concerns that road hauliers have raised about views that have been expressed, but it is our job to engage with them to ensure that the decisions that are taken are right and effective so that there is no great impact on the economy as a whole. There is, of course, a balance to be struck in how we handle such situations.

I regret the intervention of the Cabinet Secretary for Education and Lifelong Learning, who felt that he was somehow in a better position than others to judge individual council responses. Headteachers, teachers and education authorities are much closer to the issues and were making more appropriate decisions. They are far more experienced in such matters. They have student education at the heart of their principles, but they also have safety at the heart of their decision making. I saw the letter from Councillor Pat Watters to the cabinet secretary on the issue, which stated that the cabinet secretary's actions were more about being seen to be doing something than about doing something effective. The fact that the cabinet secretary's letter to councils was immediately turned into a press release did not help the situation.

In coming to an overall view on the situation, I again place on record my thanks to the Cabinet Secretary for Finance and Sustainable Growth and others for their engagement. We on the Labour benches welcome the six-point plan that the transport minister recently announced, as it is the start of a response and an on-going process to manage conditions. I give credit to my colleague

Charlie Gordon, who, before the crisis began, recommended that the Transport, Infrastructure and Climate Change Committee should hold an inquiry into how we handle and manage inclement weather. It should be the responsibility of us all in the Parliament to feed into the process.

Much has been made of the Scottish salt group report of August 2010. I would appreciate, from the cabinet secretary or the transport minister, an up-to-date position on some of the many issues that the report raises on salt stocks and salt storage mechanisms. There are other considerations, including whether we need a dedicated winter emergency fund and clearer guidance on the maintenance of routes; whether we should create national salt reserves that are sustained at a higher level; how we can ensure better working with local authorities and trunk road operating companies; what vehicles and equipment we should specify; what our position is on winter tyres and clearing frontages; whether we need an assessment of the economic impact of measures that we seek to take to ensure that we get them right; and, of course, how we can ensure that we get clarity in decision-making processes.

The availability of salt is of particular concern. From my discussions with the council in my area, I believe that it is fairly well off in its salt stocks. However, that means that it has five or six days of available salt supplies. If that is one of the good local authorities, I worry about the state of salt supplies throughout Scotland. A well-stocked local authority such as South Lanarkshire Council has less than 10,000 tonnes, which is enough for five or six days. Many local authorities are worse off and have much less stock. We have a stock target of 25,000 tonnes in Scotland, whereas Wales has a stock target of 70,000 tonnes. If the weather conditions as described in the long-range weather forecast come true, we might have 30 continuous days of sub-zero temperatures. I have a great concern that the salt stocks are not sufficient to allow Scotland to keep moving during such conditions.

My message to the cabinet secretary and the new transport minister is that it is the responsibility of us all in the Parliament to work together to ensure that our economy and people are not disrupted by inclement weather conditions. I accept that the recent conditions were challenging, but nonetheless we did not respond as we should have done. The job of Parliament and the ministers is to ensure that we respond as we should in future.

I move,

That the Parliament acknowledges that lessons have to be learned about how the Scottish Government and its agencies react to exceptional weather conditions; considers that MSPs must now look ahead and work together to

ensure that all possible measures are taken to prevent the experience of recent weeks, which saw older people trapped in their homes, schools shut, people stranded on roads, businesses losing money, diesel and food supplies running low, mail undelivered and bins not collected; calls on the Scottish Government to improve communications, ensure closer and effective liaison with all appropriate organisations and consider more robust planning exercises, and, while acknowledging that severe weather will cause disruption and delays, believes that Scotland needs to keep moving regardless of the weather conditions.

09:28

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): This is the first opportunity that I have had to address Parliament since the resignation of my colleague Stewart Stevenson. I place on record my appreciation to him for what I consider to be a distinguished period in office with achievements on many issues, including the Forth replacement crossing, which we debated yesterday, the national planning framework, the strategic transport projects review and the climate change legislation. I thank him warmly for his support and for his service to the Government. I welcome Keith Brown to his office and look forward to working with him in the period ahead.

I welcome the opportunity to provide Parliament and the public with a further update on the measures that we have in place and those that we continue to put in place to deal with severe winter weather and to minimise disruption. Mr Kerr characterised the challenge as being to do with minimising and mitigating disruptive issues. That was a helpful observation at the outset of the debate. The tone and substance of Mr Kerr's speech will help us to make a great deal of progress on the issue. Although the Government will do everything possible to minimise and mitigate disruption, we must accept that, in periods of acute winter weather, there will be disruption to the normal pattern of life in Scotland. The challenge of public authorities is to try to minimise that disruption, which is what the Government is focused on just now.

The amendment that the Government has lodged recognises the outstanding efforts of the many people in the public sector and the voluntary sector within our communities who have contributed towards helping to resolve many of the challenges that we and all our citizens have faced in the past few weeks. The Government records its appreciation for what those public servants have contributed. I associate—

Duncan McNeil (Greenock and Inverclyde) (Lab): Will the cabinet secretary take an intervention?

John Swinney: In a moment.

I associate myself with the remarks that Mr Kerr made about the fact that all individuals in society have an obligation to look out for and help others in any way that they can during these difficulties. I am sure that we have all been touched by examples of where that has been the case within our own communities.

Duncan McNeil: The cabinet secretary is correct to praise those public sector workers who battled through the snow to look after our most vulnerable and elderly people in their communities last week. While warm words are welcome, does he think that it would be a more practical appreciation of that commitment and work if he was to ensure that those low-paid workers received at least the minimum wage or the £250 protection that they are currently not eligible for?

John Swinney: As Mr McNeil knows, in the part of public sector pay policy over which I have control, the exact aspirations that he set out will be delivered. I cannot control all areas of public sector pay because the local authority sector is involved, but I am sure that his words have been heard loud and clear by that sector.

Let me spend a couple of moments looking back at the events of Sunday 5, Monday 6 and Tuesday 7 December, when we experienced sustained, heavy, wet snow falling on already freezing surfaces, which followed a period of sustained snowfall in the preceding week. During the night of Sunday 5 December, the detailed predictions were for fairly small depths of snow of 2cm to 5cm across the central belt with the possibility of up to 10cm on higher ground. The eventual volume of snow that fell and the rate at which it fell were significantly beyond what had been predicted. The heavier snowfall during the morning peak resulted in severe congestion across the network, which restricted the operating companies' ability to continue with appropriate treatment cycles of ploughing and gritting.

At that point, there was full recognition that there was disruption to traffic, and both the operating companies and the police were fully engaged in responding to incidents, many of which they were able to deal with. However, it is clear from the analysis of the range of incidents that took place during Monday that, when one incident was being cleared on one aspect of the motorway and trunk road network, another incident was happening in close succession. We hoped that traffic would have the opportunity to clear in the early afternoon period—that would be the expectation in the circumstances—but it was unable to clear because of the plummeting temperatures that were experienced during the day. That was coupled with the fact that many people, fearful of the weather conditions, left work early, and schools closed. The motorway and trunk road

network had virtually no opportunity to recover on Monday afternoon. Consequently, by the time we reached 4 to 5 o'clock in the evening, there was significant congestion and gridlock across many aspects of the motorway network.

Shortly after the early evening, the situation around the city of Glasgow improved dramatically, but traffic was congested on the M8, the M876, the A80 and the M77. That led to significant difficulties and acute problems for individuals who were stranded in those circumstances. The plummeting temperatures—for example, the temperature fell to minus 12 at Gogarburn in Edinburgh at 4 o'clock in the morning on 7 December—resulted in compacted ice forming on carriageways, and with the continued low temperatures, salting activity became ineffective and ploughing was the only option. In some cases, the ice was so thick that it resulted in the blades of snowploughs breaking.

I assure the Parliament that, in those circumstances, the trunk road operating companies, the police and the Government's resilience operation were in constant communication to try to address how the issues could be resolved for the individuals who were affected. It clearly took some considerable time to do that, and judgments were formed and applied during the night, in which I was involved, about the extent to which it was better to remove people from the carriageways to rest centres or to concentrate on tackling the carriageway problems to allow the traffic to flow, which eventually, in the course of Monday evening and Tuesday morning, we were able to achieve. I offer that information to explain the difficulties that individuals who were caught up in those circumstances faced.

I assure Parliament that the trunk road operating companies prepared for the weather forecast that was delivered and undertook the necessary preparation of the road surfaces beforehand, but the extent of the snowfall and the nature of the congestion that was created as a consequence of a number of blockages on the motorway network exceeded predictions. On Tuesday, I explained to the Transport, Infrastructure and Climate Change Committee exactly where those blockages, which resulted in significant disruption and the circumstances that I have outlined, took place.

Charlie Gordon (Glasgow Cathcart) (Lab): The cabinet secretary says that the trunk road operating companies were prepared. Paragraph 8.1 of the winter maintenance plan for the south-west sector in relation to snow and ice states:

"Ploughing of snow will normally commence at a snow depth of 30mm"—

which is 3cm—

"and will be accompanied by salt applications."

The cabinet secretary has told the chamber that the predicted snowfall was between 2cm and 5cm, so why did the contractor not prepare to plough as well as to grit?

John Swinney: As was explained to Mr Gordon at Tuesday's meeting of the Transport, Infrastructure and Climate Change Committee, there are snowploughs on the front of the vehicles that undertake gritting. If snow falls, the plough will come down and plough. I heard a commentator on Sunday morning demand that ploughing should have started before the snow came down—I was somewhat mystified by that concept. The gritters will have gritted before the snowfall; whenever snow accumulated, ploughing activity will have been undertaken. That is part of the trunk road operating companies' approach.

I will now concentrate on the steps that we are taking. In the past few days, we have received some acute weather warnings, which have been widely communicated and disseminated. On Tuesday, the Minister for Transport and Infrastructure announced a range of new measures that will bolster our resilience. Mr Brown announced the establishment of a special multi-agency group to respond to future severe weather events. He presided over that operation in Glasgow last night to assess the contribution from representatives of Scotland's eight police forces, the trunk road operating companies, Traffic Scotland, Transport Scotland and First ScotRail.

Andy Kerr: Am I correct in understanding that local authorities were not involved in the operation?

John Swinney: I was referring to the arrangements for operational control last night. If there are operational issues at the local level, of course local authorities will be involved, through their interaction with the police and their interface with the trunk road operating companies. The localities are important when we concentrate on these questions.

The Minister for Transport and Infrastructure announced a series of six additional measures that have been widely communicated and will assist our response. During the debate, we will hear more from Mr Carlaw about the Conservatives' suggestion that we establish a warning system for the communication of messages. The Government is undertaking work in that area. Mr Carlaw's amendment contains a helpful suggestion that will advance our efforts to produce greater clarity in the messages that we send. Utter clarity and consistency are required in the messages that are issued to members of the public during winter events.

Mr Kerr asked me about salt stocks, so I will take a moment to address that point. According to

the most recent reports, 157,000 tonnes of salt are held by the trunk road operating companies and local authorities of Scotland, with approximately 203,000 tonnes on order. In addition to those numbers, the Government has established a national salt reserve, which we replenish constantly with new orders. Based on the decisions that the Government has taken, I expect that strategic salt reserve to reach about 100,000 tonnes. I further reassure Parliament that, if an individual local authority faces salt supply difficulties, the Society of Chief Officers of Transportation in Scotland provides a network for communication on that point between directors of roads. SCOTS is working to ensure that no authority is left with an inadequate supply of salt.

I hope that my remarks have given Parliament confidence about the steps that the Government is taking to address these issues and I look forward to hearing members' contributions to the debate.

I move amendment S3M-7604.2, to insert at end:

“, and acknowledges the significant efforts made by a wide range of public service workers, voluntary organisations and people across Scotland to maintain essential services, support their neighbours and keep communities moving through the extreme conditions.”

09:40

Jackson Carlaw (West of Scotland) (Con): I begin with an uncharacteristic welcome for a Labour Party motion, which we will support tonight. With its Osbornesque language that recognises that we are all in this together, it makes amends in part for the subject of my principal complaint last week, which was that, even as thousands of motorists remained stranded in sub-zero temperatures and were unprepared and uninformed, too many seemed to be concerned with opportunistic political scapegoating and calls for a minister's scalp.

The objective was not noble. In the face of a national emergency, Scots were wholly unimpressed with politicians who scrambled to do what politicians are inclined to do—to blame one another. People desperately wanted to hear a clear and reliable statement of precisely what was going on and an expression of resolve from politicians of all parties to address the underlying issue—our inability, which we have seen time and again, to provide an effective national response to a weather emergency and to fix the situation so that we have such a response next time.

The public understood perfectly well that Scotland and the minister had been overwhelmed by events. Not for a moment were they persuaded that, had any other party been in office, that would have made a whit of difference. As Mr Swinney said, Mr Stevenson was an experienced and

competent minister and is a decent man, but his resignation in due course was probably correct. However, it should not have been the axis on which events focused at the height of the emergency.

Tales of those days will be legion and will live long but, in one respect, they were a time for celebration. When faced with the unexpected and the dreadful, ordinary Scots—those who work and those who do not, those who are in the public sector and those who are in the private sector, as Mr Kerr acknowledged, whether old or young—responded magnificently. There were countless instances of individual kindnesses and of exemplary and heroic conduct, which were all of a character that represents the best in our nation.

What people now require of us and the Government is a convincing strategy. The motion recognises that. In speaking to my amendment, I will concentrate on communication. My colleagues Mary Scanlon and Liz Smith will touch on the challenges that Scotland's NHS and schools face.

There is no question but that, last week, our transport infrastructure—road, rail and air—suffered a near-total collapse. The consequences are far-reaching and potentially deeply damaging. For Scotland to have an emerging reputation that its roads network is unfit for purpose is a gross and undeserved exaggeration. The decisions of delivery operators to suspend Christmas deliveries to Scotland add insult to the injury that many Scots have suffered. We cannot allow the notion that we cannot cope to become entrenched.

I welcome the transport minister back to his post in Parliament this morning after—as I gather from the press—spending a night at the refurbished Savoy. I welcome, too, his first statement of actions, although I note that some of his remedies were previously unimplemented recommendations that arose from last winter's debacle.

John Swinney: I take Mr Carlaw back to his point about the transport networks' robustness. We must deal with the observation that, in the face of uncharacteristically low temperatures, many aspects of our transport networks were severely challenged. That reflects the current networks but also prompts us to consider the most appropriate rail and road infrastructure to have in place to tackle severely lower temperatures than those to which we are accustomed.

Jackson Carlaw: I wholly agree with the cabinet secretary. I merely reflect that we must be prepared to tackle the growing noise that emanated from some in the media that Scotland was in some way uniquely incapable of coping.

It was immediately clear last week that the public do not believe that they have access to reliable information that commands their

confidence. Over time, we have allowed public information to become devalued. For example, as people drive in perilous snow and look to overhead motorway gantries for essential advice, what is the point of telling them to consider cycling rather than driving or that snow is forecast? When we are told not to make a journey unless it is absolutely necessary, what does that mean? Does it mean that we can proceed with due care and diligence or that we should proceed with no journey unless a life depends on it?

It was inadvisable of some to exploit a decade of mild winters as irrefutable evidence in support of another campaign, however worthy or essential. We are fortunate not to have experienced regularly the severest winter weather that was once commonplace throughout large parts of Scotland. After 25 years in the retail motor industry, I can attest that we were fortunate last week to have the enormous technical improvements that have taken place in cars and commercial vehicles in the 25 years since we previously had a storm of such magnitude. Given that there are far more vehicles on the roads today, had those advances not been made there would have been 10 times the number of individual mechanical breakdowns. Had anti-lock braking not become standard, the number of serious accidents could have been dreadful.

If severe weather events are once again emerging as part of the expected pattern of winter life, what can we do to better inform the public of what might well be coming their way? We should be able to implement an authoritative Government code that traffic-lights severe weather warnings, similar to the system that applies to a national security alert, or the system that was used for the national flu pandemic. For the most severe weather, the advice would be clear: do not travel. At a level that is one step less severe, people should appreciate that they must travel with extreme care and be prepared for an emergency. The introduction of such an authoritative system does not require the commitment of any major budget; it requires the application and energy of current ministers to effect its introduction. I welcome the cabinet secretary's advice that the Government is specifically looking into that idea.

In addition, I urge the Government to enter into discussions with broadcasters, particularly BBC Scotland, to forge an agreement that, when the severest weather emergency occurs, the public can be assured that authoritative statements will be broadcast at least hourly by a partnership of national and local government, Transport Scotland and the police, to seek to give them reliable information on which they can base informed decisions. For those who are stranded and conserving power, the certainty of the regular timing of such broadcasts would provide

reassurance as well as advice, and it would overcome the difficulties with standalone helplines, which the cabinet secretary identified—although I also understand the merits of using a helpline.

Such advice and reassurance was all that many people were looking for last week. They fully appreciated that the event that they were enduring was unparalleled, but they could not understand why they were getting contradictory information and advice that seemed general in character and remote to the challenges that they were facing.

It is truly ironic that we have never had more media to tune into, but with less reliable, helpful or consistent advice broadcast. Neither Government nor politicians can control the weather, but we can do much more to prepare Scotland to meet the challenge that a severe weather event presents. Parliament and Government must convince Scotland that we are ourselves fit for purpose and capable of meeting these challenges with a sense of urgency that will lead to measures that, next time, will demonstrate that Scotland's national response in the face of a weather emergency is second to none.

I support Mr Kerr's motion and the Government amendment. I move amendment S3M-7604.1, to insert at end:

“, and further calls on the Scottish Government to give consideration to a traffic-light style graded system of severe weather warnings.”

09:47

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): As members were coming across to the chamber, as snow started to fall on the Parliament again, we were reminded that this is probably just the start of the winter season. We can recall that there were almost three bouts of bad weather last winter, continuing as late as March. It is absolutely right that the Labour Party brings this debate of substance on the issue of resilience.

We owe it to the communities that we represent to ensure that the Parliament is holding the Government to account, and we, in all our political parties, should be working in our own areas to represent the public appropriately.

Like other members have done at the start of their speeches, I welcome the new Minister for Transport and Infrastructure to his post. Stewart Stevenson was always courteous and timeous in his dealings with me, for which I thank him.

On behalf of the Liberal Democrats, I share with members our thanks to the public sector workers who have been out there, going the extra mile. I speak as the son of someone who worked as an ambulance driver for more than 30 years. We owe

a real debt of gratitude to our emergency workers, social workers and those who care for the more vulnerable in society.

I do not wish to comment on, and I do not share, Jackson Carlaw's criticism of Annabel Goldie, but I make no apology for the robust Liberal Democrat amendment. Our concern is that, unless hard lessons are learned, real action might not be taken. In welcoming the new minister to his post, I trust that he will consider what went wrong recently, that he will listen to the many council and public sector workers who were on the front line and who have a breadth of practical knowledge, and that he will learn from the poor handling and the poor communication.

On the subject of communication, we think that the minister is learning from what happened, and we are pleased about that. Jackson Carlaw mentioned the six-point plan that the new minister announced, and one can hardly quibble with its elements. However, we asked the Scottish Parliament information centre what document or strategy the six-point plan was based on, SPICe asked the Scottish Government where the six-point plan existed, and the Government told SPICe that it existed in a press release.

We must learn properly and build the plan into our existing strategies and service plans. A six-point plan in a press release will be fine for messages over a week, but it will not address, as we deliberately say in our amendment, the considerable economic damage that was done over the past week—which continues to be felt, and I will touch on that in the remainder of my speech—

Rob Gibson (Highlands and Islands) (SNP): Will the member give way?

Jeremy Purvis: I need to make progress on some areas, but I will come back to Rob Gibson if I have time.

Reputational damage was also inflicted on Scotland. When I met a member of the board and the chief executive of VisitScotland yesterday, we discussed the issue. We should not deny that the news and broadcast images of the capital city's airport and of drivers sleeping overnight in their freezing cars on the main arterial road in Scotland damaged Scotland's reputation, particularly for business tourism.

Stewart Maxwell (West of Scotland) (SNP): Will the member give way?

Jeremy Purvis: Ordinarily, I am keen to give way to members, but I wish to make some points.

John Swinney: It is a ridiculous point.

Jeremy Purvis: I hear a comment from a sedentary position that it is a ridiculous point, but it is not.

John Swinney: I appreciate the sincerity with which Mr Purvis has expressed his point of view, but if he had looked at television screens a few weeks ago he would have found that exactly the same circumstances happened in the south of England. Was there reputational damage there? Is there reputational damage in European countries where the same happens? He is making a ridiculously negative point.

Jeremy Purvis: I do not deny that reputational damage has also been done in other parts of the United Kingdom. The fact that primarily—

John Swinney: Do not talk us down.

Jeremy Purvis: I say to the cabinet secretary that it is about our capital city's airport and our main arterial route, and we should not deny the damage.

The cabinet secretary also said, I think, that we had had uncharacteristically low temperatures and exceptional weather. There is real merit in saying that. However, it is interesting to read the "Lessons learned and recommendations following the events of winter 2009/10" from the Scottish Government, the Convention of Scottish Local Authorities and others in the Scottish salt group, which I read carefully. That paper says that it is based on the paper that was

"published in July 2009 following the then considered exceptional winter of 2008/09."

The foreword to the latest paper relates that

"The winter of 2009/10 was exceptional",

and now the winter of 2010-11 is considered exceptional. If we have three such winters in a row, we cannot consider this one exceptional. That is why long-term planning must be considered.

Many constituents of mine have been in touch with me concerning rural pressures and difficulties with heating oil. We have not simply gone through the difficulties, we are still facing them. I will make a specific point to the Minister for Transport and Infrastructure: constituents in rural areas are not receiving heating oil deliveries as of today. When I spoke to Johnston Oils yesterday, I was concerned to hear that, according to some estimates, there could be delays of up to four weeks in the deliveries of heating oil. Notwithstanding that, there has been a peak in the price of heating oil, which has increased by 70 per cent over the past three months.

I know from speaking to filling stations in my constituency last night that they are having difficulties securing product from Grangemouth. There are difficulties with not only reliability but

provision. I know that the Cabinet sub-committee on Scottish Government resilience has discussed deliveries, but I make an appeal to the minister, because customers are facing difficulties now and there are forecasts that they will continue over the winter.

I have spoken to many constituents who cannot believe that, unlike in Canada or Scandinavia, pumping equipment in Grangemouth was frozen for a number of days and there continue to be real difficulties in securing product from Scotland's main refinery. The Scottish Government, whether working alone or with the UK Government, simply must act on that.

I move amendment S3M-7604.3, to insert at end:

"; regrets the damaging economic and reputational impact of the severe disruption to Scotland's roads, rail services and airports and the Scottish Government's poor handling of the exceptional weather conditions; recognises that difficulties are ongoing; believes that there are several practical steps that could be taken to help avoid such disruption in the future, including for Transport Scotland to carry out more comprehensive scenario planning, for rail operators to review the preparedness of the network and their communication with passengers and for the Scottish Government to facilitate closer co-operation between trunk road operators, the police service and local authorities in their efforts to keep essential routes open and the public advised, and believes that the Scottish Government should outline the measures that it is taking to rebuild confidence in Scotland's ability to remain open for business under adverse weather conditions."

The Presiding Officer: We come to the open debate. Members will appreciate that there is no time to spare. Speeches of six minutes only, please.

09:54

Johann Lamont (Glasgow Pollok) (Lab): I am happy to contribute to this important debate. I recognise the desire not simply to dwell on the problems of last week but to reflect on them and learn lessons. I am frustrated that all the evidence of the last period is that the lessons of last year have clearly not been learned. That compounded the problems that we faced last week.

The problem with the way in which the debate around the issue was conducted last year, and last month at First Minister's question time, is that the response to anxieties about the mistakes of last year, and the lack of preparedness this year, was to suggest that those asking the questions were attacking the blue-light services, volunteers and neighbours who dealt with the difficult circumstances. That is simply not true. In acknowledging that selfless effort, we also have to acknowledge that those who are charged with protecting communities from the severe weather—ministers and others—compounded the difficulties

and made the circumstances worse for those who gave up their valuable time and made an effort to help others.

My concerns go back a year. Since that time, I have sensed a fundamental flaw in the approach of the Scottish Government, which seems to see the issue of severe weather conditions as one of grit and traffic management. It seems not to see the people and the cost and risk to individuals, families and communities. There simply has to be a shift in attitude. Indeed, the report that the Government commissioned last year focused on little else but salt issues. As far as I can see, when the report was consulted on, the Government did not seek to engage with communities, voluntary groups and organisations.

That approach was reflected in last week's problems. Even on the roads, as the traffic stacked up, authorities seemed to see the vehicles not the occupants. There seemed to be no strategy for identifying or making contact with vulnerable passengers—those with children and others. Indeed, I have heard that people saw the police only when they were being told to get back into their cars. There seemed to be no understanding why someone with a young child, elderly people or those who needed medicine might want to go to the local services.

John Swinney: I will share with Johann Lamont a conversation with a senior police officer who explained some of the challenges that his officers faced on the road network. In trying to remove the gridlock, they spent substantial amounts of time providing welfare assistance to individuals in the circumstances that the member cites. I appreciate her point, but she has to understand that many of our emergency workers provided exactly the assistance to which she refers.

Johann Lamont: I am not attacking any individual emergency worker. I made that point before. As I said, when we raise these issues, it is unhelpful to suggest that. This is about strategy and approach, not individual instances of assistance.

The challenge that the severe weather presents demands a response that goes beyond Mr Swinney as the Cabinet Secretary for Finance and Sustainable Growth and beyond the Minister for Transport and Infrastructure. We need a joint ministerial approach in which the Cabinet Secretary for Health and Wellbeing—who, I am disappointed to say, is not in the chamber today—plays a critical role. I regret her virtual silence on the issue. I cite the example of swine flu by way of comparison, for which rigorous contingency planning was rightly put in place. That included a national helpline, and the information sharing from that—not only on practical issues—saw the Government reaching out to people and giving

them reassurance. If we can do that for swine flu, why not for severe weather?

The people who were trapped on the roads were visible, but I believe that we have seen only the tip of the iceberg in respect of those who were trapped in their own homes and therefore invisible. We need more rigour. It is simply not good enough to say without evidence that people were helped. There is no certainty in that. The Cabinet Secretary for Finance and Sustainable Growth does not need to take my word for it. In the middle of the crisis, Age Scotland said on the radio that people were phoning its helpline having phoned their local council for help and being told, "You are not known to us. We can do nothing for you." Age Scotland also reported that people who phoned its helpline expressed feelings of isolation and loneliness.

Surely, in this context, my on-going call for a national helpline makes sense. The number could be circulated early in the year, including by way of advertisement, so that people had it beside their phone. I agree that people who used such a national helpline could be directed towards other appropriate helplines, but a national number would help where there were local weaknesses, as in the example that I cited. We ask people to surf the web, but the disproportionate number of elderly people and poor people who have no access to the internet means that the most vulnerable are the least likely to have access to information. I have never understood why the Scottish Government is so defensive on the matter.

I join others in commending voluntary effort, but what national and local contingency planning has been put in place to harness that voluntary effort? That should be done when the sun shines. We should get such arrangements sorted and learn from local good practice. My local carers centre has a plan in place whereby, when the weather becomes bad, it does a phone-round. Are we recommending that to others? What are we asking general practitioners to do? Are they identifying vulnerable people to contact once the snow comes? What are we asking of our lunch clubs? Are we asking those who are willing to help to clear footpaths to do so in a more rigorous and planned way? The approach does not need to be bureaucratic; it can harness the energy of people who want to help and provide more benefit more consistently across the piece.

I want to flag up a number of other issues in the short time that I have left. There is a public transport issue that has not been addressed at all—that of people getting the wrong information, walking for miles to get to stations and then being told that the trains were not running.

A final, critical issue is that of some employees in our workforce being discriminated against.

Some commentators have asked why people went on the roads when they knew that the snow was coming, but if you are in a low-paid job and your boss tells you that you must get to your work—

The Deputy Presiding Officer (Alasdair Morgan): Wind up, please.

Johann Lamont: The irony is that managerial people with their BlackBerrys can work at home without suffering any financial impact, whereas the most low-paid workers are forced to go to their work and are condemned if they do not. We must have a dialogue with our employers across the sector to ensure that those people are protected, too.

10:01

Bill Kidd (Glasgow) (SNP): I fully understand the need for the Scottish Parliament to have a debate on winter resilience, and I very much welcome this morning's debate. I believe that we should have had such a debate a long time ago, as winter is hardly new to us. It is a bit ripe of some people to charge on and suggest that the issue is one that just the Scottish Government is responsible for, and that no else has ever had any responsibility for it. However, it is better that the issue is dealt with now than not dealt with at all.

Let us put things in perspective. This is no ordinary winter. Countries across Europe are experiencing their worst winter in decades. There is a reason for that, and a bit of, shall we say, cool and rational thought might help as we prepare for more of the same, which is likely to come our way.

I hope that members will not mind if I provide a wee bit of Open University stuff because, to paraphrase our American cousins, snow happens. It happens as a result of scientific reactions. A large area of high pressure has developed in the Atlantic, which has caused a block to the usual westerlies—the westerly winds—that tend to keep Scotland a bit milder than our latitude would suggest. That has allowed very cold Arctic air to move south across mainland Europe. At this time of year, during the long nights over the European land mass, there is a rapid cool-down from daytime temperatures, with the result that the Arctic blast remains bitterly cold. When that air crosses the relatively warm North Sea before reaching us, evaporation means that it picks up moisture, which then condenses as snow when it reaches the colder temperatures on land.

The weather cycle that Scotland normally experiences does not cause a great deal of problems, but the phenomenon of Arctic oscillation, which happens when opposing atmospheric pressure patterns surrounding the north pole shift back and forth, disrupts the standard weather patterns in the northern

hemisphere. Members have got to stay with me here.

Charlie Gordon: Keep going—I was off school that day.

Bill Kidd: It is a while since some of us were at school, so it will not do any harm for us to remember this.

Since the 1960s, in general, a ring of high pressure has surrounded the relatively low pressure over the pole, thereby keeping the cold air where it should be—on top of the world. However, we have been subjected to a reversal of that situation, whereby high pressure over the north pole has been surrounded by a low pressure system, which has resulted in the cold blast of air that has recently moved down over us and our neighbours, both near and far. Members will be happy to hear that that is the end of the science.

It is necessary to be able to respond to changing weather patterns rather than just react to them in the short term. Now is the time to take a long view of equipment planning and to mobilise resources in readiness for any part of Scotland being as badly affected as has been the case over the past few weeks. I have been hearing calls for that to happen for decades—I know that I do not look old enough—and we have all heard that for many years, but no one has yet delivered, so I welcome the Opposition parties' positive proposals that members of the Parliament will work together constructively to prepare for future extreme weather events.

Scotland has seen exceptional weather, as have countries that are expected to suffer worse winter weather than we normally get. Paris had its heaviest snowfall for 23 years, and Charles de Gaulle airport was closed. I do not think that people are slagging off the French Government for that situation; it was the snow.

Sadly, 18 homeless people were reported to have frozen to death and another 12 were killed in snow-related accidents in Poland, which is not a warm country. A record -18°C was reported in parts of Germany, which is not a warm country. A state of emergency has been declared in Bosnia, Serbia and Montenegro, where schools have been closed, power and heating have been lost and water supplies have been left contaminated. Minneapolis in the mid-west of the US has seen its heaviest snowfall in 19 years. Nashville in Tennessee is experiencing its coldest winter since 1942. It is no fun playing country and western music when your ukulele is frozen to your leg—I have tried.

We all have lessons to learn. However, we are not alone in being hit by a force of nature that is beyond the control of mankind in this country or in any other. With co-operation and good sense on

all sides, we can plan for the best of outcomes. We know that we have to do our best for Scotland's people, and at the same time we know that we are not in control of the climate, even with the best of legislation. However, we must all continue to try, and we welcome the Opposition parties' proposals.

10:06

Karen Whitefield (Airdrie and Shotts) (Lab): I welcome the opportunity to speak in today's debate. I grew up in Shotts, and I and my constituents are accustomed to severe winter weather around Shotts and Harthill. However, even I accept that the recent winter conditions in Scotland are unprecedented. The scale of the problem caused by heavy snowfall and extreme freezing temperatures led to an incredibly challenging situation.

I do not wish to dwell on the failings of the former transport minister in relation to the problem. His preparedness for and response to the crisis were clearly lacking, but I recognise his integrity and his decision to stand down as a minister.

Last week's crisis on the M8 and other significant trunk roads caused chaos and misery for many of my constituents. We should never again have to face the situation of thousands of people being forced to spend the night in their cars in freezing conditions with no clue about what action was being taken to help them. There was a clear breakdown in communication that exacerbated the problem and led to understandable frustration and anger.

I welcome the suggestions that the cabinet secretary and Andy Kerr have made in this debate. During such a crisis, we need clear messages from those in authority. We need a widely known and simple point of contact for information. I agree with Andy Kerr that we should examine the option of a dedicated radio channel and a single phone number to contact for information. We also need to ensure that Government websites and the telecommunications that support them are robust enough to deal with the large volume of web traffic that such a crisis leads to.

We should also examine closely the adequacy of the infrastructure that is owned and controlled by local and central Government. I understand that that will not be easy, given the cuts that all tiers of government are facing, but the cost to our society and economy of the recent crisis is so great that we must make the investment.

For example, the infrastructure that supports the Glasgow to Edinburgh railway line via Shotts is clearly not up to such weather conditions. My constituents in Shotts and the surrounding villages

have faced the effective withdrawal of the train service for almost three weeks. That simply is not good enough. Too many of my constituents in Shotts and the surrounding villages—indeed, all the people who rely on the line from Livingston to Bellshill—were forced into cars and on to the M8 on the worst day of the year for weather because they wanted desperately to get to their work. It is not good enough that our train service was not running and that it continues to struggle to operate even today.

If the trains that run on the line are not up to winter conditions, First ScotRail must invest in upgrading or replacing them. If the rail line and points cannot function in low temperatures, Network Rail must upgrade or replace them. With all of the investment that is taking place in rail in Scotland—investment that I welcome—we must ensure that rail services can operate during the winter months. Perhaps Network Rail and Transport Scotland should look at investing in heated points as part of their plans to modernise our rail infrastructure.

Local government also needs to take steps to improve its response to extreme conditions. I appreciate the scale of the challenge facing our local authorities. North Lanarkshire Council, South Lanarkshire Council and Glasgow City Council have many tens of thousands of kilometres of roads and paths, all of which require to be cleared following heavy snow falls and icy conditions. I understand the size of the task, but we need to find a way of overcoming the problem and of changing the way that we deal with the issue.

The current system of prioritising primary and secondary routes all seems reasonable enough, until we realise that practically none of us can access those primary and secondary routes because the street in which we live and the streets around us are snowed in.

Once again, we may need to increase substantially and modernise the infrastructure that we have in place to tackle the problem. We also need to enter into a clear social contract with local residents with an agreed understanding that, if councils provide sufficient grit to each street, local residents will play their part in helping to clear their street. I know that my constituents would be more than happy to do that, but they did not have any grit last week and therefore struggled to fulfil that bargain. Such an approach works in many other countries across the globe; there is no reason why we should be any different.

I will also mention the need for a joined-up approach to dealing with serious winter conditions. For example, decisions to close or open schools clearly have a significant impact not only on the education of our children but on the traffic on our roads at peak times. It makes sense that those

matters should be viewed holistically, and I do not believe that it is appropriate for the Cabinet Secretary for Education and Lifelong Learning, for example, to put pressure on directors of education to ensure that schools remain open or to leave those decisions to headteachers. I trust headteachers, but when they are in school they do not know the difficulties on the roads or whether the roads are passable. For that reason, the cabinet secretary should revisit the memo that he issued to local authorities.

I hope that we can work together to ensure that in future we deal with severe weather better than we have up until now.

10:13

Ian McKee (Lothians) (SNP): I begin my speech by praising the work of Stewart Stevenson over the past three and three quarter years. His work on transport and climate change was of immeasurable benefit to Scotland, and I am certain that history will judge him in a much more favourable light than it will those on the Opposition benches who played a part in bringing him down. Let us make no mistake about it: the utterances of some Opposition parties in response to the adverse weather conditions of the week before last are grounded more in opportunism than in principle.

Of what has Mr Stevenson been accused? It is said that he did not pay sufficient attention to the weather forecast issued just before the snow made many roads impassable. Only yesterday, Murdo Fraser pronounced in an uncharacteristically pompous and patronising climax to his speech that the lesson of Stewart Stevenson's resignation was:

"it is always worth paying attention to the weather forecast."—[*Official Report*, 15 December 2010; c 31537.]

Can that be the same Murdo Fraser who contemptuously dismissed the science of weather forecasting in his contribution to the Alcohol etc (Scotland) Bill stage 3 debate as recently as 10 November, only 25 days earlier?

This year, Jackie Baillie, Richard Simpson and Helen Eadie have all dismissed weather forecasting as unreliable, the latter joining Mary Scanlon in rubbishing weather forecasts specifically as they apply to the state of the roads in winter. How is it that their party now holds in such high regard the science that it had no time for before? I will tell you: it is because Dr Petra Meier of the University of Sheffield likened the science of modelling to weather forecasting when she gave evidence to the Health and Sport Committee on the Alcohol etc (Scotland) Bill and the effect of minimum unit pricing. Labour and the Conservatives had already declared against

minimum unit pricing, so it was in their interests to rubbish the Sheffield report, and the weather forecasting remark gave them their opportunity.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Will the member take an intervention?

Ian McKee: This time, they wanted to rubbish Stewart Stevenson, so weather forecasting suddenly became something akin to a universal truth. As I say, it was naked opportunism with an unmistakable whiff of rank hypocrisy—and all to bring someone down. They should be ashamed of themselves.

Let us consider the reality of the situation. A week last Monday, several factors came together to create an impossible situation. There was a snowfall at rush hour that was far greater than expected. Schools, businesses, road hauliers and the general public had all been anxious to set about their normal activities after the paralysis of the week before, so the road system was congested. Add to that incidents such as the jack-knifing of articulated vehicles and the freezing of compressed snow and we have the circumstances that led to the ensuing chaos.

The Government has admitted that its response as far as information provision was concerned was inadequate. Lessons have been learned. What about closing the motorways sooner? The traffic was already on the roads, and someone as experienced as Chief Constable Kevin Smith, head of road policing at the Association of Chief Police Officers in Scotland, has categorically stated that that would have been impossible. Were gritters in the right places? Yes. Was there enough grit and salt? Yes. Were they ineffective because of temperatures below -10°C? Yes. There comes a time when, because of the severest weather conditions in a generation—there was an avalanche warning for Arthur's Seat for heaven's sake—it is simply impossible to cope unless we prepare to a much higher degree of readiness for future winter conditions.

Would things be better if it was made mandatory for vehicles to change to winter tyres for the winter months? Yes. But would people be happy to do that? Probably not. The same goes for a range of other expensive measures. It must be remembered that, before last year, we had many years when most of the central belt had no snow at all. It is the variable severity of winters that so handicaps all who try to take appropriate and proportionate precautions.

I will give way to Dr Simpson.

Dr Simpson: I might have left the chamber by now. [*Laughter.*] All those whom the member criticised for their remarks in response to the weather forecasting comments that Petra Meier made also said that the Sheffield report was an

excellent report that was peer reviewed. Weather forecasting is important. All that we said was that weather forecasts do not always get it right. In terms of emergency planning, a Government ignores a severe weather warning at its peril.

Ian McKee: I know very well that Richard Simpson added that caveat to his negative statements about weather forecasting, but I am absolutely certain that the other members whom I mentioned added no such caveat.

At this stage, I will touch on a sensitive subject that I am sure needs to be aired. As Opposition members have pointed out, a forecast of severe weather conditions in central Scotland was widely broadcast on the Sunday evening, yet thousands of vehicles—from huge artics to tiny Mini cars—still set out on road journeys the following morning. Were all those journeys necessary? Do not individuals and businesses also have a duty to use their common sense and avoid venturing out in such conditions? Do we really think that the omission of a warning from Stewart Stevenson was all that led to chaos on that scale? I think not, especially as we have been told that even when such warnings are issued they are widely ignored. Perhaps what happened last week will encourage more of us to take a little bit more responsibility for our own decisions instead of blaming the Government all the time.

Johann Lamont: Will the member give way?

The Deputy Presiding Officer: No. He is too near the end of his speech.

Ian McKee: One lesson to be learned from recent events is that the country looks with contempt on those who seem more concerned with gaining a ministerial scalp than with ensuring that sound measures are in place to deal with winter crises of unparalleled severity. Let us hope that today marks a new beginning.

10:19

Elizabeth Smith (Mid Scotland and Fife) (Con): As others have done, I want to thank all those who helped clearing away the recent snow and ice—especially the many hundreds of people whose diligent efforts were responsible for keeping open our essential services.

In particular, I saw at first hand the efforts of pupils, parents and teachers who went to great lengths to ensure that schools could be kept open, especially for pupils sitting important preliminary exams—although I hope not exams in arctic oscillation.

I was enormously impressed by the many thoughtful gestures of good will that were made by pupils to help elderly people—and not-so-elderly people—across the road or safely back into their

properties. I witnessed a group of high school pupils whose initiative in distributing a wheelbarrow of grit was impressive and much commended by the whole street of residents, if not by the parents who found the grit missing from their garage.

I should also mention the pupils who gave up their lunch hour to help clear the entrance to a care home and the pupils who set up a 24-hour shopping rota for their elderly neighbours. Those young people turned out to be the salt of the earth in more ways than one, and in a day and age when, too often, young people do not get the best press, it was heartening to see their community spirit, and I am pleased to hear that the Scottish Government will recognise that with some special awards.

Much criticism has already been directed this morning at the Scottish Government for the way in which it handled the extreme weather situation—deservedly so, in many cases, particularly in relation to the gridlock on our roads, which other members have dealt with. The First Minister and his then transport minister were being controlled by events rather than controlling events themselves.

Last week, the First Minister stated that

“the Scottish Government should have done much better in terms of the information flow”.—[*Official Report*, 9 December 2010; c 31417.]

That point has been dealt with by my colleague, Jackson Carlaw. There was weak leadership and an absence of direction, but there is a much wider issue at stake: the question whether there is a better way of delivering our public services, particularly when our country experiences poor weather conditions. I will, therefore, concentrate my remarks on how we can help schools and nurseries to be better prepared.

Any parent will understand that, from time to time, they will have to take time off work to look after ill children. It is important that employers are as flexible as they can be to allow for that. However, from the communications that I and many other colleagues have received, the lack of communication regarding school closures has been an issue. Fife Council was quick to acknowledge that when it apologised for the inconvenience that school closures had caused and stated that it would move quickly to improve communication to parents and children about school closures.

However, is it really appropriate that local authorities, which are often spread over wide geographical areas, insist upon operating a one-size-fits-all policy in relation to school closures? Across Scotland, at the height of the big freeze, many local authorities took the decision to have a

blanket closure of schools, regardless of the fact that the weather patterns varied considerably across the area. Would not it be better if the decision to close a school or keep it open was left in the hands of the senior teachers in that school?

Karen Whitefield: I appreciate that Elizabeth Smith wants to ensure that young people's education is not adversely affected and that we do not have schools closed needlessly. However, with the best will in the world, is a headteacher best placed to make a decision about whether a child is able to get home from school safely when they have no idea what the weather conditions are on the roads slightly further away from the school or whether the local authority can grit the roads to allow safe passage of vehicles?

Elizabeth Smith: By and large, I think that many headteachers are, as long as that decision is made in consultation with the local authority and with regard to the information and advice with which the local authority provides them. Headteachers know best what the immediate routes into the school are like, what the conditions around the school building are and what the needs of the pupils and their parents are. I have no doubt that headteachers agree with that. Witness some of the innovative decisions that have been taken by headteachers; for example, the headteacher at Hamilton College who went well beyond the call of duty to look after pupils overnight, and the headteachers who advised hundreds of parents to step in and clear snow so that some of the little ones could get to their classes safely. I think that it is important that such decisions are taken at the local level.

It is also vital that headteachers know that the council will give them backing for keeping schools open and that they should not have to worry about action being taken against them because they have had the courage or, more often, the common sense to do something a little bit different.

There is a lot of misinformation out there, and that can sometimes make headteachers a bit reluctant to keep their schools open. Parent-teacher councils can also have an important role in that regard.

We must ensure that we are better prepared to deal with poor weather. The clearing of paths and access to schools is an issue that was raised in many local authority reports, and I hope that the Scottish Government—as it has indicated this morning—is considering that.

There have been many positive suggestions—for example, that local councils can provide better information by using text messages, or that teachers may be able to report to the school that is closest to their home in order to provide some type of supply service for the period of poor weather.

As has been widely mentioned in today's debate, the Scottish Government's response to and handling of the extreme weather situation was inadequate. I would welcome any further details from the minister of the discussions that the Scottish Government will have with local authorities on future preparations for severe weather, and in particular on the contingency plans that it is putting in place for schools.

10:25

Iain Smith (North East Fife) (LD): The debate has been very useful so far in highlighting a number of concerns from members on all sides of the chamber about the problems that we have experienced during the severe winter weather. It is about learning lessons for the future; everyone accepts that we have had an extremely unusual situation in which such severe weather has lasted for so long, and things have gone wrong, but we must learn from that and see what we can do to improve things in the future.

I say to Ian McKee, whose speech I thought was totally inappropriate, that Stewart Stevenson had to resign not because he got the weather forecast wrong, but because he went on "Newsnight" when people were still stuck in their cars—and had been for more than 13 hours—and said that the Scottish Government was doing "a first-class job". That level of complacency was just unacceptable when a very serious issue was affecting hundreds of people in central Scotland who were stuck in their cars overnight.

Jeremy Purvis's amendment quite rightly highlights the potential economic consequences of the severe weather, and it is important that we recognise that those exist. It was slightly ironic that one of the first events that was cancelled because of the severe winter weather was the launch in the Parliament of VisitScotland's winter white campaign. At the same time as VisitScotland was trying to encourage people to come to Scotland to take advantage of the country's winter, our airports, our railways and even some of our major roads were closed. That was not the message that we wanted to get across, and the economic consequences are potentially very damaging unless we get it right in the future.

Many of our retail businesses have been suffering because they cannot get supplies of goods and people cannot get to the shops. Businesses are suffering because the workers cannot get to work, and individual workers—as Labour members in particular have highlighted—are suffering because they either cannot get to work themselves and are losing salary, or have to stay at home to look after children whose schools are closed and so they are not able to get paid. All those things impact on local economies.

For many people, Christmas will be cancelled because the presents that they have ordered from online retailers are not being delivered, and those retailers are no longer taking orders from Scotland. That is not good news for the Scottish economy, either.

Jeremy Purvis highlighted the issue of heating oil supplies, which I hope the minister will address when he sums up, because it is very worrying. I, too, have had information about serious problems with heating oil supplies not being available until January. Many people who have ordered, or have tried to order, heating oil have been told that they will not get a delivery for several weeks, and heating oil suppliers are refusing to tell them what the price will be—there is evidence that the price of heating oil has doubled, in some cases. That is a major concern that was brought to my attention by a student in my constituency.

However, of more concern to me are the elderly people who may be stuck in their homes over the Christmas period with no heating oil supplies, or with their supplies so low that they have to run their heating at a very low level to avoid damaging the equipment.

John Swinney: I wonder whether I can assist Iain Smith, because I acknowledge the seriousness of the issue that he raises. One thing that has helped to address some such issues has been the derogation of the regulations on drivers' hours in order to assist with fuel oil deliveries. That has been a welcome area of co-operation between the Scottish Government and the Department for Transport, which has enabled heating oil companies to undertake some of those deliveries. If Iain Smith has specific intelligence on the issue, the Government will be happy to address it, because there is a daily call between the Government and heating oil distributors on the matter.

Iain Smith: The issue is that the heating oil companies are being told that they are unlikely to get supplies at present, and the customers are unlikely to get deliveries until January. That is the situation on the ground, and it needs to be addressed. I accept the point about the derogation of the drivers' hours regulations, but that does not help if there is no heating oil to supply, which seems to be the problem. Someone has that heating oil, but they are trying to make a huge profit from it, and that is unacceptable.

The issue of the railways has been addressed by other members, particularly Karen Whitefield. Many members have experienced the chaos that ScotRail has inflicted on the people of Scotland over the past two weeks. Part of that is simply down to ScotRail's inadequate information systems: its website has failed to provide accurate information. If we want to find out whether a train

is running, it is guaranteed that if it says on the live rail departure board that a train is on time, it has been cancelled. If the board says that a train is delayed, it has been cancelled. The only way of knowing whether a train is running is if it can be seen moving down the line. If we are at the station where the train we want to catch originates, such as Edinburgh Waverley or Aberdeen, if the train is not moving we cannot tell whether it will ever go. ScotRail must do something about improving its information to passengers.

Johann Lamont: Will the member give way?

Iain Smith: I am sorry. I am in my last minute.

It is disgraceful that people have been stuck at stations, not knowing whether they will get to work or get home. That is not good enough.

There is also the issue of whether the rolling stock is capable of doing the job. ScotRail says that the brakes freeze and that snow accumulates under the carriages, which causes damage to the equipment. We are told that there are infrastructure problems, such as points freezing. Those issues are all of serious concern and need to be addressed. A once-in-a-lifetime event has happened twice within 12 months, and we need to upgrade our railway network so that it can cope. I have written to the Minister for Transport and Infrastructure and to ScotRail. I have also written to Patrick Harvie to ask whether the Transport, Infrastructure and Climate Change Committee will look into the matter. I hope that the committee asks ScotRail to account for its poor service to Scottish customers throughout the past two weeks.

10:32

Pauline McNeill (Glasgow Kelvin) (Lab): The fun and beauty of the winter snowfall quickly wore off for many of us when every aspect of daily life was severely interrupted by freezing conditions. For many, it has been an extremely frightening time. Hard lessons appear to have been learned over the past weeks as public confidence in the Government's handling of the severe weather has been in question.

I, too, respect the integrity of Stewart Stevenson's decision to go. He has been a decent minister, and Ian McKee has done him no favours this morning.

The severe weather may have damaged the Scottish economy. Many people were stranded in their homes—some unnecessarily because local pathways were unsafe, although with some gritting they would have been safer. The full impact has yet to be assessed.

We are all grateful to those who provided public services during the recent weeks and we deplore

employers who withdrew payment from workers who could not get to work through no fault of their own.

As Iain Smith said, Christmas for some people will be affected, because some well-known companies have cancelled their home delivery services, which is a completely unfair overreaction that affects Scottish customers. Shame on companies including Marks and Spencer that have announced that they will not deliver anything to Scotland. We should condemn the companies that have overreacted and are not doing all that they can at this time.

The severe weather has brought out the best in people as they help their neighbours and even strangers. I thank my own local heroes. But for the efforts of my neighbour, I would not even have got to the train station. When my car got stuck, two strangers helped me. I hope that I can repay them. The spirit of the Scots has been replicated throughout the country. That is a good thing about our nation.

I welcome the minister to his new post and appreciate the approach that he has taken so far. I welcome the debate, which is crucial to our future for two reasons. First, we need to reassure the public that everything that can be done to keep things moving is being done and that we have a clear strategy for doing that. Secondly, if we are to experience periods of severe weather in the future, we should decide what changes are required to deal with the weather. Considering that periods of severe weather tend to be relatively short, we need to decide how far our investment should go.

Rumours abound that the police have too few four-wheel drive vehicles. I do not know whether that is true. There have also been lots of rumours that we do not have the equipment that we need. That should be clarified for the future. It is appropriate—indeed, it is necessary—to look at such investment because the issue is not just how we in Scotland deal with these conditions; visitors and business outwith Scotland also need to know that the country can deal with its cold weather. It is fair to say that, up until the very cold spell, the public's expectations were unclear, but last Monday's M8 debacle has sparked the debate at another level. We must be clear about how the Government and its agencies will respond.

That said, it must also be clear how local authorities will respond, because their standards are varying too widely and the public simply does not know what to expect. I agree with Karen Whitefield that if the public are clear about what to expect from local authorities they will fill the bit in the middle and do what they can to ensure that side streets and surrounding areas are, if necessary, gritted.

On the lack of public information, which other members have referred to, I think that what the public want is easily accessible real-time information to allow them to make choices about what they will do on a particular day. In a number of areas, the provision of such information has been extremely poor. Iain Smith mentioned ScotRail's failure to give any real-time information on its website or, indeed, any information at its stations on whether trains were leaving. The situation has been unsatisfactory in the extreme, so I ask the minister to outline in his summing up the discussions that he has had with First ScotRail on that failure. I commend ScotRail staff for being helpful in stations and very kind to passengers, even to the extent of offering free tea and coffee, but the company itself has simply not done enough.

As an elected member, I believe that I am entitled to information about what Transport Scotland is doing to keep Scotland moving. It tells me about the good progress on the M74 and the M80 from Stepps to Haggs, but it has not provided me with a single briefing about how it is dealing with this situation, so I urge the minister to give members the briefings that they should receive.

As I have said, local authorities' performance has varied, so I ask the minister to tell us in his summing up how that situation can be made clearer. Clarity on that would be helpful.

Trunk road network operators must be more visible to the general public and we need to be briefed on what is expected of companies such as Amey and BEAR Scotland. Last Christmas, the A80 was not cleared or gritted on time, and the public did not know who to contact over the Christmas period. We need to be able to satisfy ourselves that those private companies have not skimped but have invested in suitable equipment. I urge the minister to outline to members what those companies have done in that regard and how they can be more visible to the public.

In the interests of the welfare of our Scots people, we need a strategy to help the most vulnerable and to get Scotland moving. In these difficult economic times, the outside world needs to know that Scotland is able to deal with its cold weather. We need to raise our game. I welcome the constructive discussion that we have had so far and I hope that, by the end of the debate, the minister will feel that he has some new ideas—and new challenges—to take on. I wish him all the best.

10:38

Rob Gibson (Highlands and Islands) (SNP): I will be gentle with central belt members and merely suggest that it would have been interesting

had the leaders of the Opposition parties taken any interest at all in the weather conditions in the north and north-east of this country at any time in the past. Those who simply fly over the country and do not have to deal with the road and rail situation in the north do not know what I and fellow members in the Highlands and Islands and rural areas have to do to cope with it.

It would be a good idea to learn some practical lessons and, indeed, to inject some facts into the debate. When the Transport, Infrastructure and Climate Change Committee discussed the matter on Tuesday, it was pointed out that on the railways only half the units were available for use because the other vehicles were caught up in tonnes of ice. In such circumstances, it is very difficult for Scotrail to put on services. I am sure that it was trying to put on trains; indeed, many of us who make long-distance journeys found that eventually a service was made possible.

The problem is that people have become totally dependent on getting places no matter the weather. That is where our resilience and personal decision taking have got to kick in. The question whether there should be one helpline or one website is part of the issue, but people have become so tied in to the idea of being able to use the arteries of this country that they have assumed that they will always work.

Helen Eadie (Dunfermline East) (Lab): Will the member take an intervention?

Rob Gibson: I will not at the moment, thanks.

The arteries of this country will not work in extreme circumstances. In many cases when questions are asked about particular services—Shotts and the railways were discussed earlier on—I would say that the same applies to the far north. What does it take to heat points? We want to know about the work of Network Rail, ScotRail's franchise and what it takes to give us better information. When that franchise comes up for renewal, we should ask for a more robust service in that respect.

George Foulkes (Lothians) (Lab): Will the member take an intervention on that point?

Rob Gibson: Not at all, thank you.

Passenger Focus Scotland's experience is that passengers want information and that ScotRail should be told, "You got us into this. Get us out of it, because we've become dependent on your service."

We have learned the lesson that arteries will sometimes not work. They have not done so for three or four days out of 365. Further north and north-east, they have not worked in many more instances because of weather circumstances that are very hard to deal with.

Johann Lamont: Will the member take an intervention?

Rob Gibson: No, thank you.

The contracts that have been made by Amey and BEAR Scotland have excluded mutual support between those transport companies and the local authorities on the major road networks. They have ruled out local authorities taking part in activities. A Transport Scotland report talks about the need for more mutual help.

I am sorry that the convener of the Transport, Infrastructure and Climate Change Committee is not here, which is a disgrace, to listen to the debate. Transport Scotland's report was published in August. There have been times in the Transport, Infrastructure and Climate Change Committee when it might have been possible to discuss that report. The convener of that committee should have had his antennae ready to organise a debate on it. On three occasions, we did not have meetings that were due to take place; discussions about the report could have taken place then.

I suggest to all the other parties that we should ensure that not only the Transport, Infrastructure and Climate Change Committee discusses resilience; the Local Government and Communities Committee should also consider it, because local government matters are concerned. Like other issues that crop up across the Parliament, winter resilience is the responsibility of more than one committee. I ask the people who have been complaining about local government services to make their complaints through the Local Government and Communities Committee.

I must move on, as we do not have much time. HGVs have been blamed for too much of the problem. There are issues to do with bad driving on our motorways. In our cities, where there has been less traffic, people have been driving faster in terrible weather. People have, to say the least, behaved inappropriately on the roads. We should take the opportunity to take a bit of education from what has happened. We can all learn from this debate and get out of the way of looking for someone to blame. Every path and road cannot be cleared, but councils and others must think seriously about a resilience issue that may need more spending. If that is the case, we need a plan to be able to do that.

On the very day on which the events that we are discussing took place, we had the success of the Cancun climate change talks. Stewart Stevenson and this country should have been able to celebrate that success. The severe weather that we experienced is very much a part of climate change. Perhaps the central belt has woken up to the fact that climate change is a huge issue.

Members know that and perhaps the public know it, too. Perhaps people up north understand that severe weather will be part of their programme, so we had better be prepared.

10:44

Karen Gillon (Clydesdale) (Lab): I, too, pay tribute to Stewart Stevenson. He was a good transport minister and I had good and positive discussions with him. However, he did the right thing. He is a man of integrity and he knew that he had not delivered what he should have delivered and so took the honourable decision to resign. The comments of SNP back benchers have done nothing to uphold his decision, but perhaps they have established that, in part, he was brought down by the arrogance of a Government that fails to accept the responsibility that comes with governing and which seeks to abdicate responsibility at every opportunity.

I welcome Keith Brown to his new post. He will bring a lot to the job. I welcome the new plan, particularly the points on the removal of central reservation barriers from motorways and on welfare packs. The measures in the plan are all welcome ones that people talked about last Monday and Tuesday when I spoke to them. They asked why measures were not in place to get people off the motorway. People with young children or who were ill were trapped and needed to get off the motorway. The steps that the minister has outlined will help the next time.

I want to raise a couple of issues that relate to my constituency. Members have talked about train services. Day and daily, people in my constituency make journeys by rail, mainly to Glasgow. When road conditions deteriorate, more people decide to travel by rail for safety reasons, in the main. However, last week, once again, the main rail services to Clydesdale were suspended from Monday until Friday. That is not the first time that has happened. A similar situation arose last year, caused by Network Rail's strategic decision to fix points to serve the west coast main line. Doing so cuts off huge areas of Clydesdale with the result that, through no fault of their own, people cannot get to work.

It is all very well for us to say that people should not make journeys, but if someone is paid £6.50 an hour and Christmas is coming up, they need to get to work if their employer will otherwise not pay them. They have bills to pay and kids to get presents for. The rail service's inability to function has caused serious concerns for people.

George Foulkes: Did my friend, like me, hear with astonishment the previous speaker talk about ScotRail and what it ought to be doing, when it was his Government that extended its franchise

without any consultation of the trade unions and without any inclusion of such safeguards? Should not the Scottish Government accept that responsibility?

Karen Gillon: Lord Foulkes makes a good point. I was coming on to that. Rob Gibson talked about taking the issues into consideration when we renegotiate the franchise, but we did not even negotiate the current franchise. The problems are not new. Rail services in my constituency are suspended any time there is bad weather, which is simply unacceptable. Last year, Network Rail said that there would be infrastructure improvements and that it would put in new heaters on the points. Lo and behold, this year, the points shorted again. Network Rail installed new heaters, but it did not fix the amperage properly, which meant that when the heaters were needed they shorted, and it took Network Rail a week to fix them. Once again, services were suspended, which is not acceptable to people.

Similarly, the decision by East Coast to terminate services at Edinburgh and to cut off the rest of Scotland from services on which people rely is not good enough. The plan that the Scottish ministers have drawn up focuses predominantly on road travel. I understand the reasons for that, but I urge ministers to undertake detailed discussions with Network Rail and First ScotRail. We will get more snow during the winter and there will be more difficulties. People cannot be in a position in which they cannot get to work. They will end up losing their jobs, which they cannot afford, particularly in the current economic climate. I am sure that ministers can make those points.

Members have mentioned heating oil; Jeremy Purvis raised the issue. I welcome the comments that the cabinet secretary made on that, but a further issue is that the price of heating oil has gone up significantly in recent weeks. I do not know whether that is because of profiteering—I do not know what the real reason is—but people who live in some of the most remote parts of my constituency have no option but to heat by oil, and many have had their heating installed through the Government's central heating initiative. The price hike might well force them to choose between heating and eating.

The second issue is the availability of heating oil. My constituents, like people in other areas, are being told that it will be four weeks before they can receive a delivery, which might well leave them without heating over Christmas and the new year. If we have the kind of weather that is forecast, that could well lead to health problems and also to frozen and burst pipes. I know that the Presiding Officer, who is my neighbour, has had problems with that. I urge the minister to get back in touch with the companies to see what can be done to

get heating oil to the most vulnerable communities.

Finally, I turn to petrol, which remains a concern. We need to continue to look at the strategic delivery of petrol. People in rural areas in particular are dependent on road travel for many of their journeys. If they do not have petrol and diesel, people simply cannot get about. They cannot get from their village into the town to buy bread and milk and essential supplies. We need a strategic plan for petrol deliveries that focuses on who needs it most rather than on who shouts the loudest.

I welcome this morning's debate and I hope that the minister will respond to some of those points when he sums up.

10:50

Stuart McMillan (West of Scotland) (SNP): I will support the amendment in the name of John Swinney this afternoon. I, too, acknowledge the hard work of everyone in Scotland who has tried to keep Scotland moving in the past couple of weeks.

Much has already been said in this morning's debate, as well as in the media, about what happened in Scotland because of the weather in the past couple of weeks. I am afraid that some of what has been said is political opportunism, but some of the comments have been valid and legitimate.

One thing is certain: last week's weather can only be described as appalling. However, it needs to be put in context. Last winter was the worst that I could remember, but this year the snow has arrived that much earlier. For many years, we have mainly had wet winters with a few days of snow. From my recollection, the few days of snow provided some challenges, but they could be overcome quite easily.

I grew up in Port Glasgow. For any member who does not know the topography of Port Glasgow or Inverclyde, I say that it can be challenging to walk up the hill from the town centre even when the weather is fair. I know that the Presiding Officer knows the conditions of Port Glasgow very well, and she will be aware that walking up the hill in the snow and ice provides an even greater challenge. I no longer stay in that part of Inverclyde, but I was speaking to some friends who still stay up at the top of the hill and they were shocked by the conditions and the poor response of the local authority. However, they understood that the snow was extremely severe.

Growing up in Port Glasgow, we could always tell the severity of the weather by how much snow lay down in the town centre. If there was a lot of snow there, we could guarantee that it would be

five times worse at the top of the hill. Unfortunately, last week's weather in Port Glasgow and across the central belt proved to be that bad. The higher ground suffered much more than the lower ground, but the lower ground was caught out by the severe weather conditions as well.

I will give an example of the conditions in Inverclyde last week. Last Monday, a member of my staff travelled down from Glasgow to accompany me to the Greenock sorting office to learn about the activities of the Royal Mail staff in the run-up to Christmas. We arrived at 5 minutes past 8. It was raining outside and practically all the snow and ice from the previous few days had gone. When I left the house, it was snowing but, as I travelled down the hill to the sorting office, the snow turned to rain. When we came out of the sorting office at 20 past 9, there was approximately 1in of snow on the ground. While we were inside speaking to the staff and management, a few postmen came in with their heavy coats on and explained the conditions to one of the managers. Their coats had a fair amount of snow on them, which proved to me that they were telling the truth.

I do not know which weather forecast Inverclyde Council was looking at, but it was clearly caught out by the conditions just as authorities across the central belt were. I could have played party politics and called for the resignation of the relevant councillor in charge of the roads, but I did not want to stoop to those depths. Could they have been better prepared? The answer is clearly yes, but to have councillors resign from councils throughout Scotland would not provide a correct solution.

It is clear that there were failings in many parts of the country last week, and the former transport minister said that lessons had to be learned.

Helen Eadie: Does the member agree that one of the biggest issues that every MSP must have faced last week—I certainly did—was the number of e-mails and phone calls to our offices from people who were appealing for help? People were living on porridge for three days, or cornflakes, with no tins of food in their cupboards. Why is there not a helpline? It is not about the blame game. It is about putting in place a helpline for those people who are in utter desperation.

Stuart McMillan: The point that has been made about a helpline is certainly an interesting one. I am sure that the member heard the response from the cabinet secretary earlier in the debate.

Last week, there were many failures in parts of the country. We must learn the lessons from those failures. The Scottish Government recognises that some of the preparations that were in place were

not as robust as they were previously thought to be.

I welcome the six-point plan that has been produced this week, but it is important to acknowledge a couple of important points. First, information from the Met Office indicates that last winter was the second coldest in Scotland since 1914, with only the winter of 1962-63 being colder. This year, snow has arrived earlier than last year. Secondly, there have been conflicting reports about what the weather forecasters were saying last week. I am afraid that, unlike Bill Kidd, who spoke earlier, I am not a weather forecast anorak. I may or may not catch the weather forecast on the telly—it is not a must-watch in my house. Also, this is December—it is cold, it is winter and it may snow.

Johann Lamont: Will the member take an intervention?

Stuart McMillan: I am sorry, but I am in my final minute.

At the weekend, I had a chat with my brother-in-law, who thought that Stewart Stevenson was correct to resign. In contrast, my sister-in-law said that he should not have resigned, as he was not in charge of the weather. My brother-in-law stays in Inverclyde and recently started a short-term contract in Edinburgh, so he drives through every day. He told me that, on Sunday night, he checked the BBC website for the weather forecast, which reported some sunshine; snow was not mentioned. As a result, early the next morning he set off for Edinburgh, only to turn back when the blizzards came. A neighbour of mine who is a teacher told me that they managed to get to their school for 8.30, only to hear when they got there that it had been shut, along with all the other schools in Inverclyde. It is clear that there was a local communication issue.

Clearly, there have been problems. We must learn lessons and ensure that we are better prepared for such conditions. I welcome the debate and congratulate my colleague Keith Brown on becoming the new Minister for Transport and Infrastructure. I am sure that he will deal with his post in the way in which he dealt with his previous ministerial portfolio.

10:57

Mary Scanlon (Highlands and Islands) (Con): I take this opportunity to commend the approach that Nicola Sturgeon took last year to the potential flu pandemic. She kept Opposition spokesmen—Cathy Jamieson, me and others—the media and organisations throughout Scotland updated clearly and regularly on that potentially worrying issue. I suggest that the new Minister for Transport and Infrastructure take a similar approach, which could

be helpful in the circumstances that we are discussing.

Andy Kerr argued that a single telephone line should be provided. His point was well made, but it was equally well made by my colleague David Mundell 10 years ago, when it fell on deaf ears. I hope that a single source of information and information will be made available at this point.

The weather has seen off one decent, law-abiding and, in my view, well-respected minister. I hope that lessons will now be learned. I strongly support Jackson Carlaw's proposal for a traffic-light system as a means of providing further clarity. On the radio this morning, it was suggested that certain roads in the Highlands are "passable with care". I have often driven on roads that are "passable with care". Some of those roads were akin to a toboggan run; on others, there was a slight fall of snow. What does "passable with care" mean? The phrase is not exactly helpful. Many people who took the journey that led to such chaos may have heard on the radio that the roads were "passable with care".

I turn to the six-point plan that has been produced. I have serious concerns about the stacking of HGVs in lay-bys to keep the traffic moving. I understand that, yesterday, the Government had further talks with the Road Haulage Association but, as a regular commuter on the A9, I know how few large lay-bys there are to store the significant number of HGVs that use the road. What will happen to the movement of livestock? Will livestock be stacked up at the side of the road, with no feed? What will happen to essential deliveries of freight, food and fuel? Will they, too, be stacked up at the side of the road?

What will happen to ordinary motorists—such as me and other MSPs from the Highlands—when they need to stop in lay-bys to clear their windscreens because their screen wash and wipers are frozen, but they cannot get in as lay-bys are stacked up with HGVs?

I understand from work in my constituency that the law in Scotland does not allow caravans or mobile homes to be parked in lay-bys overnight, because of serious traffic and safety hazards. I would like to know what those serious traffic and safety hazards are and whether they do not apply to HGVs, too. A little more clarity on that is needed.

Most of the complaints that I have received relate to trunk roads and not to local authority roads. Snow and compacted ice were still on the A96, which is the main trunk road between Aberdeen and Inverness, days into the recent cold snap. In recent times, the Keith area has experienced temperatures at 8 o'clock in the morning of -19°. I do not want to go down the road

that Rob Gibson took, but let us not forget that that is a very serious issue, too. At a meeting with Moray councillors on 19 November, BEAR Scotland was asked what lessons it had learned from last winter and what changes would be made. Councillors were told that nothing would change, although the A96 around Keith and Huntly was one of the worst-affected roads in Scotland last year.

People in the farming community have undoubtedly rallied round to support their neighbours. Many have assisted in the snow-clearing effort and have taken water and food to animals with frozen water troughs in snowbound fields. The added problem of heavy snow and limited wind has put severe pressure on buildings and roofs. The quick thaw might have reduced the number of buildings that collapsed, but I hope that the Government will do all that it can to assist farmers who lose buildings, given that some farmers are still waiting—because of hold-ups in funding and planning—to build replacements after last year's bad weather.

When the roads are dangerous, surely every effort should be made to maintain public transport links. As other members have said, it has been difficult to obtain accurate information on the train system just to go from here to Inverness. On days when no trains run north of Edinburgh, surely it would help to tell people that the buses are running. I thank my friend Rhoda Grant for texting me at 7 o'clock last Friday morning to say that Citylink buses were running and could be booked. Although the bus journey took about eight hours and the driver had to have a 45-minute break in Aviemore because of the travel time, we finally got home.

It is unacceptable that the far north rail line from Inverness to Caithness is consistently closed—as it is again today. When the weather is bad, surely people in Caithness deserve the attention that is paid to the rail network elsewhere in Scotland. I also agree with Iain Smith's point about the First ScotRail website.

There is little to disagree with in Labour's motion. Lessons must be learned, changes must be made and a northern country such as Scotland must not grind to a halt because of a severe snowfall.

The Deputy Presiding Officer (Trish Godman): I call Cathy Peattie, to be followed by Christina McKelvie. I can give each speaker a tight four minutes.

11:03

Cathy Peattie (Falkirk East) (Lab): Four minutes—I will try. I associate myself with the comments about Stewart Stevenson, who is a

decent man. I have enjoyed working with him on transport issues in the past few years. I welcome Keith Brown to his post and I hope that my committee will have a good association with him.

In a press release that was entitled "Scotland ready for winter's worst", Kenny MacAskill said:

"all the relevant authorities are as prepared as they can be".

It is clear, though, that he and his colleagues were walking on ice. They believed that they were ready, but they were not. That suggests that they were badly misinformed, that they did not ask the right questions or that they accepted poor information.

Fingers were pointed at weather forecasters—the situation was suddenly said to be their responsibility. Surely the biggest lesson that must be learned is that weather forecasts deal with what is likely, not certain. Preparations for severe weather should allow for variation in where and when the snow starts and in how heavy it is.

We must question whether information that Transport Scotland and others provided on preparedness reflected accurately their ability to deal with severe weather. The mistakes were compounded by people making comments during and after the event. When it became clear that things were going badly, the Scottish Government was slow to grasp the extent of the problem and the need for intervention. Faced with cracks on the ice, the Government kept on walking. If it was clearly an emergency situation, why were no resources deployed? Why were they not deployed sooner? Why was there not a co-ordinated response, with consistent advice regularly issued to news channels, so as to keep the people who were affected well informed about the efforts that were being made to help them—albeit, sadly, belatedly—and to prevent more people from joining those who were already in difficulty?

Conflicting advice lay at the root of several problems. What are members of the public and local authorities to do when the police are saying, "Don't travel," but the Scottish Government is saying, "Don't close schools"? In line with the Scottish Government's advice, local government resources were targeted towards schools, but they were still not able to open. Those resources could instead have been used to clear access to sheltered housing and hospitals. One of the local housing associations in my constituency was trying to buy salt from commercial outlets, but there was none available. It then saw Jackie Bird with MSPs saying that salt was available to collect from local authorities. Unfortunately, however, the Scottish Government was telling local authorities to conserve their stocks, so there were no handouts to the public.

People cannot get to work if the buses are not running or if they cannot get to the bus stops. Public transport has to be a priority. Some of my constituents did not see a bus for over a week. I congratulate my constituents of Canal Walk in Brightons, who organised a snow party, which was attended by 30 people armed with spades and shovels and home baking, who spent an hour clearing snow. Such instances of locally organised actions are great examples of Scotland's communities at their best, organising themselves to tackle adversity. Such initiatives should be supported and encouraged by local authorities and the Government.

Then, we come to the aftermath of the severe weather, and the further mistake of trying to pretend that the actions that were taken have been the best that they could have been in the circumstances. The minister's six-point plan is of course welcome, but I am particularly concerned about road haulage. I am also concerned about the fact that salt and grit should be available for the trunk road network. That is good, but they should also be available for local communities, to help to prepare them. It is not good enough that people cannot access salt and grit.

The fifth proposal in the six-point plan is about better solutions to take HGVs off the road. That might be a welcome announcement to some, but it is not good enough if it means full warehouses, empty shelves and petrol pumps, mail not delivered and businesses losing money.

We cannot cancel Christmas—we need to keep traffic moving.

11:07

Christina McKelvie (Central Scotland) (SNP):

We often contrast our winter weather preparation and survival with those countries that we believe to be far better prepared and far better in the execution than we are. I was therefore surprised to read about the problems that are being faced in Canada this week, with hundreds of motorists on highway 402 being caught in the snow and stranded in their cars for 24 hours from Monday morning. Back in February, a third of Sweden's trains were cancelled, the Stockholm metro system was shut down, schools, nurseries and sports halls were closed, and shops and factories were also shut down. However, I did not hear anyone talking about reputational damage in those countries.

Better communication about the problems being faced, the cause of those problems and the movement towards solutions is essential. Preparation is all important, of course, so it was good to see ScotRail moving earlier this week to protect its rolling stock and to prepare for further

severe weather. I understand the concern that members have raised today about ScotRail and its preparedness for last week. ScotRail, determined not to be caught out again, is fitting skirts and hot air blowers to its trains—I am not quite sure whether to expect a hover-train or the rail equivalent of a pair of hot pants. It is a start and, hopefully, it will help ScotRail to avoid any repeat of the widespread disruption of last week.

The recently announced Government plan should allow for better winter maintenance to be provided, and it looks like we are at least heading down the right road. Spending on winter maintenance is up. The previous Executive cut it by £5 million in 2003, and it never recovered until 2006. Even then—pardon the pun—it was frozen for the following year, which was the year when the SNP came to power, of course. Resources for routine and winter maintenance have risen in every year in which John Swinney's hands have been on the tiller. They have increased by £10 million over the four years, to just under £62 million.

All that can come to nothing if the resources are not properly deployed, which is why the Government is right to change the emphasis that it places on its readiness for severe weather. Being able to shut down parts of the trunk road network for safety reasons or to allow gritting and salting to take place and giving the police the power to move vehicles off the carriageway to allow it to be cleared are sensible moves that complement the excellent efforts of thousands of people—professionals and volunteers—who make the difference in severe weather conditions.

I refer to those who look out for a neighbour, clear a path or, like volunteers at the churches in Hamilton and Motherwell, get together to ensure that vulnerable people have hot drinks. The Hamilton Asda staff went out of their way to keep their cafe open to ensure that people had somewhere to get hot food, hot drinks and much-needed sanctuary from the weather. That sense of community holds a nation together and allows it to grow.

I am confident that the steps that the Scottish Government has taken this week—the six-point plan and everything that comes with it—ensure that we are as prepared as we can be. I wish it all the best in the coming week.

11:11

Jim Tolson (Dunfermline West) (LD): I pay tribute Stewart Stevenson. I always found him to be a hard-working, dedicated and honest man, although he took the right decision—an honourable one—when he stood down last week.

Yesterday, I also paid tribute to the new minister. I hope that he is surviving well after having done his first night shift on the job. He seems to be quite awake at the moment, which is fine. So far, so good for Keith Brown.

I am grateful to the Labour Party for initiating the debate. I am sure that most members have a tale or two to tell of personal or constituency problems that they have experienced with the current spell of freezing conditions. Many of my constituents in Dunfermline are still suffering 3in or 4in of ice on their pavements and, indeed, many of the side roads. That is making conditions treacherous for vehicles and pedestrians.

Exactly a week ago, I was one of hundreds of passengers who were stranded on a broken-down train at Rosyth. That was bad enough, but the breakdown was not the biggest problem: the lack of effective communication—as outlined in Labour's motion—meant that tempers began to fray and were stretched to the limit.

Promises by the chief executive of First ScotRail, whom I had on the phone several times during the journey for more information, often did not come through to the passengers. He claimed that a replacement train would come by a certain time, but it did not materialise timeously. By the time a replacement train came and set off the long way round the Fife circle due to frozen points, those who were left on the train had a four-hour delay in their daily commute.

People outlined to me the poor information on First ScotRail's website, at the stations and on board the trains. At least First ScotRail has now formally apologised to the passengers and offered them travel vouchers as a gesture of goodwill, for which I commend it.

However, the same cannot be said for the people who found themselves stranded on the M8 last week. Their problems were significant and, potentially, life threatening. Any situation that results in the closure of the main motorway between our two biggest cities is simply unacceptable. Last week's situation led to Keith Brown taking on his new role.

Some members mentioned the M8 closure. John Swinney fleetingly referred to people being stuck in their vehicles. We are glad to see the six-point plan that the minister announced this week and we support it. Karen Whitefield also touched on people being stuck in freezing conditions in their cars, a situation that she called simply unacceptable. I associate myself with those remarks.

John Swinney also touched on the weather forecasting. We may have different opinions about what we saw from different weather forecasting sources last weekend and at the start of this week.

He still claimed that the forecasts were inaccurate but, on Sunday night, I saw information on the BBC saying that people should not travel and that there would be a snow blanket across central Scotland. That is certainly what we found the following day.

I join my colleague Jeremy Purvis in paying tribute to the hard work and dedication of our local authorities. Many people are hammering the local authorities—as I said, in some parts of west Fife, there are still 3in or 4in of ice on pavements, as there is elsewhere—but many authorities and the contractors that they have brought in are doing dedicated hard work in very difficult conditions. Elizabeth Smith welcomed the hard work and dedication of local authorities and, importantly, many members of the public in our communities. She suggested that those people should be awarded for their selflessness. That was a helpful comment.

Ian McKee: Will the member give way?

Jim Tolson: I am sorry, but I have very little time available.

The main point that many members, including the cabinet secretary, made was about poor communication. That is the key lesson that many need to learn. I welcome Mr Kerr and Ms Lamont's suggestion of a single phone number, which may greatly help. We would like to see the detail of how that could be rolled out so that people in all sorts of situations can get ready access to the assistance that they need. John Swinney said that there should be clear and consistent information, and I absolutely associate myself with those remarks. Jackson Carlaw, too, focused on communication; he said that people appreciate winter problems but need to be better informed. That is the circumstance that my constituents have told me about over the past week and more.

Iain Smith touched heavily on First ScotRail and its need to get something done about the problems. My view is that Network Rail needs to do something about the points. Frozen points all over the network mean that people do not have the flexibility to travel even where there is rolling stock available.

Andy Kerr touched on emergency response and the effect on the sick and elderly. He suggested that more than 200,000 people were trapped in their homes—I think that many people still are; their situation is difficult indeed. Earlier this week, I took the trouble of visiting the ambulance station in Dunfermline, where I spoke to staff and managers. They told me stories of ambulances getting stuck in back streets whereupon not only council workers but a dedicated army of people—a shovel army, if you like—got out there to ensure that those vehicles got back on the move.

Significant concerns remain about the Government's ability to ensure that Scotland keeps moving when bad weather hits us. I welcome the new minister to his role. He certainly has a big task and I sincerely hope that he does well. Scotland deserves nothing less.

11:17

Alex Johnstone (North East Scotland) (Con): I join the many members who have paid tribute to the resigning Minister for Transport, Infrastructure and Climate Change, Mr Stewart Stevenson. Stewart has an excellent record across a range of policy areas. The circumstances that led him to decide to tender his resignation were not entirely of his making, although later in my speech I will talk about some elements that were.

Those of us who come from parts of Scotland that experience some of the heaviest snowfalls in Britain on a regular basis—including the cabinet secretary—can find it entertaining to see how a few inches of snow or a little bit of frost stops the economy of some of the more intensively operating areas of the country. The weather conditions that we endured last Monday, however, were anything but entertaining. The weather in central Scotland on Monday 6 December was some of the worst that I have seen. The depth of snow that I saw on my journey down from the north-east was extraordinary. The circumstances were very demanding.

Ian McKee: Will the member take an intervention?

Alex Johnstone: Only if it is brief.

Ian McKee: Will the member join me in congratulating NHS Lothian employees, 97 per cent of whom turned up for work during the inclement weather?

Alex Johnstone: I congratulate them, as I congratulate everyone who made strenuous efforts to get to work, particularly those whose work was essential to overcoming the difficult weather conditions that we experienced.

The difficult weather conditions are part of the argument that has been developed today. The truth is that they were unprecedented, but we in Scotland should be used to the idea that we must deal with such conditions.

Statistics have been used by many members in the debate. Bill Kidd gave us a complete science lesson on weather forecasting. I dispute nothing that he said. In fact, having made my living as a farmer for many years, the ability to read weather forecasts was crucial to my wellbeing during those years. However, statistics can be used to prove the strangest things. For example, we have been told that the last three winters have been the three

worst winters that we have experienced in living memory. That has coincided with the first Scottish National Party Government that Scotland has ever had, but even I would not suggest that the two things are tied together.

John Swinney: I am not so sure about that.

Alex Johnstone: The problem that we had comes down to one simple thing—information and the failure to use it properly and to move it properly through Government and through people.

The problems that I experienced were with the rail service that runs north to Aberdeen. The north-east was lucky. We had a lot of snow, but there was nothing in particular that caused us unusual or exceptional problems. However, the first thing that happened when the snow hit the central belt was that the east coast main line and CrossCountry services that form the majority of the trains going north to Aberdeen were stopped at Edinburgh.

The next thing that happened was that trains that should have run north from Glasgow and Edinburgh to Aberdeen and Inverness found themselves tied up in the bad weather conditions down here. Naturally, trains that could not get north could not get south again. The effect was that we lost 90 per cent of our rail system.

What could we do to get information? The websites appeared to tell us nothing. Trains were marked as being on time until the moment of departure, when they were marked as cancelled. A certain Liberal Democrat chief whip went all the way to Aberdeen on a bus to catch a train that did not make it so, unfortunately, he had to go all the way home on another bus.

Members: Aw.

Alex Johnstone: I think that that sympathy was feigned.

Lack of information was the key driver of many of the problems. It was a problem for train passengers and for road users, and—to return to the point that I made earlier—I think that it was a problem for the transport minister, too. Ultimately, the real reason why Stewart Stevenson was put in such a difficult position was that when he appeared on "Newsnight" on Monday 6 December, he made it clear that he believed that the Government's response had been exemplary and that it had done everything that was required of it and everything that was necessary. I believe that Stewart Stevenson had been misinformed. That lack of information, which started at the grass roots, went right to the very top; Stewart was, I believe, misled.

That is why the new minister, Keith Brown, starts with a massive challenge on his hands. We know that we will experience bad weather. Those

in the central belt are getting used to the idea that it may happen more often, but if we are to deal with such problems in future, we need information. Road users must be told clearly when there is a problem, train users must be told when there is a service and ministers must be told what is going on out there in the country and on our roads.

The suggestion by my colleague Jackson Carlaw that we adopt a simple system—not a helpline, which could simply get jammed up if demand increased—that would feed information out through the commonly used media on an hourly basis so that people who were trapped in cars or who were standing in waiting rooms in stations could hear what was going on and use that information effectively is the solution to the problem, and I commend it to members, but the minister needs to look very hard at the information that was supplied to Stewart Stevenson and how he came to receive it.

11:24

The Minister for Transport and Infrastructure (Keith Brown): It is right that we have such a debate when everyone in Scotland is talking about the weather and its effects. An issue that is important to the people of Scotland should be important to us.

I start by thanking the various groups of people that some members have mentioned and which form the focus of John Swinney's amendment. Last night, I had the chance to see some of their efforts up close. I am referring especially to night gritters, who sat for many hours waiting to go out at the appropriate time, police officers and the many people behind desks who do a tremendous job. It was apparent that genuine effort was being made across a number of agencies and communities, whose role has been mentioned. I think that it was a Labour member who made the point that the issue should be about people. That is true, and that idea informs our amendment.

I will try to deal with as many of the points that have been made as possible. I do not think that I will get through them all, but I will be happy to talk to any individual member who wants to pursue a point that I cannot mention.

First, I highlight the fact that some members have taken a fundamental view of some of the issues that have affected us, and I have tried to take those issues into account. I enjoyed Bill Kidd's speech, although some members did not seem to. It was an interesting exposition of long-term and profound changes in weather conditions. I, like many other members, was not aware of the term "Arctic oscillation". He made important points about Paris, Poland, Canada and Finland experiencing dramatically different conditions in

recent days. Charles de Gaulle airport and the Eiffel tower were closed, which raises the question whether France's reputation should be damaged. Some people think that we in Scotland like to beat ourselves up; there is no need for us to do that when we have Jeremy Purvis around.

We have tried to take immediate measures. Improved communications are at the heart of the six-point plan that we mentioned. Andy Kerr talked about the involvement of local government in that six-point plan—it was discussed in the presence of representatives from COSLA, SCOTS and the Society of Local Authority Chief Executives and Senior Managers. Andy Kerr was right that there was not a great deal of time to consult, and action had to be taken quickly, but the plan was discussed with those bodies, and we can have further discussions as necessary.

Some of the measures that have been mentioned by individual members are, as the cabinet secretary made clear, being considered, and others that have been mentioned will be examined. One of those is the point that is made in the Labour motion about planning exercises. Charlie Gordon mentioned that when we met on Monday morning. I do not know whether we are thinking about the same thing, but I envisage local authorities and all the agencies undertaking contingency planning from time to time when they are not under stress. We should look at doing that on a Scotland-wide basis or in an appropriate location in Scotland.

Johann Lamont said that Nicola Sturgeon was not involved. I have attended four daily meetings since I got this job and Nicola Sturgeon has been at every single one to report on the efforts of the health service, which have been tremendous. Some of the figures that could be given out show how it has continued, almost without interruption in many cases. It has done a tremendous job and Nicola Sturgeon has been involved right the way through the process.

Karen Whitefield mentioned the traffic Scotland website. As Alex Johnstone said, the pressure on some of those websites can be phenomenal. On 5 December, that website received 1.1 million hits. On 6 December, there were 21.6 million hits on it. It is not always possible to plan for that, although now that it has happened, we should do exactly that.

Heating fuel provision has been mentioned by several members. There is an extent to which we have to act: there is no question but that we must ensure that we can help with supplies. However, there is a question about the vehicles that some of the companies are using not being able to access some rural locations with large tankers. We have raised that issue. It is also true that the demand for heating oil increased during the cold spell. Fuel

distributors are working well to resolve specific problems. The cabinet secretary mentioned the current extension to drivers' working hours and the rights and derogations that we have achieved. Grangemouth is ramping up its operation, and I understand that it had a further delivery today. We are mindful of the points that members have made and we will take them to today's meeting of the Scottish Government resilience room.

Pauline McNeill and other members mentioned ScotRail. On the point that Pauline McNeill made about information getting to members, I will ask Transport Scotland to ensure that every member is given a briefing as far as possible about the various things that it is doing so that members are better informed. If something is not covered in that briefing, members can come back to me.

Mary Scanlon mentioned that there were temperatures of -19°C . In my area, which is a lot further south than hers, it was -15°C for a number of days. I have never seen that before. Temperatures below -10°C have a profound effect on ScotRail's rolling stock. It is not easy to remedy that quickly because of the money that would have to be spent. I mention that as just one of the reasons why some of the services have been disrupted.

I have tried to work constructively with members and I will continue to do so. For example, as the cabinet secretary said, we will accept Labour's motion. We have demonstrated that we are willing to listen, and to look at constructive suggestions, such as that about planning exercises. As the cabinet secretary said, Jackson Carlaw's suggestion has been discussed. It is not quite as straightforward as it may appear—I am sure that it will not surprise him to hear that—but it has been discussed because it seems attractive on the face of it. We will try to work through the problems, but the end result will be to have a much clearer definition and a more commonly accepted and understood set of warnings that people can know the integrity of.

Mary Scanlon mentioned HGVs. Let me say that the intention is to stack HGVs—to put them to one side—when we have to get a gritter or snowplough on to a trunk road to clear it. There was a concern that they would be disadvantaged compared with general traffic, which could just go on its way. That is not the intention. The intention is to stack the vehicles so that we can get in for a short time to grit or plough a road. That means that where we can do that—I appreciate that we cannot do it everywhere—there should not be the problem that she mentioned in relation to livestock.

Finally, despite my natural inclination to be constructive, I must mention Jeremy Purvis's amendment, which is a step too far. As is always the case, there are 50 words when one will do and

there is no group of words that includes anything like “suggest”, “collaborate”, “measured” or “balanced”. It is merely a never-ending stream of verbose negativity—not so much a Jeremy as a Jeremiah. He misses the mood of today's debate and, when we come to decision time, I hope that the Labour motion is accepted along with the Conservative amendment and the amendment lodged by John Swinney, but that we reject Jeremy Purvis's amendment.

11:31

Charlie Gordon (Glasgow Cathcart) (Lab):

For the avoidance of doubt, I remind members that I placed on record yesterday my tribute to Stewart Stevenson and my welcome of Keith Brown to his new brief.

This has been an important debate that I have found very useful. Winter maintenance is not something that we debate often, but it is something that I think about a lot. That has been the case since the six years in the 1990s when I had political responsibility for winter maintenance in Strathclyde Regional Council, including the M8 motorway in Glasgow. Later, in my six years as leader of Glasgow City Council, I was ultimately responsible for winter maintenance, and I sometimes used to look over the roads convener's shoulder, just to ensure that all his ducks were in a row.

Last year—when there was also a severe winter—I made a point in the Parliament to the cabinet secretary about how the need to return nightly and daily to keep the main routes open meant that local authorities were perhaps not giving sufficient attention to side roads and footways. To his credit, he subsequently gave the local authorities additional resources.

John Swinney: Mr Gordon made a point about local authority resources, so I will use the opportunity to tell the Parliament that I have written to the Convention of Scottish Local Authorities today to say that I will keep under review the financial implications of the winter weather on local authorities and take a considered position later in the winter.

Charlie Gordon: That is a welcome intervention. Any budget for winter maintenance is an estimate at best, but we do not stop when we run out of money—we carry on to help people and sort out the financial implications later. That is in the nature of this area of public policy implementation, so I welcome the intervention.

With this year's derogation from driver hours regulations for gritter drivers and those delivering animal feedstuff, the Scottish Government quickly took on board suggestions from ourselves and

others that we look in some cases at driver hours where food and fuel is locally in short supply.

Around 1 or 2 December, I approached the convener of the Transport, Infrastructure and Climate Change Committee to suggest that we look at winter resilience options for the future. Why did I do that? I was worried after hearing members of the public with unrealistic expectations. Some people think that they can go to sleep and, no matter what nature throws at us during the night, drive on black tarmac in the morning. I also hear loose talk about Canadian or Scandinavian-style responses. We would need to cost those responses and to realise that they would not be used every year.

We do not take any pleasure in the difficulties that we have witnessed. We want the best for Scotland, and we do not want Scotland to be hurt. That is why we wanted a constructive debate and why we welcome the fact that it has mainly been that.

Andy Kerr set the right tone in highlighting a case involving kidney dialysis, and Johann Lamont underlined the point that people are involved in this. We techies must not forget that.

In severe weather, the response must be about minimising inconvenience—it is not possible to eradicate it completely. I hope that the Scottish Government will consider seriously our consistent proposal for a single freephone helpline and look into the establishment of a radio channel. I welcome the fact that it is considering a national dry run for all the agencies, and I hope that we can make further progress with the salt group recommendations. I hope that, before the close of this winter, we will not face the issue with the supply of salt that bedevilled us last winter. Unfortunately, there is still a long way to go.

Mr Swinney made a specific point about the amount of snow that was predicted on Monday 6 December. Even if one based one's response on the lower level that was forecast, of between 2cm and 5cm of snow, the winter maintenance plan provides for the operation of snow ploughs when 3cm of snow is predicted—that is a fact. From experience, I know that it is difficult to operate snow ploughs in heavy traffic and that it is preferable to have roads closed in advance. The snow ploughs cannot plough until the snow falls, and it is true that snowfall during the morning rush hour is the worst-case scenario. I know from experience, however, that it is also true that the police are capable of closing roads quickly in the event of a major crime, accident or emergency.

Last week, the cabinet secretary paid particular tribute to West Lothian Council and North Lanarkshire Council for helping out with the problems on the M8. Local authorities should be

involved in the co-ordinating arrangements, and I think that Keith Brown accepts that.

Jackson Carlaw was at variance with his party leader. At First Minister's question time on 16 December, Annabel Goldie said:

"Scotland is losing patience and losing confidence in the transport minister, who has been complacent, negligent and belligerent."—[*Official Report*, 16 December 2010; c 31422.]

Jackson Carlaw seems to think that that was petty politicking—perhaps he will receive counsel later.

Jeremy Purvis made an important point when he said that we need to gross up the opportunity cost to the whole Scottish economy of what we have just been through.

My fellow Glaswegian, Bill Kidd, explained the Arctic oscillation, which I found useful because I was off school on that day. Apparently, it is nothing to do with the arc of prosperity, but it explains to us Glaswegians why it is pure dead Baltic. Lloyd Quinan, eat your heart out.

Karen Whitefield made an interesting point about the Shotts line. It was a judgment call to keep the west coast mainline trains running, but we subsidise the Scottish franchise and there is a legitimate debate to be had about that judgment.

Dr Ian McKee was his usual self—enough said.

Elizabeth Smith made a thoughtful speech about schools in severe weather.

Another fellow Glaswegian, Rob Gibson—I am outing him—castigated us central belt members. I will return good for evil and place on record my thanks to him for letting me share his taxi 10 days ago, which allowed me to catch my train back to civilisation.

Alex Johnstone made an interesting speech, as usual. I pity him for having exchanged the three-hour meetings of the Transport, Infrastructure and Climate Change Committee for the five-minute meetings of the Subordinate Legislation Committee.

Finally, I welcome the minister's responses about the planning exercise and, crucially, the resilience of the website. As the saying goes, we are all in this together, but some bear a heavier burden of responsibility than others.

Scottish Executive Question Time

General Questions

11:39

The Presiding Officer (Alex Fergusson): A few seconds early, we come to the next item of business, which is general question time.

Question 1 has not been lodged.

Single Farm Payments (Deer Farmers)

2. Jamie McGrigor (Highlands and Islands) (Con): To ask the Scottish Executive when deer farmers will be able to access support through the single farm payment scheme. (S3O-12344)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Mr McGrigor will be aware from the correspondence that he and I have shared of all the arguments surrounding deer farmers and the single farm payment scheme. I regret that they do not have automatic access to the scheme and, furthermore, I am sorry that there is nothing that can be done under the existing direct payment regulations to change the position.

I have asked our future common agricultural policy stakeholder group, which includes a Scottish deer farming representative, to discuss the recommendations arising from the inquiry into future support for agriculture in Scotland and to consider this particular issue. I assure the member that the Scottish Government will consider carefully any issues that are raised by the stakeholder group when we write our considered response to all the inquiry's recommendations.

Jamie McGrigor: I thank the cabinet secretary for that assurance, as this situation has been going on for a long time.

Does the cabinet secretary recognise the extent of the frustration among Scotland's historic deer farmers who, for years, have been trying to achieve equity with every other farmer in Scotland, who had an entitlement to the single farm payment given to them by right? Given that most deer farmers already have to adhere to all the cross-compliant rules, will the cabinet secretary explain to Scottish deer farmers why his Government is refusing, so far, to bring them into the SFP system by using the national reserve, which it is perfectly able to do under European Union law?

Richard Lochhead: I assure the member that we have considered the issue carefully. He will be aware that single farm payment entitlements are based on subsidies that were received during the

2000 to 2002 reference period and that Scottish deer farmers, along with many other unsupported sectors, do not receive single farm payments under our historic system of payments. That was not signed up to by this Administration; it was, of course, signed up to by previous Administrations.

I assure the member that we take the contribution that the venison industry in Scotland makes very seriously. At the moment, supply cannot keep up with demand, which is a good sign for that top-quality Scottish product. We have funded a number of feasibility studies into ways in which we can help to grow the venison sector, and we are working with the sector in that regard.

Of course, from 2013 onwards, there will be a new common agricultural policy, which will give us the opportunity to influence who receives support in the future.

Local Authorities (Private Sector Solicitors)

3. Ted Brocklebank (Mid Scotland and Fife) (Con): To ask the Scottish Executive what discussions the Cabinet Secretary for Justice has had with local authorities regarding the employment of private sector solicitors. (S3O-12348)

The Cabinet Secretary for Justice (Kenny MacAskill): I have had no such discussions with local authorities.

Ted Brocklebank: I thank the cabinet secretary for that interesting reply. Does that mean that he is unaware that, apparently, the City of Edinburgh Council now spends more on external legal advice than any other Scottish council and that, last year, it spent £2.3 million—a staggering two thirds more than it spent two years before—on such private legal advice?

Against that background, and given John Swinney's commitment to having no compulsory redundancies in the public sector, is the cabinet secretary concerned that the City of Edinburgh Council is paying around £400 an hour for external legal advice when some of the council's in-house legal staff are facing possible redundancy?

Kenny MacAskill: I am surprised at the hostility of a member of the Conservative party to private enterprise.

I meet quarterly with the Law Society of Scotland, which represents solicitors who work in the public sector and solicitors who work in the private sector. It seems to me that this is a matter of balance. Some matters are understandably and correctly put out to tender, particularly large-scale conveyancing, and some matters are deeply complex and are beyond the skills or attributes of those who work in the public sector. I believe that councils seek to strike an appropriate balance

between what they can do in-house and what is correctly sent out to the private sector.

If there are particular matters of concern in relation to the City of Edinburgh Council, I am sure that members of Mr Brocklebank's party who are members of the council will raise them.

Benefits Review

4. Dave Thompson (Highlands and Islands) (SNP): To ask the Scottish Government what effects it considers the United Kingdom Government's review of benefits will have on vulnerable people in Scotland. (S3O-12426)

The Minister for Housing and Communities (Alex Neil): The Scottish Government welcomes some aspects of the coalition Government's proposals for welfare reform, such as the simplification of an overly bureaucratic system under the universal credit and the strong links to localism.

However, it is important to appreciate the difference between longer-term plans for welfare reform and the severe cuts to the benefits system that the coalition Government made in the June budget and in the comprehensive spending review in October. I think that it is clear that those cuts will have a significant and hugely detrimental impact on vulnerable groups and individuals across Scotland.

Dave Thompson: Of recipients of incapacity benefits in Scotland, 45.2 per cent qualify because they suffer from mental health problems. They will all be reassessed in 2014 under the work capability assessment to decide whether they qualify for the new employment and support allowance.

Concerns have been raised about the accuracy of the assessment and 43 per cent of appeals that are made against decisions on grounds of mental or behavioural disorders have been successful. Will the Scottish Government raise the issue with the UK Government? Will it also raise the concern that the descriptors on mental, intellectual and cognitive function are unlikely to change in 2011, despite the recommendations of the Harrington review? Will it ask the UK Government to speed up the process so that fewer people will be placed in that intolerable position?

Alex Neil: The Cabinet Secretary for Health and Wellbeing and I, as well as other members of the Government, have been in touch with Iain Duncan Smith, Lord Freud, Maria Miller and Chris Grayling at the Department for Work and Pensions to make two points. First, we have not been consulted on any of the benefit changes before they have been made and, secondly, we specifically believe that many of the proposed reforms will be extremely damaging, including for people with mental health

problems. I am happy to take up yet again with those ministers—as we are doing—our very real concerns about the damage that the reforms are doing.

Johann Lamont (Glasgow Pollok) (Lab): What discussions have ministers had with local authorities about the implications of the decision to close the independent living fund, given that many local authorities—including Glasgow—lever in ILF moneys to support people with disabilities to live independently?

What discussions will the minister have with local authorities on how they might meet that shortfall, given the important role of such packages in allowing people to remain in the community, perhaps working, rather than having to go into supported—and indeed more expensive—care? Is that not a very good example of preventative spending that is being lost to many local authorities and families?

Alex Neil: We have been heavily involved with the Convention of Scottish Local Authorities in making joint representations to the UK Government. The most recent meeting that I attended was a joint meeting between Chris Grayling, Keith Brown, who was then the Minister for Schools and Skills, and Councillor Harry McGuigan, COSLA's spokesperson for wellbeing and related matters.

I am happy to consider the points that Johann Lamont raises. We are all very concerned about the impact of the changes to—indeed, the abolition of—the independent living fund from London, and we want to ensure in particular that vulnerable people are not unduly affected, unless that is unavoidable.

Post-probationary Teachers (Employment)

5. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive how many post-probationary teachers it expects to be in full-time employment at the start of the 2011-12 school term. (S3O-12390)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The employment of teachers is a matter for local authorities. However, the budget agreement that we have secured with the Convention of Scottish Local Authorities will ensure, among other things, that there will be sufficient posts for all those who leave the induction scheme in June 2011 to apply for. Of course, no one is guaranteed a job and the posts will be available through open and fair competition to all teachers who are seeking employment.

Beyond that, the agreement will secure posts for all probationers who require a place under the induction scheme in August 2011 and further

posts to achieve a reduction in the number of unemployed teachers.

Local authorities have been invited to sign up for the package of measures that are covered by the agreement, and I hope that Michael McMahon will encourage Labour authorities to do so.

Michael McMahon: Last week my colleague Peter Peacock asked why the Scottish National Party never argued prior to coming to power that there was an oversupply of teachers and yet is doing so now. In response, the Cabinet Secretary for Education and Lifelong Learning spent a few minutes indulging in rhetorical verbiage—as is his wont—but did not actually answer the question.

He stated that Mr Peacock had conducted an extremely effective smoke-and-mirrors job. I will ask him again: if the teacher numbers that he inherited were just smoke and mirrors, was it the smoke or the mirrors that he pledged to maintain, or was that just one more of the Government's promises that it had no idea how to fulfil and no real plan for? We cannot trust a word that the Government says about providing probationary teachers with a permanent job.

Michael Russell: I was in fact quoting Jackie Baillie on the issue of smoke and mirrors, as I think I made clear at the time. I had hoped that Michael McMahon was focused on the very real issue of teacher unemployment and how we resolve that issue. That is what I have been focused and working on. I am sorry that Mr McMahon does not share my concern and that he simply wants to score his usual cheap political points.

Edinburgh Royal Hospital for Sick Children

6. Malcolm Chisholm (Edinburgh North and Leith) (Lab): To ask the Scottish Executive what support it will provide for the building of the new Royal hospital for sick children in Edinburgh. (S3O-12372)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The Government is fully committed to delivery of the Royal hospital for sick children. The substantial cut in our capital budget means that we have taken the decision that it should now be financed on a revenue funding non-profit-distributing basis. With support through the Scottish Futures Trust, NHS Lothian will take forward the project as quickly as possible.

Malcolm Chisholm: The cabinet secretary will know of widespread concern in Edinburgh that the new sick children's hospital will not receive the direct Scottish Government funding that the sick children's hospital in Glasgow and the Southern general in Glasgow have received. However, will she guarantee that there will be no undue delay in

building the hospital and that the Scottish Government will provide on-going revenue support to meet the annual charges arising from a privately funded hospital, especially given that NHS Lothian already receives £69 million less than it should receive according to the distribution formula?

On that point, how quickly does the cabinet secretary plan to close the funding gap between what NHS Lothian should receive and what it actually receives?

Nicola Sturgeon: I thank Malcolm Chisholm for the close interest that he continues to take in the issue.

As he will be aware, the decision to move to revenue finance for the sick kids in Edinburgh was taken in the context of a 36.5 per cent real-terms cut in capital funding throughout the Scottish Government. In that context, decisions have to be taken that previously we might have preferred not to take. The decision that we have taken on the use of revenue finance and on revenue support for unitary payments will give certainty over the delivery of the project. That is an important assurance to give to the people who will be served by the hospital. I repeat the absolute commitment of the Scottish Government to delivery of the new hospital for sick children.

On Malcolm Chisholm's point about delay, as I indicated in my first answer, it is our commitment to keep any delay to an absolute minimum. The Scottish Futures Trust is already working with NHS Lothian to ensure that that is the case.

On the funding gap, I am sure that Malcolm Chisholm will acknowledge, because he is a fair man, that it is something that has existed over a period of years and under previous Administrations. Through the national resource allocation committee formula, we are committed to closing that gap.

It is not just NHS Lothian that is affected. When overall funding increases are smaller than they were in previous years, due to the overall funding position, progress towards closing the gap will be slower than it otherwise would have been. I remain committed to ensuring that boards work towards parity where they are currently under parity and that that process happens without destabilising other boards.

I would be happy to keep Malcolm Chisholm briefed on all of those issues, as I am sure would NHS Lothian.

Fuel Poverty

7. Gavin Brown (Lothians) (Con): To ask the Scottish Executive whether it is on target to end fuel poverty by 2016. (S3O-12337)

The Minister for Housing and Communities

(Alex Neil): The Scottish Government is committed to ensuring, as far as reasonably practicable, that by November 2016 people are not living in fuel poverty in Scotland. The three principal factors contributing to fuel poverty are fuel prices, incomes and the energy efficiency of housing. We are providing support to tackle fuel poverty through the energy assistance package and the home insulation scheme. However, the major challenges to meeting the target are household incomes and rising fuel prices, over which we have no control—yet.

Gavin Brown: I think I asked the minister whether we were on target. I am not sure that I got an answer.

Let me help the minister. In 2007, when this Government took office, fuel poverty was 25 per cent in Scotland. In 2008, it rose to 27 per cent. On figures released recently for last year, it was 33 per cent. The Government has taken us from a quarter of households being in fuel poverty to a third. What does the minister intend to do that is radically different to turn that around?

Alex Neil: If I may say so, anyone on the Conservative benches has a cheek to complain about the situation, given the savage cuts being imposed on the Scottish Government by the coalition Government in London. Cuts were also imposed by the previous Labour Administration in London.

If we consider the capital aspect of our programmes, a 40 per cent cut is planned over the next four years. That makes it extremely difficult for us to achieve any target, particularly when fuel prices are rising so rapidly. No action has been taken on that, either by the previous Labour Government or the current coalition Government.

Bob Doris (Glasgow) (SNP): Rising fuel prices and benefit cuts are indeed two aspects of fuel poverty. However, does the minister agree that, in order to target fuel poverty, we need additional insulation measures and reduced tariffs for those in such poverty? In that respect, is he aware that the New Policy Institute report on behalf of the Energy Retail Association's home heat helpline has concluded that 400,000 households in Scotland could benefit from energy companies by up to £260, but uptake of that scheme is only 12 per cent? Does the minister agree that every member in the chamber and the energy companies themselves must do more to promote the scheme and, indeed, support the Scottish Government's excellent energy assistance package?

Alex Neil: I agree with every word of Bob Doris's question. In addition, I remind the chamber of two facts: first, 60 per cent of the fuel price for

consumers is determined by the wholesale price; and, secondly, since September, fuel prices have gone up by something like 38 per cent. That is why we welcome the rather overdue inquiry by the Office of Gas and Electricity Markets into retail energy prices. I hope that when that report is published, we will see some action from the coalition Government.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Given that bulk buying presents a real opportunity for getting hold of heating oil at the cheapest possible price, what consideration has the Scottish Government given to using public agencies to bulk buy heating oil at a discount on behalf of the most needy households in Scotland, as a means of achieving an end to fuel poverty?

Alex Neil: We are open to all suggestions but I point out that the practicalities of bulk buying for such a diverse community make such a move very difficult. Nevertheless, we are having on-going negotiations on such matters. Indeed, I chair the carbon emission reduction target strategy steering group, which includes the energy companies, and with regard to fuel poverty we are looking at every possible way of relieving the pressure on our most vulnerable citizens.

Energy Assistance Package

8. Mary Mulligan (Linlithgow) (Lab): To ask the Scottish Executive what the benefits have been of the energy assistance package. (S3O-12394)

The Minister for Housing and Communities

(Alex Neil): Since its start, the energy assistance package has provided energy savings advice to more than 134,000 households. The categories of people who are able to access help who did not benefit under the central heating programme, such as families on low incomes, have been widened. We are making Scotland's homes more sustainable and are able to reach all parts of Scotland with solutions suited to the local environment. Moreover, at a time when the private sector is facing difficulties, we are creating jobs—for example, the new contract with Scottish Gas will support more than 370 jobs throughout Scotland—and providing opportunities to grow the green economy.

By creating home energy Scotland, we have also made it easier for the public to apply for assistance under the package and our other energy efficiency schemes. This one-stop shop offers free energy saving advice and assistance across Scotland and I urge anyone with concerns to phone 0800 512 012.

Mary Mulligan: I thank the minister for his reply and will study his figures very carefully.

Why has the minister decided to cut the energy assistance package budget by more than £20 million—or almost 20 per cent? How many households does he expect to receive no help and remain in fuel poverty because of his decisions?

Alex Neil: The decisions to cut budgets were originally made by Alistair Darling and Gordon Brown, and the situation has been exacerbated by the Liberal Democrat and Tory coalition. [*Interruption.*]

The Presiding Officer: Order.

Alex Neil: It is a bit cheeky, to say the least, for anyone on any of the unionist benches to complain about budget cuts. We are doing everything we possibly can to help the most vulnerable members of our community—and we should bear in mind that, under Labour, poverty in the United Kingdom got worse, not better.

Alasdair Allan (Western Isles) (SNP): Is the minister able to report on Scottish Gas's progress in clearing the backlog of work in installing central heating systems? [*Interruption.*]

The Presiding Officer: Order. Can we have a bit less silence—[*Laughter.*] I mean, a bit more silence, please.

Alasdair Allan: Myself excluded, Presiding Officer.

Is the minister able to report on Scottish Gas's progress in clearing the backlog in the Western Isles of work to install central heating systems under the scheme?

Alex Neil: We are making substantial progress throughout Scotland, including in the Western Isles, and we have dramatically reduced the turnaround time from what it was under the old central heating programme to under three months under the energy assistance programme. I believe that we will reach a substantial installation figure by the end of the financial year. Of course, demand is rising because of the inclement weather, which is probably the best advert for the line whose number I quoted. In the first week of the inclement weather, the number of calls throughout Scotland totalled more than 7,000, which directly resulted in 1,600 families being helped that week through the home energy hotline.

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-2781)

The First Minister (Alex Salmond): Engagements to take forward the Government's programme for Scotland.

Iain Gray: Last week's blizzards obscured the news that our schools have 800 fewer teachers than they had a year ago. Indeed, Alex Salmond has now cut 3,000 teachers from our schools in three years. How many more does he plan to cut?

The First Minister: If I could persuade Labour councils such as Glasgow City Council to put the same priority on teachers as other councils throughout the country do, we could, of course, maintain the excellent record of record pupil teacher ratios throughout Scotland.

I would have thought that Iain Gray would be prepared to welcome the context. With dramatic cuts coming to Scotland from Westminster—started by Labour and continued by the Tories through the Con-Dem coalition—it should be a matter of satisfaction that we have secured a settlement for local government that is much better than anybody predicted, and much better than Iain Gray forecast, except for Labour councils, which might not want to implement it. That settlement means that education can be protected far more in the face of Westminster-driven cuts.

Iain Gray: Let us look at what Scottish National Party councils such as Renfrewshire Council are doing under the deal. I have a leaked council briefing note that contains a cunning plan from Renfrewshire Council to cut another 60 teaching posts. It has already cut 240. The plan is:

"a revised operating model ... In which part of the pupil school week is delivered in primary schools by non teaching staff."

Councillors were told that classes could be covered by community education workers or—get this—even volunteers. Does the First Minister support that SNP plan to replace teachers with volunteers?

The First Minister: I have learned to beware Iain Gray citing documents, because there are so many mistakes and misapprehensions in them. However, I have some definite news from Renfrewshire Council. On securing the class size target of 18 pupils or fewer in primaries 1 to 3, it has managed to get from 8.3 to 33.1 per cent this year. Even Iain Gray and the serried ranks of

Labour members should be prepared to admit that that is a significantly good performance in the face of difficulty.

On the situation throughout the country, I now find that two thirds of the reduction in teachers throughout Scotland has occurred in Labour councils. As we know, there are not that many Labour-controlled councils left in Scotland, but they have still managed to achieve two thirds of the total teacher reduction in Scotland. It is time that Iain Gray got a handle on some of his local councils.

Iain Gray: It is time that Alex Salmond got a handle on what is happening in his councils. I admit that I could not believe that that council was really suggesting that it would replace teachers with volunteers for part of the school week, so I checked that and was told that the director of education had said that he thinks that having non-teachers teaching classes is what the curriculum for excellence is all about.

Meanwhile, SNP Dundee City Council has cut £4 million from its schools. However, we have not to worry. The council's education convener, Liz Fordyce, says that that will make the schools better. Why did she not cut £8 million and make them absolutely fantastic? Is it really SNP school policy that cuts are good for our schools and children do not really need teachers?

The First Minister: As gently as I can, I remind Iain Gray that Alistair Darling, when chancellor, promised cuts in Scotland that were deeper and tougher than those of Margaret Thatcher. Two thirds of the cuts that are being imposed on Scotland were generated by the Labour Government at Westminster.

Let us talk about Dundee. I mentioned the success of Renfrewshire Council in increasing the number of classes with a class size of 18 pupils or fewer. In fairness, I should have mentioned Dundee, which has gone from 6.5 to 27.2 per cent this year.

Furthermore, because the employment of post-probationers has concerned many of us in the Parliament and many councils in Scotland want to do better on that, I point out that Dundee City Council has led the way in employing 68 per cent of its post-probationers this year—that is 41 out of 60. It is closely followed by SNP-led Fife Council, where the figure is 66 per cent. If only all councils were doing that. Midlothian Council—Labour controlled—is employing just 29 per cent of its post-probationers and the figure in Clackmannanshire Council is 33 per cent. Glasgow City Council, Scotland's largest council, with the principal responsibility for the decline in teacher numbers, is employing merely 42 per cent of its post-probationers. If we all agree that the

employment of teachers is a priority, let us prevail upon those recalcitrant Labour councils to join the rest of us and employ the teachers.

Iain Gray: Even the First Minister's silly pantomime voices cannot hide the fact that, for the first time in 40 years—in an SNP council—pupils are to be taught by those who are not qualified to teach. That did not happen even under Margaret Thatcher, but it is happening under Alex Salmond. I gently remind him that he promised parents that they would have the same number of teachers that they had under Labour; he promised teachers that they would have the same number of jobs that they had under Labour; and he promised pupils that they would have the new schools that they had under Labour. He has let them all down. Is not his legacy on education failure, failure, failure?

The First Minister: Luckily, we have not delivered the number of new schools that was promised by Labour, because Labour in its manifesto promised 250 and we have delivered 330. I am sure that the people of Scotland would not want our ambition restricted to the low levels of the Labour Party.

As Iain Gray was moving into the pantomime routine, I could hear someone saying in a sedentary comment, "Oh no, we don't." I remember that his leader tried that in Parliament yesterday and was told to look behind him, which would be good advice for Iain Gray. That is what happens to Labour leaders in Scotland. That is why Iain Gray is in post. However, I can see that he has taken preventive action. In *Scotland on Sunday*, Kenny Farquharson, a reliable commentator, revealed to us that

"Perhaps the most recognisable figure on the Labour front bench is Andy Kerr, the former finance minister, but the gossip at Holyrood is that he may soon be heading for the back benches."

Rather than looking behind him, Iain Gray is taking preventive action to save his position.

Secretary of State for Scotland (Meetings)

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

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-2782)

The First Minister (Alex Salmond): I have no plans to meet the Secretary of State for Scotland in the near future.

Annabel Goldie: Last week, the First Minister's economic advisers indicated that there was a crisis in the funding of our Scottish universities and that they supported a graduate contribution. Last night, Universities Scotland confirmed that it sees a fair graduate contribution as necessary. Ominously for the First Minister, it also said that the time for talking is over. I know that a green paper is to be published this afternoon and I am

not looking for detail, but does the First Minister at least accept the principle of a graduate—not a student—contribution? Yes or no.

The First Minister: We will let Michael Russell spell out the green paper this afternoon, and then Annabel Goldie will be able to address the ideas in it and the Scottish solution that is coming forward. It will be quite different from the position that Annabel Goldie's party has imposed south of the border. I cannot believe that even the Scottish Conservative party believes that we should go down that route, and the Scottish Liberal Democrats will certainly not believe that.

Annabel Goldie should not misrepresent the position of Scotland's universities. Professor Anton Muscatelli, who has been quoted by Annabel Goldie in the past, said:

"We are pleased that the Scottish Government has recognised the importance of universities at a time of major demands on the public finances."

Support has come from the students of Scotland. The NUS said:

"Given the cuts we have seen in the rest of the UK, this is great news for students and a result the Scottish Government should certainly be proud of."

It was referring, of course, to John Swinney's budget proposals.

I think that the decision south of the border to withdraw the Government from university finance and to place the burden virtually entirely on the students and families of England is a disastrously bad decision. When Michael Russell outlines the discussion paper—the green paper—later this afternoon, Annabel Goldie will find that we have certainly ruled out going down that disastrous road.

Annabel Goldie: It is ludicrous that the Scottish Government can run around briefing the media ahead of a green paper but the First Minister cannot even answer a simple question of principle in the Parliament. He directs me to Mr Russell. Heaven help us. Just listen to what Mike Russell said on the radio this morning. First, there was not a crisis, then he admitted that there is a funding gap, then he said that the money is already there, and then he said that it will all be sorted out after the election.

Quite simply, Alex Salmond is putting his party's skin before his country's needs, because it is all about limping through to May. He may criticise me, but my party is prepared to face the facts and is not hiding from the truth. We are ready to do what needs to be done, and the time for talking is over. Instead of another year of fudge, evasion and delay, will the First Minister give certainty, leadership and a solution?

The First Minister: Annabel Goldie should beware of following her colleagues south of the border. They have the human shield of the Liberal Democrats. I doubt that the Scottish Conservatives will be able to rely on the Liberal Democrats to take the flak for them in Scotland.

Annabel Goldie says that we should acquaint ourselves with the facts. I absolutely agree. Perhaps she should pass them on to David Willetts, the universities minister in the House of Commons—a Conservative who was once reputed to have two brains, if I remember correctly. On 9 December, as he was attacking the Scottish position, he declared:

"more Scottish students study at English universities than English students study at Scottish universities."—*[Official Report, House of Commons, 9 December 2010; Vol 520, c 622.]*

In fact, 12,000 Scottish students study in England and 22,000 English students study in Scotland. Maybe one of his brains was not functioning when he made that remark.

All that I say to Annabel Goldie is that she should not rely on the misinformation, the misunderstanding and the total misapprehension of the traditions of Scottish education that are so evident in the Tory Government at Westminster. We would take Scotland on a disastrous course if we followed the action south of the border. Luckily, we have a Parliament and a Government that is determined to find the right solution for Scotland.

Cabinet (Meetings)

3. Tavish Scott (Shetland) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-2783)

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

Tavish Scott: As temperatures plunge again, is the First Minister aware that four in 10 Scottish householders, especially older people, are worried about the cost of heating their homes this winter and another third are already struggling with their bills? As people face eye-watering hikes in their heating bills, will he tell me how much his Government will spend on the home insulation scheme and the energy assistance package?

The First Minister: I heard Alex Neil explaining that very point just a few minutes ago. There is substantial investment in energy efficiency, the energy helpline and the assistance package in Scotland, far more comparably than south of the border. It is an important fact that, when we face the exigencies of climate, the Scottish Government and the Scottish Parliament protect the people who are most vulnerable to the full extent of our ability to do so.

I gently suggest to Tavish Scott that, if his party was pursuing a different fiscal policy, there would be more resources to apply to many vital needs across Scotland.

Tavish Scott: Does the First Minister recognise that the average household energy bill is more than £1,200—nearly double the bills that people were paying five years ago? Four of the big six energy companies have announced price rises averaging 6 per cent, double and treble the rate of inflation. That energy cartel is blaming a 25 per cent rise in wholesale gas prices since the spring but, as the First Minister knows, the big falls in wholesale prices before May were never passed on to customers. Is this market not rigged? Is it not big business versus the consumer?

The First Minister knows that the energy regulator, the Office of Gas and Electricity Markets, is investigating the prices that all of us pay. It says that energy companies have increased their profit margins from £65 to £90 on every home—*[Interruption.]*

The Presiding Officer (Alex Fergusson): Order. There is too much noise around the chamber.

Tavish Scott: Will the First Minister prepare evidence to give to Ofgem about the extra costs that Scottish households are facing?

The First Minister: I confess that the points that Tavish Scott draws to our attention are well made and should be progressed with the energy companies. I gently point out to him that Danny Alexander, Vince Cable and Chris Huhne—all Liberal Democrats—are the ministers with responsibility for competition in energy policy. However, if Tavish Scott were to revert to his previous position of Calman plus, those vital responsibilities could be transferred to the Parliament and this energy-rich country could provide heating for all of its citizens.

The Presiding Officer: I will take a supplementary question from Duncan McNeil.

Duncan McNeil (Greenock and Inverclyde) (Lab): This weekend will see the third anniversary of the capsizing of the Flying Phantom tugboat, which claimed the lives of two of my constituents, Stephen Humphreys and Eric Blackley, and of a third crew member, Robert Cameron, who was a constituent of my colleague Trish Godman. Three years on, the bereaved families still have no date for a fatal accident inquiry. I am sure that the First Minister will appreciate the frustration of Helen Humphreys, widow of Stephen, when she says that she believes that the system is grinding her down. Will the First Minister agree to meet the families to reassure them of the Scottish Government's support for such an inquiry, which is required by the families and to ensure that the

health and safety lessons from the tragedy are learned and acted on?

The First Minister: I will gladly meet the member's constituents. I know that Duncan McNeil is aware that fatal accident inquiries are matters for the law officers of Scotland. It should be possible to arrange for him to meet the law officers, as there is no difficulty with a constituency member doing that. He will understand that the decision about when to order a fatal accident inquiry rests with the law officers. However, if it would be helpful to his constituents, I will be glad to meet them.

David McLetchie (Edinburgh Pentlands) (Con): What action is the Scottish Government taking in light of the announcement by Aptuit of its decision to close its operations at Riccarton in my constituency and in Livingston in Angela Constance's constituency, with the loss of more than 300 jobs in the field of pharmaceutical research? In any discussions with the company, will the Government ascertain whether the closures are the result of a decision to relocate these research functions to Verona in Italy and, if so, why the company considers such a move preferable to sustaining that aspect of its business here in Scotland?

The First Minister: We were disappointed to learn of Aptuit's decision to reduce its Scottish workforce. I know that the Cabinet Secretary for Finance and Sustainable Growth has already spoken to Aptuit; indeed, he did so before its decision was announced publicly. We understand that the decision is due to global restructuring of the company's worldwide business services. The cabinet secretary and I will meet Tim Tyson, the executive chairman and chief executive officer of Aptuit, in the new year. Aptuit will also meet Scottish Enterprise and Scottish Development International officials. We will continue to work with Aptuit's senior staff in Scotland, in the interests of the employees who are affected by the announcement and to explore potential other options.

Homicide Rate Reduction

4. Bill Kidd (Glasgow) (SNP): To ask the First Minister what progress the Scottish Government is making on reducing the homicide rate. (S3F-2788)

The First Minister (Alex Salmond): As the chamber knows, the progress is substantial. Homicide levels in Scotland are at a 31-year low. The statistics show a 20 per cent reduction in 2008-09, including a 39 per cent drop in the number of homicides involving sharp instruments. We have record numbers of police on the front line and record investment in the violence reduction unit. Our thanks should go to all of them and to the other social partners who are working incredibly

hard to tackle violent crime—with substantial success, as the statistics indicate.

Bill Kidd: Will the First Minister commit to maintaining the increase in the number of police officers that has been brought about since the Scottish Government came to power and which has resulted in the record low figures for homicide in Scotland's homes and streets?

The First Minister: We remain absolutely committed to front-line policing services and to maintaining our pledge to put 1,000 extra officers on Scotland's streets. That has been a key factor in driving down the recorded crime rate to its lowest level in three decades. In the past year alone, the homicide rate has fallen by a fifth.

Despite the overall cut in Scotland's budget, the package of measures that has been agreed with the leadership of the Convention of Scottish Local Authorities will maintain at least 1,000 more police officers next year than when we came to power.

I hope that the Parliament recognises the importance of front-line policing. I was very disappointed to see that a correction from Fife Constabulary to a Labour press release had to be made in *The Courier* today. I understand that Fife Constabulary asked Labour to withdraw the press release from its website but was told, "We don't take things down from the site." If parties are caught out misinterpreting or misrepresenting the police force, they should at least make a belated correction, as *The Courier* has done today. Parties should try not to misrepresent the position, particularly when Scotland is proud of having 1,000 extra police officers on its streets.

Robert Brown (Glasgow) (LD): Does the First Minister agree that all the evidence suggests that the way to reduce homicides and other severe crimes of violence is through a combination of effective policing and targeted diversionary initiatives, such as the Inverclyde initiative and operation reclaim in Glasgow? Does he welcome the fact that those initiatives have led to a typical reduction in crime of about a third? Will he commit his Government to continuing that approach, which tackles the causes of crime, removes knives from our communities and gives young people more positive alternatives, rather than trying to make populist noises that sound tough?

The First Minister: I recognise Robert Brown's consistent support for the direction of travel on judicial and criminal justice policy. Those of us who have argued for such measures against the often knee-jerk reactions of some spokesmen from other political parties cannot feel complacent about the figures in Scotland, because too many homicides and too much crime still occur. However, the fact that recorded crime is at a 30-year low and that the homicide rate is at a 31-year

low indicates that those of us who have argued for the measures that Robert Brown described can at least point to a substantial record of success, which was notably absent when other parties pursued different policies.

Sex Offenders (GPS Technology)

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

To ask the First Minister what the Scottish Government's position is on using global positioning satellite technology to monitor sex offenders released into the community. (S3F-2790)

The First Minister (Alex Salmond): The Scottish Government takes very seriously the safety of our communities and the management of sex offenders. The multi-agency protection arrangements that are in place in Scotland are among the most robust systems in the world for managing sex offenders.

The satellite tracking pilot in England was not developed further, because of the cost and because the technology could not be made to work effectively underground or in buildings. James Kelly will have seen the report on the satellite tracking pilot from 2004 to 2006. However, we will continue to monitor developments in technology—including satellite tracking—to ensure that we have the most effective methods to help front-line professionals in protecting the most vulnerable in our communities.

James Kelly: The public are right to be concerned about safety in relation to sex offenders. That is demonstrated by the case of the convicted rapist John Daly who, within four months of being released from jail, carried out a sex attack on a teacher in my constituency. Does the First Minister recognise that improvements in GPS tracking technology continue? Does he accept the comment of Mike Nellis, the professor of criminal and community justice in the Glasgow school of social work at the University of Strathclyde, that such technology would increase public confidence? Will the First Minister agree to consider a pilot project that uses the technology?

The First Minister: As James Kelly knows from previous discussions, the pilot project took place in England between 2004 and 2006. I have said that we will continue to monitor improvements in technology, to see whether the difficulties that the pilot project encountered can be overcome. However, given the indications from that pilot and the lack of willingness from the previous Labour Government—and, as far as I know, the present Conservative-Liberal Government—to proceed in England on the evidence from the pilot there, it would not be right to announce a pilot in Scotland. It is far better to monitor developments to see whether the difficulties that the pilot exercise

encountered can be overcome and to take action accordingly.

Nigel Don (North East Scotland) (SNP): I do not wish to trivialise the significant problems that people have when offenders reoffend, but is the First Minister in a position to confirm that the vast majority of those on the sex offenders register comply with their requirements and do not appear to constitute a significant problem to the public?

The First Minister: That is correct, but the ones who do not do so are obviously of particular concern. As Nigel Don and James Kelly know, the Tayside pilot project is being rolled out across Scotland, so as to give further reassurance to communities. That is a welcome development in relation to public information. We tested the ability of that pilot project to answer some of the questions that many people had. It survived that test—it passed that test—hence it is being rolled out across Scotland, as I have said.

It is absolutely correct to say that the multi-agency protection arrangements that we have in place are very robust indeed, but if any sex offender breaks the monitoring conditions, that is a matter of great concern to people, and rightly so.

Bill Aitken (Glasgow) (Con): Does the First Minister agree that the type of individual we are dealing with has a compulsion to reoffend, in some cases, and that they tend to be exceptionally devious personalities? Does he agree that anything that we can do to protect the vulnerable sections of our society should be done?

I refer the First Minister to correspondence that I had with Mr MacAskill in 2007, when the Conservatives were the first to raise the issue. I also welcome Mr Kelly's support today. However, that is inconsistent with the fact that, in 2008, both the Scottish Government and the Labour Opposition voted against our proposals on the matter. Will the First Minister again consider the advisability of having a pilot project under this heading?

The First Minister: There has been a pilot project. I always argue for pursuing Scottish solutions when I believe that it is necessary. However, if limitations in the technology were exposed in the pilot project south of the border, I do not think that they would be overcome because of the project being transferred to Scotland. Technology changes, and improvements can be made. Perhaps the limitations can be overcome—that is why we are monitoring the position.

Bill Aitken would not wish to give the impression that the Parliament has been inactive on these matters. In the previous session, the Justice 2 Committee reported in 2006, making 33 recommendations to strengthen society's protection against sex offenders, and 31 of those

recommendations have been implemented. Nine of them were implemented during the previous session, and 22 have been implemented since then. The Parliament has been acting on a range of activities, across the parties, to protect and strengthen Scotland's communities.

Large Retail Properties Levy

6. Iain Smith (North East Fife) (LD): To ask the First Minister what discussions the Scottish Government had with the retail community prior to deciding to introduce a new levy on large retail properties. (S3F-2793)

The First Minister (Alex Salmond): Through discussions we regularly hear from small independent retailers, who have been justifying the approach that we have taken in increasing business rates for the largest retailers. It is right that, in tough times, the additional burdens should fall on the largest retailers, for whom business rates account for only 2 per cent of turnover.

Last week, despite the unprecedented £1.3 billion reduction in our budget, we confirmed that the small business bonus scheme will continue. Next year, it will free up about £128 million for small and medium-sized enterprises to invest in their businesses in Scotland. That has removed the rates burden from 63,000 business properties across Scotland. Latest estimates show that almost 60 per cent of retail premises are now in receipt of some form of relief.

Iain Smith: The Cabinet Secretary for Finance and Sustainable Growth made it clear to the Economy, Energy and Tourism Committee last week that there was no advance discussion on the specific proposals. The announcement came out of the blue for retailers and has caused damaging uncertainty. The First Minister knows as well as anyone that jobs are needed to grow the economy, and that these jobs will come from the private sector. Uncertainty and increased costs will impact on future investment in Scotland.

Does the First Minister think that it is good practice to impose unexpected taxes on businesses? Will the First Minister agree to hold an urgent summit with the retail sector, together with members from Opposition parties, so that we can all hear what the industry's concerns are?

The First Minister: The member should understand how finance decisions are taken. I would be interested to know how much discussion there was on the rise in VAT or on the rise in national insurance. Finance decisions have to be made by finance ministers to face the exigencies of the time.

Iain Smith totally underrates the enthusiasm across the retail sector for the small business bonus—which I do not think was supported by the

Liberal Democrats in this Parliament. Nonetheless, small businesses in Scotland believe that it is very important.

On the relationship between benefiting town centres and smaller businesses where we can and asking those with the broadest shoulders to bear a larger part of the burden, perhaps, as well as consulting the larger supermarkets, Iain Smith should remember the words of Andy Willox, the Scottish policy convener for the Federation of Small Businesses, on 17 November:

"I welcome the move to redress the balance between town centres with independent retailers and supermarkets and out of town developments.

"The FSB warmly welcomes the moves to retain the Small Business Bonus which has been a lifeline to many small businesses up and down the country during the last two years."

Of course we listen to all business concerns, but many of us believe that Andy Willox is correct when he says that small businesses are the lifeline of our economy. I hope that Iain Smith pays as much attention to those businesses as he does to others.

The Presiding Officer: That concludes questions to the First Minister. I remind members that we are moving to members' business, so those who wish to leave the chamber should do so quietly.

United Kingdom Border Agency

The Deputy Presiding Officer (Alasdair Morgan): The next item of business is a members' business debate on motion S3M-7490, in the name of Anne McLaughlin, on the United Kingdom Border Agency's contempt agenda for Scotland. The debate will be concluded without any question being put.

Motion debated,

That the Parliament condemns the UK Border Agency (UKBA) for its actions that, it believes, imply a complete lack of respect for the Parliament and the people of Scotland; deplores what it considers to be the chaotic and unfeeling manner in which hundreds of asylum seekers in Glasgow were informed of the cancellation of UKBA's contract with Glasgow City Council and their subsequent imminent removal to elsewhere in Scotland; condemns, in particular, UKBA's decision, following a review, to continue, in its view, to refuse to engage with members seeking to represent constituents; believes that this policy is unique among all UK and Scottish governmental agencies, and considers that both examples demonstrate contempt for asylum seekers, the Parliament and Scotland.

12:32

Anne McLaughlin (Glasgow) (SNP): I had hoped that my first members' business debate might be about something positive and worth celebrating and would congratulate great people on great work. I really did not want to have this debate and, along with many other MSPs, I tried to get the United Kingdom Border Agency to see sense.

Members may recall that I lodged a similar motion last year on the UKBA's refusal to speak to MSPs. In the end, I did not go ahead with the debate because I wanted to try to convince the Home Office to change its mind. Alas, it did not—but I tried.

I wrote to Phil Woolas when he was in charge and I wrote to Alan Johnson. I spoke to Ann McKechin and to Jim Murphy. They all told me exactly the same thing:

"We get 66,000 letters a year from MPs. We do not wish to take on even more and duplicate."

The argument is weak, because nobody is suggesting that anyone should be represented by an MP and an MSP, so there would be no duplication.

Then there was an election and a new Government. Despite the fact that it was primarily a Tory Government, it started making the right noises on asylum issues. For all the deserved criticism of the Liberal Democrats' end of the coalition in recent weeks, I am aware that asylum was one of their red-line issues.

Labour was out and the new Government said, for example, that it would end the detention of children. It also said that it would review the position on dealing with MSPs. Well, it has reviewed it now and guess what it says?

“We get 66,000 letters a year ...”

—blah, blah, blah. That is followed by another oft-repeated reminder that

“immigration is a reserved matter”.

Indeed it is, as is benefits, but the Benefits Agency is perfectly happy to respond to my enquiries on behalf of constituents.

What of health, education and housing? All of those matters are devolved to this Parliament but are perfectly legitimate areas of interest for members of the other Parliament when it comes to representing their constituents.

Alex Neil, the Scottish Government Minister for Housing and Communities, will respond to the debate. What if he were to refuse to respond to MPs? How would that help the constituent? It would not. That is precisely why no Scottish Government agency discriminates in that way and no other British Government agency treats this Parliament with such contempt.

The results of the UK Government’s review, coupled with the disgraceful way in which Glasgow asylum seekers are being treated over the cancellation of the contract with Glasgow City Council, have left me with no choice. The debate had to happen, and I make absolutely no apology for the motion’s title: “UKBA’s Contempt Agenda for Scotland”.

The dictionary definition of contempt is:

“The feeling or attitude of regarding someone or something as inferior”.

Well, the message to the representatives of this Parliament and the people who wish us to represent them is clear: the UKBA considers this institution “inferior”. The dictionary goes on to describe contempt as

“open disrespect for a person or thing accompanied by a feeling of intense dislike”.

We could forgive the more than 600 asylum seekers in Glasgow who last month received the shockingly insensitive letter that told them that their lives would soon be turned upside down again for feeling disrespected and if not intensely disliked, then certainly not cared for.

Other members will be talking in more detail about the Glasgow situation. I will use my remaining time to say something more general about asylum seekers. When I was elected, I spent time thinking about the areas that I wished to focus on. I have to be honest and say that

asylum was not one of them—human rights more generally was on the list, but I had no burning desire to fight asylum issues. That, I now believe, was because I just did not know enough about the subject. I had always understood that asylum seekers are not—I would say that they probably never are—people who simply decide to hop on a plane and cynically manipulate the system. Some come because it is the only chance their children have of any reasonable start in life—who among us would not do the same?—and many others come because they are absolutely desperate and in fear of their lives. Studies have shown that the majority do not set out to reach the UK; they set out just to escape their own country. They do not know where they will end up and suffer painful and often horrific journeys to get there. When I hear some of their stories, I feel like awarding them medals for bravery.

We only have to look at yesterday’s absolute tragedy, in which at least 28 adults and children drowned off Christmas Island as they tried to reach Australia. How desperate would you have to be, and how bad would your life at home have to be, to risk such a treacherous journey? I pay tribute to the Christmas Island residents who did everything that they could to save people—in fact, they did save many. The residents’ natural human instinct was to respond to people’s cries for help and to try to save their fellow human beings. That is what our asylum policy should be about. It should be about responding to cries for help and protecting fellow human beings who did not get to choose where they were born, did not start their country’s wars, did not provide them with weapons and did not invite their Government’s soldiers to rape them. Such people do not deserve to be treated with contempt when they reach our shores.

Working with asylum seekers requires sensitivity to people who are in extremely vulnerable positions, an ability to communicate when there are language and cultural barriers and the time to listen to often horrific and deeply personal stories. It is difficult enough for any ordinary member of the public to approach their MP or MSP with an issue, even with something as simple as their bins not being emptied, but to have to tell someone about your time in the torture camps or about running through the forest with your bare feet bleeding from wounds and men with bayonets at your back, to have to talk about the soldiers who came to your home and gang raped your 12-year-old niece and to have to describe how, as a child, you watched your father being gunned down in front of your eyes takes courage—it takes everything that you have got. Those are the stories that I have heard from constituents over the past year and a half. You have to build a relationship with the person that you are telling. You have to trust them. To then be told by the UKBA that you

have to repeat the entire process in front of another stranger, simply because you went to the wrong parliamentary representative must be utterly galling. How many of us would feel able to start the process all over again?

I will end by quoting a woman who fled Zimbabwe and sought asylum in the UK. She told me about the many things that had happened to her since her arrival in the UK. She said that, although she was grateful for all the support that she had been given, she just could not take any more. After the letter, she said that she felt like

“lying down and giving up”.

Our job, when someone can no longer stand up—when they tell us that they want to lie down and give up—is to stand up for them. That is my job as a human being; it is also my job as an MSP. I call on the UKBA to stop preventing me from doing my job and to start doing its job properly. That means the UKBA treating fellow human beings with respect rather than contempt.

The Deputy Presiding Officer: We move to the open debate. Given the number of members who wish to speak, I ask them to keep to their four-minute time limit.

12:39

Johann Lamont (Glasgow Pollok) (Lab): I intend my remarks to be relatively brief, Presiding Officer.

The whole area of asylum and immigration is a difficult one. By definition, if a country has an immigration policy, it will also have failed asylum seekers. The issue is then how the country treats people with humanity once that decision is made. The issue would be a problem for anyone, whichever position they are in.

I note what Anne McLaughlin said about her treatment as a member, but I want to reflect the concerns that exist about the way in which the UK Border Agency treated asylum seeker families in Glasgow when it sent them a letter telling them that they would be going shortly and that they were to take only three bags with them. It seems to me that the agency displayed a lack not just of compassion and understanding, but of awareness of the extent to which those families were integrated in their communities, with their young people attending local schools.

I put on record my thanks to Glasgow, my home city, for the way in which it stepped up to the plate when asylum seekers were to be dispersed throughout the country. Glasgow City Council, unlike any other local authority, chose to take those people, I think, because of its long history of showing compassion and understanding for people who have come into Scotland. It was not

always an easy process and the council was the subject of a lot of criticism, but it should be commended for the way in which it tackled the issue, on which it worked closely with communities.

I think that members of all parties would accept that there is a sharp contrast between the attitude of Glasgow City Council and the way in which the UKBA has conducted itself. The reality is that asylum seekers were caught up in contract negotiations. The UKBA took a dehumanising approach, whereby it saw people in such circumstances as bargaining chips. I believe that through its letter, it tried, almost deliberately, to up the ante, but the real consequences were felt not by the council, which was wrestling with the problem, but by individual families.

Members will recall that during an exchange at a recent First Minister's question time, I highlighted the situation of a young woman at Lourdes secondary school who was being supported by her school community, and the impact that receiving one of those letters, at the very point at which she was studying for exams, had on her family and her mother. It seemed to me that the UKBA's action reflected a lack of understanding of the human and family dimensions of the problem. When interventions on such matters are planned, there needs to be an understanding that families and communities will be affected.

I invite the minister to give us an update on the role of the Scottish Government, particularly in relation to its responsibilities for the education and welfare of young people. The First Minister responded positively when I raised that and it would be useful to know how progress can be made in that difficult area. It is important that the minister makes his voice heard on that argument.

In addition, I raise with the minister the importance of supporting and funding the integration networks in Glasgow, which were particularly successful when there was tension when asylum seekers first came to the city. An immense amount of work was done by voluntary organisations, church groups and, more broadly, faith groups in welcoming asylum seekers and bringing all the communities together to develop a community understanding and a shared history of change and separation that enabled people to understand some of the dreadful circumstances that asylum seekers had been through.

I would welcome the minister commenting on whether he sees the potential for funding such preventive work, which I think has been so important, and I would like him to give us an update on how services can be delivered across communities such as mine, to ensure that when there are pressures on those communities, the allocation of funding recognises and follows that.

At the heart of Anne McLaughlin's position is the need to understand asylum seekers as individuals and families, so that when people make decisions, they understand that they can have traumatic consequences for families that have already experienced a great deal of trauma.

12:43

Sandra White (Glasgow) (SNP): I congratulate Anne McLaughlin on securing an extremely important debate.

We all know that Glasgow has received the largest number of asylum seekers and refugees in the UK. As a Glasgow MSP since 1999, I have dealt with hundreds of asylum seekers and refugees. Labour members might not want to hear this, but the Labour MPs who have been predominant in Glasgow would not deal with such cases. We were the people who picked them up. That is the honest truth, which we must get on the record.

I pay tribute to the many groups and individuals who have worked tirelessly to ensure that we have the knowledge and expertise to deal with asylum seekers and refugees. Without that knowledge and expertise, we would not have been able to point them in the right direction or to help them get the right lawyers. They would have been floundering and so would we.

Glasgow is a beacon. The work that it has done is held up by other areas of Great Britain as something that other people should emulate and follow.

I seriously wonder if UKBA decided to send out the letters because the integration of asylum seekers and refugees in Glasgow is so great. They have great community spirit. They are welcomed in Glasgow and people work to help them. I seriously wonder if that is why the letter was sent out.

We are talking about human beings and human rights. For someone to receive a letter that informs them that they will be forced to move within three days and with no idea where they will be moved to is unacceptable, no matter who the person is. To be told that they cannot take any possessions is barbaric, and I have already talked in a previous debate about people being told to take only two pieces of luggage. It is quite harrowing; it brings up memories of a darker era in European history. It is appalling that a UK Government agency should act in that way, but unfortunately it is not surprising.

The way in which UKBA has operated under the previous Labour Government and now under the Con-Dem coalition means that it has been out of control for many years. Successive UK

Governments have sanctioned the illegal detention of children and dawn raids, used every means to circumvent the law and denied many asylum seekers their basic human rights.

The way in which the UKBA interacts with elected representatives and local government is equally revealing. It does not want to speak to Glasgow City Council, other groups that I have referred to and elected members. As an elected member, I have dealt with hundreds of asylum seekers. I challenge the Westminster Government and the UKBA to say what I should do if someone comes to my office who desperately wants help, and I have to say to them that I cannot help them. They are constituents who have arrived in the country and are staying in Glasgow, so they are entitled to the representation that we can afford to give them.

We have built up expertise: why should we lose it? We have built up so much expertise that I, and other elected representatives, can pick up a phone and get people housing and some kind of money and put them in touch with groups or expert lawyers who can help them. It has taken years to build up that knowledge and, all of a sudden, we are now being told that we cannot act. I used to be able to phone the immigration office in London and get direct contact, but in the past few years, we have needed a PIN number.

I have to ask what the Westminster MPs are doing. Why are they not saying that we should be treated as equally as they are? It is as if they are protecting something and they do not do any work on it.

If an asylum seeker, refugee or whoever comes to me for advice or help, I for one am going to give them it, regardless of what Westminster says.

12:47

Alex Johnstone (North East Scotland) (Con): The UK, Scotland and the city of Glasgow have a proud record of giving asylum to those who require it. We in this country have a broad mind and attitude to those who require our protection and assistance, so much so that we have, on occasion, become a target for those who seek to use the asylum system as a method of bypassing immigration.

It is unfortunate that we have been landed in a situation in which there has been a breakdown or denial of communication between members of the Scottish Parliament and the Home Office. I will not challenge that, other than to say that members of the Westminster Parliament, whose responsibility it is to deal directly with the Home Office, should be doing so. However, from the members that have spoken in the debate so far, and from other sources, I hear that that work is simply not being

done. That might be partly what has created the crisis in the relationship.

As far as the UKBA and its relationship with the city of Glasgow is concerned, there are two sides to every story. The UKBA has made it clear that it has tried hard to negotiate with Glasgow City Council to continue the contract to provide accommodation. In the UKBA's view, it is Glasgow City Council that has made it difficult to achieve that objective. We also have an undertaking that no one will be moved at the moment because of the termination of the contract, and anyone who is going to be moved will be given a full 14 days' notice so that they can take whatever action is necessary to make that transition smoothly. I hope that we can accept those reassurances.

Anne McLaughlin: Does the member think that 14 days' notice is enough notice for someone to uproot their family and move to somewhere else in Scotland? Does he accept that the damage was done the minute that those 600 families received the letters saying that they would have only three to five days' notice to pack a maximum of two suitcases?

Alex Johnstone: Yes, I accept that that was damaging. We have come to a situation in which the UK Border Agency has made it clear that it will implement a more lenient approach but, sadly, damage has been done. However, I am further reassured that arrangements that are currently being entered into by Glasgow City Council and Ypeople—formerly YMCA Glasgow—may result in many of those people being able to continue in their existing property. As a consequence, we may achieve a great deal more stability than was originally believed would be achieved.

In concluding, I realise that this has become a major local issue in the city of Glasgow. It has the potential to be an embarrassment for Scotland if we cannot get it right. I urge members of the Scottish Parliament to do as I would do when approached by someone in an immigration case and give advice, the first item of which is to contact their member of the Westminster Parliament, who has the authority to represent their interests. If that is not done, we have a serious problem in how our democracy works.

Anne McLaughlin: Will the member take an intervention?

Alex Johnstone: I have finished, but I will give way.

The Deputy Presiding Officer: No, you cannot—if you are finished, you are finished. I call Christina McKelvie.

12:51

Christina McKelvie (Central Scotland) (SNP): I will pick up the point that I am sure Anne McLaughlin was just about to make—in lots of cases, people come to us having been to their MP, who has not helped them. That is where the difficulty lies.

I congratulate Anne McLaughlin on securing a members' business debate on this subject. It is a problem that is all too familiar to many of us. We have all tried to make representations on behalf of migrant and refugee constituents, and we know that the problem exists. It is also an issue that exemplifies the unfortunate attitudes—I am being charitable here, because I have described the UKBA in other terms—that some, but not all, parts of the Whitehall apparatus continue to have towards the Scottish Parliament and its elected representatives.

Colleagues from Glasgow have already spoken powerfully about the recent behaviour of the UKBA towards asylum seekers living in Glasgow, so there is no need for me to say more about that, other than to agree that the approach was deplorable and should be reversed.

I will talk about the UKBA's refusal to deal with MSPs who contact it on behalf of their constituents. That behaviour appears to be based on the UKBA's own interpretations of the boundaries of devolution and about the cases MSPs should and should not take up. Apparently, the UKBA believes that it has the right to dictate to elected members of this Parliament what their job is and how they should do it.

Other UK Government departments do not do that. The Benefits Agency does not reply to MSPs who write to it with a refusal to answer their questions because welfare benefits are a reserved matter. Quite rightly, it understands that any elected representative—no matter which Parliament they are elected to—is entitled to receive not just a response but a proper response that addresses the query that has been made.

The UKBA thinks differently. Like benefits, asylum and immigration is a policy area that may be reserved but which nonetheless has enormous implications for a wide range of devolved areas and which impacts considerably on the lives and welfare of many people living in Scotland. That is a reality which the UKBA refuses to recognise. It will not countenance the possibility that MSPs have a legitimate concern about how asylum and immigration policy affects our constituents, nor recognise our right to take up cases relating to it.

The UKBA operates to its own version of the devolved settlement, one in which it can tell members of this Parliament who contact it on behalf of an individual constituent, in so many

words, to go and take a running jump. As the title of Anne McLaughlin's motion says, it is demonstrating contempt, not only for the Scottish Parliament but for the process of democracy in Scotland and the right of our constituents to receive representation from us.

I cannot help but wonder whether there is an element of pique in that approach—a wee bit of revenge, perhaps, against this Parliament and its pesky MSPs, who have been frequently and strongly critical of some of the UKBA's more unpleasant practices, such as dawn raids and child detention, particularly in Dungavel in my region.

Members of the Equal Opportunities Committee, of which I am one, heard evidence from the UKBA's Scotland director during our inquiry into migration and trafficking earlier this year. He told us that its handling of devolution

“is still a challenge, but I suspect that I am told less about us getting it wrong than I am about us getting it right nowadays. However, there is still some way to go.”— [Official Report, Equal Opportunities Committee, 21 September 2010; c 1990.]

No kidding—they can say that again. We are telling the UKBA that, in refusing to deal with MSPs who are making representations on behalf of their constituents, it is getting it badly wrong and that it needs to change its approach now. We are elected to the Scottish Parliament to represent everyone in Scotland and I expect the same service from all the reserved agencies across the UK as they would expect from our ministers. The same should apply.

12:55

Robert Brown (Glasgow) (LD): I, too, congratulate Anne McLaughlin on obtaining today's members' business debate on an important subject. I welcome today's announcement by the Deputy Prime Minister that the Westminster Government will end child detention by May next year, in accordance with the partnership agreement and the promise that was made. That should be welcomed across the chamber, as we were united in making representations to the previous Government over a number of years against a background of no fewer than 7,000 children being locked up in the course of the last five years of the previous Government.

I wish to defend the UK Border Agency to a degree. There is no doubt that the agency is under pressure because of the sheer number of cases that it has to deal with. In fairness, it has indicated in its letter that it will take up policy issues, and I have been able to raise the policy issue of the deal with Glasgow City Council with it and have got a response from it.

Nevertheless, like other members, I do not find it acceptable—nor have I ever done—that it will not reply to normal letters. Over the years, I have had a policy of taking up issues that come to me directly but, broadly speaking, I do not get involved with ones that come as campaigns across a number of different issues when I do not have personal knowledge of the situation. There is a bit of an issue with the sheer number of people who are making representations about the subject that we are debating.

I do not think that it is particularly helpful to major on the claim that the actions of the UKBA have been disrespectful to the Scottish Parliament. That is not the central issue and it gets in the way of a proper approach to the central matter, which is the agreement between the UKBA and Glasgow City Council. There is no question but that its actions were pretty clumsy in that regard. The terms of the letter that was sent out were lamentable and must have caused considerable upset and worry to families and individuals.

The arrangements themselves have been clouded by uncertainty and lack of information. Several colleagues were present at the cross-party group on asylum seekers and refugees a fortnight ago and, even at that stage, the agency did not have clear information about what was going to happen. It was not even clear about how the contract was to be terminated and when the termination would become operative. The whole thing could be described only as a mess.

The number of asylum seekers is falling as the process of case resolution proceeds and more people are granted leave to stay. However, according to the council, the UKBA simply stopped sending further asylum seekers on 13 October, without any intimation. It seems to me that there are two issues. The first and most important is that we must ensure, if possible, that people can remain in their current houses and do not experience disruption in their schools, community support and their all-important sense of security. It cannot be beyond the wit of those involved to ensure that that is the case with the new providers, while accepting that some people will anyway move into more permanent accommodation once their status has been resolved. Glasgow City Council has a good reputation in ensuring security of housing for a goodly part of most people's stay in the city.

The second issue is that of future support. I have no doubt that the cost issue is valid, but no one doubts the fact that the comprehensive package that has been put in place by Glasgow City Council, the extent of the community support that is available—following painful lessons early on—and the success of our integration

arrangements are second to none. The process must be carried out properly and supportively, in a way that meets both the spirit and the letter of our legal and moral duties to refugees from oppressive regimes who seek the sanctuary of these shores.

As a supporter of the UK Government, I suggest that it must make sure that the UKBA fulfils its functions properly. Anne McLaughlin has raised an important issue and I hope that the minister, in replying to the debate, can tell us what the Scottish Government has been doing, as part of the agreed protocols on these things, with the UK Government or whoever to assist and support the refugees who have been caught up by this bureaucratic dispute. That is the central issue, not so much communication with MSPs.

12:59

Pauline McNeill (Glasgow Kelvin) (Lab): I thank Anne McLaughlin for bringing to the chamber the emotive and important issue of the treatment of asylum seekers, particularly in Glasgow. I acknowledge that Sandra White lodged a similar motion. I know that she has a particular perspective on the matter, but I hope that she accepts that there are Labour MPs in the city who have taken up asylum cases and represented them well.

There has been unprecedented cross-party unity in condemnation of the brutal and inhumane behaviour of the UK Border Agency. Glasgow City Council has made its position clear—with the exception of one Tory councillor who did not sign the letter condemning the behaviour of the UK Border Agency. David Mundell has spoken out, as has the Scottish Affairs Select Committee, and the Equal Opportunities Committee of the Scottish Parliament has taken an interest in the matter as well, and rightly so.

It is for the UK Border Agency to make its case about its contact arrangement with Glasgow; I want to talk about the impact that that will have.

I am concerned that the negotiations that have been taking place might have undermined Glasgow's proud reputation in this regard. As Robert Brown and others have said, it is important that, whatever the outcome of the contract negotiations might be, asylum seekers do not have to be moved from their homes.

There are 1,300 asylum seekers in the city. We have had the contract since 2000. Like Johann Lamont, I am proud of my city's record in being one of the first cities to volunteer to take so many asylum seekers, who have come from Iran, Iraq, Pakistan, Somalia, China and Sri Lanka—in fact, from too many countries to mention.

There was no prior notification about the UK Border Agency's decision to give a three to five-day notice to asylum seekers. I have to wonder what was in the minds of the officials who drafted the correspondence, and I hope that they have seen the error of their ways. Anyone who had considered the impact on families and children would simply not have taken such a decision.

Anne McLaughlin: I do not know whether the member has written to the UK Border Agency, but is she aware that the letters that we are getting back from it tell us that that letter has been used before and has never caused a problem? I am not entirely sure that it will not be used again in other parts of the UK, if the situation should arise.

Pauline McNeill: My position is clear that that is not an acceptable way of handling this matter, and I have added my voice on that basis.

I do not think that asylum seekers should be required to move, and I think that all efforts should be made to ensure that they do not have to. As others have said, the population of asylum seekers has been welcome in Glasgow. Constituents of mine who live in Kingsway Court tell me that the community has been transformed by the attitude of asylum seekers who will, for example, clean their stairs and who go to their local schools. It would be a great loss if they were to leave.

The UK Border Agency's letter says that asylum seekers could be required to move anywhere in the "Scottish region". Leaving aside the fact that Scotland is a nation, not a region, that is still a rather large geographical area, and the letter has created a great deal of uncertainty for those who do not know where they will end up.

Breaking up the association that asylum seekers have had with people in their communities is what concerns me most. The presence of asylum seekers in an area is what has made some schools sustainable. I do not understand why any official would think that an asylum seeker who has been in Glasgow for a few years could cope if they have only two pieces of luggage, particularly if they have a family. I found that to be a particularly facetious instruction.

As we have discussed this morning, we have had a harsh winter, and that must be taken into account for families who might be required to move.

In closing, I note that Blindcraft, an important organisation that has been providing furniture to asylum seekers, will definitely be affected if Glasgow loses asylum seekers.

I hope that the situation can be resolved to everyone's satisfaction.

13:04

Bob Doris (Glasgow) (SNP): I thank Anne McLaughlin not only for securing the debate but for the tremendous work that she has done in Parliament on behalf of all Glasgow's communities, of which asylum seekers make up just one part. People who think that Anne McLaughlin focuses on just one issue do not know her constituency casework. She is a credit to this Parliament.

I am not going to talk about the termination of the contract with Glasgow City Council and the letter that has been sent out, which have been well documented. Needless to say, I want to put on record that the UKBA's decision is absolutely repugnant, and was handled in a way that goes against all forms of humanity.

I want to talk about the relationship between MSPs and the UKBA. I differ from Robert Brown on the issue—it is not about a bureaucratic fight between MSPs and the UKBA; it goes far beyond that. We represent those communities and individuals, and to say that it is a bureaucratic stushie misses the core point.

I will give members one example. A year ago, I held a surgery specifically for the Kurdish community in Glasgow. I had made a few Kurdish friends, and I said to them, "If you've got friends, family and contacts in the Kurdish community who wouldn't normally see a councillor, an MP or an MSP, bring them along". About 30 Kurdish individuals went to that event, and we invited police officers, interpreters and people from integration services in the city.

For about two to three hours after people had given their initial speeches to the asylum seekers—and to others, because the event was not only for asylum seekers—I was there writing up case notes on what had to be done in response to people's concerns about schooling, their housing situations or their asylum cases.

At that point, was I supposed to say to the asylum seeker, "I'm sorry, but could you just sit at the back of the room—I'll give you the MP's name later on and they can take up the case for you"? An asylum seeker might say, "I'd like to talk to you about my asylum, but I'd also like to talk about the absolute pit that the city council or others have put me in for my accommodation." I should say that Glasgow City Council do pretty well on accommodation, but others do not. We cannot pick and choose the cases that come to us, and it is stupid, absurd and ridiculous that the UKBA forces us to do so. It is not good enough.

I would gently say that some MPs are better than others at dealing with asylum seekers. I find that the most vulnerable people in society do not go to our surgeries, so we have to reach out to

them. MPs are not always particularly good at reaching out, and there are various reasons for that, but they must do better.

If someone went to an MP's surgery and said, as I have heard people say, that they have experienced a very serious and distressing situation in the health service in Scotland with regard to neglect or incompetence—which has even led to fatalities in some cases, as I have heard from representations to my office—I would not feel threatened if the MP was to write to Nicola Sturgeon or the health board. I would not say, "Back off—that's devolved"; that is not how it works. It is not good enough for those vulnerable asylum seekers who come to me and tell me stories of torture, rape, exploitation and abuse, and of fearing for their lives. They are often in tears and are reaching and crying out for help, and I have to say to them, "No. Can you just stop there? That is a reserved matter."

On humanity, human rights, dignity, social justice and respect—all the things that make us human, and which are why we get involved in politics in the first place—we have to say, "Sorry—that's reserved to Westminster because of some stushie with the UK Government and the UKBA". The situation is not good enough and it has to change, not for politicians or because of constitutional wrangling, but for asylum seekers. I hope that today's debate, led by Anne McLaughlin, will go some way towards changing that.

13:08

The Minister for Housing and Communities (Alex Neil): I congratulate Anne McLaughlin, as other members have done, on bringing the debate to the chamber. Her introductory speech was one of the best that I have heard in almost 12 years in the Parliament.

It is deeply shocking that asylum seekers, who are already so vulnerable and often deeply traumatised by their experiences, can be treated so callously by the UKBA. I share the anger that is felt among members in the chamber—and by the elected representatives in other devolved administrations—at the lack of respect that is being shown to the democratic process not only by the UKBA, but by its political masters, who are at present Damian Green, Theresa May, Nick Clegg and David Cameron. The UKBA could not act in that way without the tacit agreement of those ministers.

The disrespect is directed not just at those of us who have had the honour of being elected as MSPs to represent our constituents, but at the people of Scotland and those who have fled their own countries in fear and wish to make Scotland their home.

Like the previous Administration, the Scottish Government takes a different view on the treatment of asylum seekers from that of the previous and current UK Governments. We are clear that asylum seekers who are dispersed to Scotland must be treated fairly and humanely and that while they are in Scotland they must be welcomed and supported. We believe that asylum seekers—who are among the most vulnerable people—should be integrated and welcomed into local life on arrival. The Government is clear that asylum seekers should be treated with respect, and we lead by example.

Despite its being a reserved issue, the Scottish Government, as far as our devolved powers allow, enables asylum seekers and refugees to integrate into our communities from day 1, as well as having access to health care and education. That is why we have provided nearly £3 million over three years to organisations working with asylum seekers and refugees, including the Scottish Refugee Council, the Bridges Programme, Maryhill Integration Network, Integrating Toryglen Community and others that enable asylum seekers and refugees to access services, information, advice and support.

On the fair question that was asked by Johann Lamont, the Scottish Government is clear that all asylum seekers and their children should be treated with respect and should have access to services. Asylum-seeking and refugee children should be given the same rights as all other children to enable them to integrate fully into Scottish society. We welcome this morning's announcement on moves to end the detention of children of asylum seekers.

We are working with other projects, such as the family return project and the guardianship pilot, to try to ensure that the support and services are made available.

We have given the same access to higher and further education to the children of asylum seekers as we give to other children in Scotland. We are working with Glasgow City Council to ensure that those children have the same access to nursery education as other children in Scotland.

The thoughtless treatment by the UKBA of asylum seekers, who have been welcomed to Glasgow and Scotland by their local communities, is repugnant and shocking.

The First Minister wrote to the Home Secretary on 18 November to express his concern about the termination of the accommodation contract with Glasgow and to urge that the decision be reconsidered. He stated that

“the way this matter has been handled is extremely disturbing and does not appear to have the best interests and welfare of this very vulnerable community at heart. In

particular there appears to have been a complete lack of sensitivity shown toward those seeking asylum”.

He went on to say:

“the text of the letter issued by UKBA to the asylum seekers has caused a considerable level of distress, not just to those receiving the letters and their families, but also to those who have worked hard to care for and welcome asylum seekers into their communities ... On reading the letter I was astonished by the complete lack of consideration shown to asylum seekers of the impact that this decision will have on their lives, and felt that it was totally devoid of any compassion or understanding”.

I used to work in Romania on behalf of the World Bank, and I heard stories about Ceauşescu's Romania. The action that has been taken by the UKBA reminded me of some of the Ceauşescu Government's worst practices, such as forcing people from their homes.

We know that our concern is shared throughout Scotland. I thank again the young people from Lourdes secondary school for their petition asking for the cancellation of the contract to be revoked. Those young people understand the body blow that such a letter caused their asylum-seeking school friends and the importance of maintaining their friends' educational and social networks in supporting their emotional wellbeing.

The needs of asylum seekers are at last being considered, and work is under way to transfer Glasgow City Council's housing stock to Ypeople. If that is agreed—the novation process is complex and yet to be finalised—it will mean that the affected asylum seekers can remain in their present accommodation. That will be a huge relief for all concerned, although it does not excuse the alarm and stress that the initial letter caused.

As many members have said, the Scottish Government is also extremely disappointed that, unlike other UK Government departments and agencies, the UKBA has not moved with the evolving spirit of devolution and still will not correspond with MSPs—or indeed Scottish ministers—on individual cases. If we took the same attitude to Westminster MPs who regularly write to us on behalf of their constituents on devolved matters, they would be the first to squeal about it. Their silence on this matter is deafening and unacceptable.

Over the past couple of years, my officials have regularly raised this issue with their UKBA counterparts and the permanent secretary and his predecessor have done the same with the UKBA's chief executive. When the First Minister met the Prime Minister on 14 May, the Prime Minister committed to an agenda of “mutual respect”. It is not for the Scottish Government to decide how the Parliament should respond to Damian Green's letter to all MSPs—that is a matter for the Presiding Officer on behalf of the Parliament—but

I assure the chamber that this Government is using every available avenue to get the UKBA and its ministers to understand the “mutual respect” agenda and that all those who are elected to serve the people of Scotland in this chamber should receive a substantive reply on individual cases, an approach that other UK Government departments have agreed and demonstrated.

We hope that the UKBA and its political masters understand and embrace the evolving nature of devolution and practise the respect agenda instead of simply paying it lip service. The First Minister is liaising on this matter with his counterparts in devolved Administrations elsewhere in the UK who share our concern on the substantive issue of the treatment of asylum seekers and the issue of correspondence and respect. If necessary, we will refer the matter to the joint ministerial committee for dispute resolution.

I hope that, in my seven minutes, I have been able to give members as complete a picture as possible of the updated position.

13:16

Meeting suspended until 14:15.

14:15

On resuming—

Scottish Executive Question Time

Finance and Sustainable Growth

Retailers (Financial Assistance)

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

To ask the Scottish Government what financial assistance it provides to retailers with the aim of creating jobs, supporting the local economy and bolstering tourism. (S3O-12424)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The Scottish Government recognises the vital role played by the retail sector with regard to employment, supporting local and regional economies, encouraging tourism and stimulating visitor numbers to Scotland and, in so doing, increasing sustainable economic growth. That is why we continue to support the sector through these challenging times. Last year, many retailers benefited from our £60 million investment in the regeneration and growth of our town centres, and we are prioritising skills and training and generating significant numbers of jobs in the Scottish economy through our economic recovery plan. There are encouraging signs that the approach is working, with Scottish retail output rising in the second quarter of this year, and we will continue to work closely with all parts of the sector through the Scottish Retail Consortium.

Stuart McMillan: Recently, a constituent contacted me about the promotion of business and tourism opportunities in Inverclyde. His frustration at trying to move his project forward dates back to the time of the previous Scottish Executive, when money was sloshing about the enterprise agencies. Given the severe financial restrictions on the Scottish Government budget, what guarantees can be given to online businesses that are trying to promote economic growth and opportunities in Inverclyde and the west of Scotland?

Jim Mather: The most widely used service for small and microbusinesses that are either getting started or growing is business gateway, which has offices in Greenock and other locations in the west of Scotland. Given the tourism element of the proposal highlighted by the member, I also think that VisitScotland would be happy to talk to his constituent.

I also point the individual in the direction of ScotlandIS and its moves to promote the use of e-commerce among more businesses. I think that, if

those courses of action were followed, they would get a better result.

David Whitton (Strathkelvin and Bearsden) (Lab): It is interesting that the minister mentioned the town centre regeneration fund, which Labour, of course, called for. It was such a success that the Government cancelled it after a year, which was a pity. Does he think that the new levy on large businesses in Scotland—which will mean that they have to pay an extra £30 million, or the equivalent of 2,500 jobs—is such a good thing, given that it might well end up costing jobs?

Jim Mather: I recognise the member's negativity and his track record in terms of cuts that were in the first instance formulated by the Labour Party. However, he will have heard the First Minister's earlier message to the chamber about the broad shoulders of large businesses and the need to spread the burden to ensure that we come through all this with our town centres having the vibrancy that we want and without undoing the good work that has been done and which the member has just applauded.

Sedco 711 Oil Platform (Blowout)

2. Robin Harper (Lothians) (Green): To ask the Scottish Executive on what date it was made aware of the blowout incident on Shell's Sedco 711 platform on 23 December 2009 and by whom. (S3O-12432)

The Minister for Enterprise, Energy and Tourism (Jim Mather): Oil and gas and health and safety are reserved issues. However, the Scottish Government has responsibility for the protection and management of the marine environment. In that context, it is routinely informed of oil and chemical spills from offshore platforms and drilling rigs through the Aberdeen coastguard, which is notified of such incidents alongside the Department for Energy and Climate Change and the Joint Nature Conservation Committee via petroleum operations notice number 1 submitted by the offshore operator. Notification of the small spill in this particular incident was received through that route in December last year.

Robin Harper: I thank the minister for his answer, but he has not told me whether it happened on or after 23 December. He will be aware that on 30 September the First Minister told my colleague Patrick Harvie:

“we should recognise the excellence of the record of drilling around the coast of Scotland, and go forward on that basis.”—[*Official Report*, 30 September 2010; c 29159.]

How can the Government justify such complacency on the matter, given that it knew about the incident? Will the minister now

reconsider his position on a moratorium on deep-water oil drilling in Scottish waters?

Jim Mather: I have to reject the charge of complacency. There is no complacency, and there is no room for complacency. We have 20 years of deep-water drilling experience and 315 deep-water wells have been drilled. We have confidence in the regulatory regime, which continues to work, and in the Scottish companies that provide the technology in the North Sea and which can export the technology to other parts of the world.

Traffic Scotland Website

3. Elaine Murray (Dumfries) (Lab): To ask the Scottish Executive what arrangements are in place to ensure that the content of the traffic Scotland website is current and accurate. (S3O-12395)

The Minister for Transport and Infrastructure (Keith Brown): The traffic Scotland website is updated in real time once information has been validated by the traffic Scotland operator. The information is received from intelligent transport systems monitoring equipment that is deployed on the network, and from the trunk road operating companies and the police. Weather information comes from automated processes that are provided by the Met Office.

Elaine Murray: I welcome Keith Brown to his new position.

On 5 December, the traffic Scotland website failed to carry any information about serious disruptions on major roads such as the A80, the M73 and the M74 several hours after problems had arisen. The website subsequently crashed, although the Automobile Association website and the BBC website did not. Consequently, drivers set out on journeys that they might have avoided if accurate information had been available, and some spent many hours in sub-zero temperatures. As drivers are referred to traffic Scotland by the police and by motorway gantry signs as the source of information on traffic problems, is the minister aware of any measures that have subsequently been taken to ensure that the problem will not happen again?

Keith Brown: I refer Elaine Murray to the discussion that we had earlier about the pressure on some websites. I subsequently discussed the matter with Transport Scotland officials. One issue is that the information has to be validated. That can sometimes cause problems and delays in making it available. Officials are willing to consider that matter to see whether things can be done differently. Obviously, it is important that the information is accurate, which is why they want to validate it. Looking at things such as texting and the trend of texts that come into them is one way

in which they might be able to make information available more quickly.

I understand the problem to which Elaine Murray refers. Last week was an exceptional case, and officials are considering how things can be improved.

Postal Services Bill

4. **Jamie Hepburn (Central Scotland) (SNP):**

To ask the Scottish Government what concerns it has regarding the impact on the economy and communities of Scotland of the provisions of the United Kingdom Government's Postal Services Bill. (S3O-12416)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The UK Government's proposals may put at risk services that are vital to communities throughout Scotland. We need more detail and confirmation that decisions will be made in the best interests of Royal Mail staff, local communities and Scotland's economy.

Jamie Hepburn: Does the cabinet secretary share my concern about the emphasis on financial sustainability in the bill, which may place at risk some of the most cherished aspects of postal services, such as the post office network, six-day delivery and universal service obligations? Does he agree that communities in Scotland have already suffered enough post office closures? Will he seek reassurances from the UK Government that the bill will not herald another cull of local post offices? What perspective can he offer on the shedding of crocodile tears by some Labour MPs over the bill's direction, given their party's plan to part-privatise the Royal Mail?

John Swinney: I understand the motivation to ensure the Royal Mail's financial sustainability. That is quite understandable in the current financial climate. However, other measures can be taken to expand the capability and capacity of the Royal Mail and associated services before we start to embark on the UK Government's proposals—certainly, we should not start with the services that Mr Hepburn has raised concerns about, such as the universal service, six-day delivery and the strong post office network. I encourage the taking of a different course. The Scottish Government will certainly engage strongly with the UK Government on the matter.

The Presiding Officer (Alex Fergusson): Question 5 has been withdrawn.

Scotland Bill

6. Bill Wilson (West of Scotland) (SNP): To ask the Scottish Government whether it considers that the Calman proposals in the Scotland Bill will provide the powers necessary to ensure a healthy

and sustainable economy in the long term. (S3O-12430)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Scotland Bill fails to provide any significant levers to boost Scotland's economy. At best, it is a missed opportunity; at worst, it is potentially damaging to Scotland's economy. Analysis by the Scottish Government has shown that the income tax proposals have the potential to embed a long-term deflationary bias in Scotland's budget, which we have estimated would have cost the Scottish budget £8 billion since 1999. Scotland needs full financial responsibility so that we can boost our recovery, invest in our public services and support long-term sustainable growth. The bill falls far short of providing that.

Bill Wilson: Does the Scottish Government agree that, until Scotland has powers to tackle tax evasion and tax avoidance, it will be hamstrung in its attempts to build a truly prosperous and fair society?

John Swinney: Tax avoidance is an important question that must be tackled. Any Administration that has any powers of financial responsibility must be able to tackle the issues that Dr Wilson raises.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): With regard to the £8 billion figure that the cabinet secretary mentioned, the paper that the Government published on the issue had outturn data with regard to departmental expenditure limits, but the Scottish Parliament's information centre is unable to inform me where the source data come from. Can the cabinet secretary confirm where the source data for his figures come from?

John Swinney: The data will come from the Government's economists who produced the information that underpins the material that has been lodged in SPICe. I cannot understand why there is any difficulty in attributing where the source data have come from.

Peter Peacock (Highlands and Islands) (Lab): The cabinet secretary referred to the analysis that the Scottish Government has carried out of the Calman proposals as contained in the Scotland Bill. When does he intend to publish the similar modelling that I presume the Scottish Government has done on his alternative proposals, which he mentioned in his answer to Bill Wilson?

John Swinney: Many of the answers to the questions that Mr Peacock raises are contained in the document "Government Expenditure and Revenue in Scotland", which demonstrates that Scotland contributes more to the United Kingdom than we get in return.

Patrick Harvie (Glasgow) (Green): Further to Bill Wilson's question on the need to address tax avoidance, will the cabinet secretary join me in congratulating the many activists in Scotland and throughout the UK who are targeting peacefully and constructively, but vociferously, some of the biggest tax avoiders in the UK, whose current approach to tax avoidance is being facilitated by the UK Government?

John Swinney: I am afraid that I have not quite caught up with the particular activism to which Mr Harvie refers, but if he cares to explain to me, I will happily look into the matter.

Local Authority Bed Tax

7. Lewis Macdonald (Aberdeen Central) (Lab): To ask the Scottish Executive whether the introduction of a so-called bed tax by local authorities is compatible with its ambition to grow tourism's contribution to the economy. (S3O-12388)

The Minister for Enterprise, Energy and Tourism (Jim Mather): The introduction of some form of bed tax has been suggested on several occasions. It has never been introduced, because there has not been widespread agreement about the potential benefits. As for its compatibility with growing the tourism industry's contribution to the economy, that would depend on the extent to which the revenues were spent on measures to achieve that end and whether the introduction of the tax would deter visitors.

Lewis Macdonald: That is a helpful answer. I am sure that the minister will recognise that many city centre hotels, including family-owned small businesses in my constituency, are still struggling to cope with the doubling of their business rates in the absence of any transitional relief. Hotels in Aberdeen city centre are now faced with separate proposals for tax increment financing, a bed tax and a business improvement district—those are all being discussed by the local authority or among local businesses, although no firm proposals have yet been produced. Does he therefore recognise that there is a limit to which the margins of those businesses can be squeezed at a time when we are still recovering from economic recession?

Jim Mather: The member eloquently tells us exactly why opinion has been divided to date. In moving forward, there is every case for continued cohesion and dialogue among all the parties to try to optimise our tourism system, in Aberdeen and elsewhere in Scotland.

Gavin Brown (Lothians) (Con): The minister wrote to the Economy, Energy and Tourism Committee stating that he was against a bed tax. Does he stand by that?

Jim Mather: Yes, I do. We have considered the measure and we do not think that it would be sensible at this point in time.

Public Transport (Extreme Weather Conditions)

8. Karen Gillon (Clydesdale) (Lab): To ask the Scottish Executive what action it is taking to ensure that public transport is available for vulnerable people in Clydesdale during the current extreme weather conditions. (S3O-12377)

The Minister for Transport and Infrastructure (Keith Brown): The Scottish Government continues to work with key bodies throughout the country, including in Clydesdale, to ensure that disruption is minimised and that critical services are maintained during the current period of exceptionally severe winter weather.

Karen Gillon: The minister might be aware that, for the second winter in a row, train services have been virtually withdrawn from my constituency, leaving vulnerable people in an isolated position. Will he agree to take up that concern with ScotRail and Network Rail and look at what can be done to ensure that train services are maintained during periods of severe weather? Will he agree to meet me to discuss the potential for rail improvements in Clydesdale more generally?

Keith Brown: Of course I am happy to meet the member to discuss the issues. It is worth saying that a great deal of work is going on. In fact, some very innovative work is going on in relation to reheating rolling stock to get rid of accumulated snow and ice. Some of the things that ScotRail is doing at present might become the way in which things are done in many other countries as well. We should recognise that, as the debate earlier today showed, there was an exceptional situation, and as I mentioned, the very cold weather had a profound impact on the rail network. However, I am happy to meet the member to discuss those matters further.

Non-domestic Rates

9. John Scott (Ayr) (Con): To ask the Scottish Executive what recent discussions it has had with business organisations regarding reforms to non-domestic rates. (S3O-12342)

The Minister for Enterprise, Energy and Tourism (Jim Mather): My officials and I regularly have discussions and correspond with business organisations on a range of topics, including non-domestic rates.

John Scott: As the minister will know from those discussions, one of the principal concerns in Ayrshire, as elsewhere, is about the complicated nature of the appeals process and the limited amount of time that companies are given in which

to mount appeals against their rates bills. Can he give an assurance that, when he brings forward plans for the reform of business rates, they will reflect those concerns, and that a more streamlined system that allows companies a longer timescale for appeals will be put in place to address, in part, the many concerns in the Ayr constituency?

Jim Mather: We are already committed to keeping the valuation appeal system under review and we are considering proposals from the Scottish Chambers of Commerce. Our aim is to ensure that the appeals system is as streamlined as possible in time for the next revaluation in 2015. It is worth pointing out that, typically, revaluation appeals in Scotland are resolved far more quickly than under the valuation appeal system in England. That is very much to the ratepayer's advantage. Moreover, in England, in certain circumstances, a valuation appeal can result in an increased rateable value for the business property and therefore an increased bill. In Scotland, that is not the case, and the rateable value cannot rise as a result of an appeal.

Change Fund

10. Hugh O'Donnell (Central Scotland) (LD):

To ask the Scottish Executive whether the Cabinet Secretary for Finance and Sustainable Growth will monitor the use of the change fund announced in the draft budget for national health service boards. (S3O-12356)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The change fund will be used as bridging finance to lever improvement across the entirety of spend on older people in health and social care. It is an opportunity to make better use of the total resources that are available across health and social care, recognising the pressures on older people's services across Scotland.

Local partnerships will draw up plans for use of the fund and the ministerial strategic group for health and community care, which is chaired by the Minister for Public Health and Sport, will look for an assurance that partnership arrangements are in place to deliver change locally. The fund will be hosted by NHS boards and NHS chief executives will be accountable for it. Therefore, the Cabinet Secretary for Health and Wellbeing will monitor its use, as she does with all NHS spending. I will, of course, take a close interest in the fund, as I do with all public expenditure.

Hugh O'Donnell: I thank the cabinet secretary for that comprehensive answer. I am particularly concerned about the extent to which the monitoring will take account of the needs of carers and those for whom they care in the use of the funds. Following the commitments that the

Minister for Public Health and Sport made in the chamber on 2 December, how will the cabinet secretary ensure in practice that the plans for the change fund involve carers and local support services and not just the professionals in the health boards?

John Swinney: Mr O'Donnell raises an important point. At the heart of the issue is the assessment of the outcomes that are delivered as a consequence of the change fund. I want to make my next point absolutely clear, and I am pretty certain that Mr O'Donnell will have sympathy with it. The fund exists to ensure that we deliver better outcomes by developing and delivering services in a way that suits individuals better than the current service provision, and ideally that those services deliver greater impact with the resources that are available. I assure Mr O'Donnell that that is the focus of the activity.

The operational involvement of carers is essential if we are to understand the nature of the services that are demanded and expected by individuals, and I am sure that their concerns will be taken on board by all those who are involved in developing the way in which the change fund operates at the local level.

Inter-island Ferry Services

11. David Stewart (Highlands and Islands)

(Lab): To ask the Scottish Executive when it last had discussions with the Convention of Scottish Local Authorities and the island local authorities regarding the future of the inter-island ferry services. (S3O-12402)

The Minister for Transport and Infrastructure (Keith Brown): John Swinney travelled to Orkney on 14 June and Shetland on 27 September to discuss ferries issues with the islands councils. The inter-island ferry services for which Orkney Islands Council and Shetland Islands Council are responsible were covered in those discussions.

The two inter-island routes in the Western Isles are provided by CalMac Ferries as part of its contract with the Scottish Government. There have been no recent discussions with Comhairle nan Eilean Siar specifically about those services.

The future of all ferry services in Scotland, including inter-island services, is being considered through the Government's ferries review. Officials working on the review last met Shetland Islands Council on 15 June. John Swinney met Western Isles Council on 16 June and Orkney Islands Council on 21 June. That was part of an extensive consultation that included 33 meetings with island and coastal communities.

The Convention of Scottish Local Authorities is a member of the ferries review steering group, which has met seven times since 2008, most

recently on 14 September 2009. Orkney Islands Council and Shetland Islands Council are also members of the ferries review operator sub-group, which last met on 17 June 2010.

David Stewart: The minister will be well aware of the importance of the inter-island ferry services, which are vital to business, job creation and tourism. He will also be aware that, in October, Western Isles Council was on the verge of scrapping its commercial ferries scheme, which has invested £125,000 in the area over the past four years. Does the minister share my regret at the uncertainty that is hanging over the scheme, whose demise would be a serious blow to the business community? Will Mr Brown agree to include inter-island ferry services in the wider road equivalent tariff pilot initiative?

Keith Brown: The member's question about extension of the road equivalent tariff has been asked before and answered. There is no prospect of the pilot programme being extended at this time.

Mr Stewart will be aware that Mr Swinney last discussed the matter with Orkney Islands Council leaders in Kirkwall on 14 June. There have been contacts between officials since that time, but there have been no formal developments. We are awaiting the outcome of the prioritisation exercise that Mr Swinney has requested. Caledonian Maritime Assets Ltd has also met OIC to discuss the joint procurement of vessels.

The member will be aware that the services were transferred to Orkney Islands Council in 1987. The council contends that the Scottish Government has on-going funding obligations. The matter is disputed, but Mr Swinney and the Government are trying to progress discussions pragmatically. I am sure that that will continue.

John Scott (Ayr) (Con): The minister will be aware that the freight facilities grant has made a huge difference to bringing timber from Kintyre to ports in Ayrshire, namely Ayr and Troon. Will moneys be available for the continuation of the scheme?

The Presiding Officer: I am not aware of timber travelling on any ferries, but the minister may proceed.

Keith Brown: We have supported such initiatives in the past, through the freight facilities grant. We have never been able to draw down all of those moneys for suitable projects, but the Cabinet Secretary for Finance and Sustainable Growth assures me that discussions on the issue can take place with John Scott.

Local Government Settlement 2011-12 (South Lanarkshire)

12. Christina McKelvie (Central Scotland) (SNP): To ask the Scottish Government what discussion it has had with representatives of South Lanarkshire Council regarding the local government settlement for 2011-12. (S3O-12423)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Scottish Government officials have regular discussions with local authorities in relation to the local government settlement. The draft settlement was published last week and is currently out for consultation. We will take care to consider any submissions from South Lanarkshire Council.

Christina McKelvie: The cabinet secretary has delivered a funding package for councils that will help them to protect families, communities and front-line services from the worst impact of the Westminster cuts. However, I am concerned that, some time before the cabinet secretary announced that package, South Lanarkshire Council published a long list of potential savings, which focused primarily on cutting services rather than finding efficiencies in the way in which the council conducts its business. How will the Scottish Government work with COSLA to encourage South Lanarkshire Council and other local authorities to look beyond knee-jerk cuts to services and instead to work with one another to find better and smarter ways of working that deliver maximum value for the public purse?

John Swinney: The challenge for all public sector leaders in the period ahead is to identify ways in which we can make the resources that we have at our disposal, the total volume of which will be reduced, make a greater impact, to satisfy the demand for public services that, quite understandably, emerges from our communities. We engage constructively and on a regular basis with COSLA's leadership in debate about how we can make resources have a greater impact. I know that South Lanarkshire Council takes an active part in COSLA's proceedings in that respect. I assure the member that the Government is determined to ensure that we find efficiencies in the public sector to guarantee that we make the maximum impact with public resources.

Lewis Macdonald (Aberdeen Central) (Lab): In the cabinet secretary's discussions with COSLA or with any individual council, have compulsory redundancies or negotiated reductions in staff pay been considered?

John Swinney: Following my budget statement in November, I gave the commitment that I would engage in dialogue with the trade unions and with COSLA on an approach to delivering a policy of no compulsory redundancies throughout the public

sector, subject to the delivery of changes in working practices and flexibilities in exchange for the assurance of no compulsory redundancies. Those discussions have commenced and all parties have participated constructively in them. I will advise the Parliament when those discussions have taken their course.

I am sure that Mr Macdonald understands that pay reductions are a difficult issue, because they involve fundamentally renegotiating staff terms and conditions. My judgment is that that tactic is unnecessary, so I have embarked on no discussions of the question.

Hugh O'Donnell (Central Scotland) (LD): Will the cabinet secretary clarify whether teachers' pay and conditions and the McCrone settlement are on the table in the discussions? What is COSLA's position on that?

John Swinney: From the publication of the Government's proposed deal to local government and the issues that councils have raised in the process, I am sure that Mr O'Donnell is familiar with the fact that teachers' terms and conditions and the McCrone agreement will be the subject of an independent review. Work is being prepared jointly between the Government and COSLA, which are working with teaching trade unions, to establish that approach.

The Presiding Officer: I remind members that supplementary questions should have some tie-in to the original question that was answered. We are getting a little away from that.

Ministerial Cars (Savings)

13. George Foulkes (Lothians) (Lab): To ask the Scottish Executive what savings have been made on the cost of ministerial cars in the current budget exercise. (S3O-12376)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Our priority is to ensure that the Government car service is delivered in the most efficient and cost-effective manner that offers the best deal to the taxpayer. We have recently reduced the ministerial car fleet further from 24 to 22 vehicles. We will continue to work to consider all aspects of the Government car service's operation, to ensure efficiency.

George Foulkes: Does the cabinet secretary not think that, with wage freezes, with teachers and nurses being thrown on to the dole and with vital services for old people and children being cut, the sight of ministers swanning around in chauffeur-driven limousines is somewhat reminiscent of Marie Antoinette?

John Swinney: I am sure that Lord Foulkes was thinking of all that when his bahookie was in a ministerial car in the old days.

George Foulkes: Try answering the question.

John Swinney: I am just coming to the answer, Lord Foulkes, which I will give with all seriousness.

Lord Foulkes will appreciate from his experience as a minister that the use of a ministerial car is not just some luxury. I can vouch only for myself: I use my time in the ministerial car to work—

George Foulkes: No.

The Presiding Officer: Order. You have asked your question; an answer is coming.

John Swinney: I use my time to work on papers and to engage in phone calls, many of which I could not make on public transport, because of the issues that are discussed.

The use of the resource is strictly controlled by the permanent secretary to ensure that the use is appropriate. I assure Lord Foulkes that efficiency and value for money are at the heart of any consideration of the car fleet's use.

The Presiding Officer: Questions 14 and 15 have been withdrawn.

Severe Weather (Public Agencies)

16. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Executive what its position is on the response by public agencies to the recent severe weather. (S3O-12345)

The Minister for Transport and Infrastructure (Keith Brown): Key responders have worked and are working hard to deal with the exceptionally severe conditions, which have tested contingency plans. We are determined to ensure that lessons will be identified and learned.

The Scottish Government is co-ordinating and supporting key agencies' preparations for the predicted further severe weather towards the end of this week.

Murdo Fraser: I appreciate that this ground was gone over in some detail in the debate this morning. Does the minister understand the frustration of my constituents in Fife, Perth and Stirling about the cancellation of rail services last week, even some days after the thaw had set in? Many people rely on those rail services to get to their places of employment. Will the minister be holding urgent talks with First ScotRail and Network Rail to see what can be done to minimise disruption in the event of more severe weather coming this winter?

Keith Brown: I understand the frustration that has been caused to those who have been affected

by the recent severe weather—rail passengers and others. We indeed considered the matter in substantial detail earlier, when I explained that very cold temperatures had caused problems with the rolling stock and the points, which meant that there was less rolling stock to provide the services that are normally provided.

I discussed the matter with First ScotRail today, yesterday and the day before, and discussions are on-going. I assure the member that every effort is being made by ScotRail to ensure as full a service as possible. That cannot be done quickly, but ScotRail is working very hard to achieve it.

Charlie Gordon (Glasgow Cathcart) (Lab): Can the minister tell us whether he has it in mind to make a ministerial statement in due course, addressing the resilience of the public agencies and their resources in the round, or whether we can instead expect progress be more piecemeal and reported to the Parliament in various ways?

Keith Brown: We agreed today to provide information directly to members through Transport Scotland and across the gamut of its activities.

Right now, we are concerned to put in place whatever provisions are necessary to ensure the continuation of the trunk road network, the road network more widely and the rail network. That must be the focus of our activities. Perhaps the member could look at the information to which I have referred once it becomes available, and if he wishes further information we can discuss it at that point.

John Scott (Ayr) (Con): During the recent spell of extremely cold weather, Prestwick airport experienced serious difficulties in obtaining supplies of aviation fuel. Given the fact that Prestwick airport alone among Scotland's major airports managed to continue to operate during the adverse weather, and given the airport's strategic importance not only to the Ayrshire economy but to that of Scotland as a whole, can the minister outline what contingency plans are being put in place to ensure that adequate supplies of aviation fuel are available in the event of further extreme weather conditions?

Keith Brown: We fully appreciate the significance of Prestwick airport and the services that it provides. We outlined earlier today some of the measures that have been taken on the relaxation and derogation of obligations in relation to fuel tanker drivers to ensure further supply. There have been questions about the road network and tankers getting out. We have worked very closely with the Grangemouth providers of the fuels.

These measures taken together—on providers, consistent supply through Grangemouth, ensuring that drivers can get to where they wish to go to

make their deliveries, and allowing drivers, where necessary, to work longer than would otherwise be the case—show that we are putting in place preparations to ensure a continuity of supply to Prestwick.

Transport Scotland (Consultations)

17. Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): To ask the Scottish Government what its position is on the performance of Transport Scotland in its consultation with local communities on projects for which it is responsible. (S3O-12358)

The Minister for Transport and Infrastructure (Keith Brown): Transport Scotland views public consultation as an integral part of the delivery of its projects. During scheme preparation, public exhibitions, meetings with interest groups and face-to-face meetings with affected landowners are held. During construction, contractors are under a contractual obligation to consult those who are affected by the works. Their performance is monitored by Transport Scotland.

Jeremy Purvis: Transport Scotland is proposing an alternative route for the Borders railway at the A7 by Falahill, in my constituency. The proposal is outwith the approved route according to the Waverley Railway (Scotland) Act 2006. In the face of strong opposition from me, Transport Scotland refused to have a pre-planning consultation with communities, which is against what I believed was the spirit of the planning legislation that has been passed by this Parliament. Communities now feel that their genuine concerns about the addition of two roundabouts on the A7 at that stretch of road are being completely ignored. Will the minister intervene to ensure that Transport Scotland changes its approach on that vital issue in my constituency?

Keith Brown: As Jeremy Purvis knows, Transport Scotland project teams met all residents of Falahill on a number of occasions to discuss the proposals. A requirements capture exercise was also completed to ensure that feedback and requirements were incorporated into the final submission. Final details were sent to all residents prior to the formal application being submitted on 4 November 2010.

Also, in advance of the tendering phase, Transport Scotland reviewed commitments that were made to neighbouring properties to ensure that all proposals will deliver on those commitments. However, a subsequent value-for-money review of the issue showed that the costs may be affordable and that revisiting the proposed layout appears to have clear benefits for residents.

If Jeremy Purvis has continued concerns about the matter, I am happy to meet him to discuss them. I hope that he appreciates that I come fresh to the issue and am happy to find out what his concerns are.

Extreme Weather (Fife Economy)

18. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Executive what it estimates to be the cost to the Fife economy of the extreme winter weather. (S3O-12368)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): A number of households and businesses in Fife and throughout Scotland have been affected by the recent adverse weather conditions. Although it is difficult to offer a definitive assessment of the effects on the economy at this stage, it is anticipated that many of the impacts will be temporary, with the economy making up for any losses when the weather improves.

Claire Baker: Will the cabinet secretary say a little bit more about what steps will be taken in future to improve co-ordination and mitigate any adverse effects as far as possible?

John Swinney: I accept, as I accepted in the debate this morning, that there will be disruption to networks as a consequence of adverse weather. We try to mitigate and minimise those impacts, but we cannot remove them entirely.

I point out to Claire Baker that it is encouraging in light of last year's winter weather that, although the economy did not perform as strongly as we would have liked in the first quarter of the year, there was a significant advance in the second quarter of the year, when economic activity picked up.

The Government will monitor the situation carefully, because it wants to encourage as much economic activity as possible during the current economic challenges. That will remain our focus throughout the period.

Green Energy Technology

19. Linda Fabiani (Central Scotland) (SNP): To ask the Scottish Government how it promotes green energy technology. (S3O-12411)

The Minister for Enterprise, Energy and Tourism (Jim Mather): Our low-carbon economic strategy shows how the investments that we are making in green energy technologies will propel Scotland's future economic growth, jobs and prosperity.

Linda Fabiani: Is the minister aware of the latest U-turn by the Liberal Democrats at Westminster, who are now backing public

subsidies for the nuclear power industry? Does he have any concerns that that will threaten Scotland's renewables potential?

Jim Mather: There is a pattern there, I am afraid. Another Lib Dem U-turn on the public subsidy for nuclear is pretty brazen, I have to say. The Liberal Democrats have a credibility issue after the VAT hike, student fees and, now, nuclear subsidies.

Convention of Scottish Local Authorities (Meetings)

20. Andy Kerr (East Kilbride) (Lab): To ask the Scottish Executive when it last met representatives of the Convention of Scottish Local Authorities and what issues were discussed. (S3O-12383)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): Scottish Government officials meet representatives of COSLA regularly, and have done so several times in the last few weeks. A range of issues were discussed at those meetings. Ministers regularly meet COSLA representatives into the bargain.

Andy Kerr: During those regular discussions and meetings, local government made a request of the Scottish Government on teachers' pay and conditions. The answer from the Scottish Government will not appear until January, but the councils have to sign up to their budgets in December. Is that fair on the local authorities and has the cabinet secretary given them any signals so that they can make proper budget decisions based on appropriate information?

John Swinney: The detail that has been shared with local government about the contents of the agreement between the Scottish Government and the political leadership of COSLA strikes me as having sufficient information to enable local authorities to make the necessary judgments about the proposals that the Government has made.

There are a number of questions on the terms and conditions of the teaching profession, which I discussed in answer to the question from Hugh O'Donnell a few moments ago. The commitments made by the Government in that respect will be taken forward by the Cabinet Secretary for Education and Lifelong Learning and discussed further with local government and, of course, the teaching trade unions.

Higher Education

The Deputy Presiding Officer (Trish Godman): The next item of business is a statement by Mike Russell on the future of Scottish higher education. As the cabinet secretary will take questions at the end of the statement, there should be no interruptions or interventions during it.

14:55

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Today, we arrive at the next and most significant staging post thus far in the debate on the long-term funding of universities in Scotland. A discussion that I initiated in March with people in and around the sector, and which has been taken forward by the sector with vigour, now fully enters the public arena with the publication this afternoon of our green paper, a paper that I hope will help to shape a uniquely Scottish solution to the issue.

Of course, as in all areas of public expenditure, the cuts that have been imposed on Scotland by the Westminster Government have had to be shared by the university sector. However, our institutions are rising to the difficulties that are inherent in the draft budget for 2010-11. I welcome their commitment to work with us on that task and I pay tribute to the principals and Universities Scotland for that approach. They have made it possible to maintain core university places in the next academic year, a commitment that will be of enormous practical help to the coming generation.

The scale of that help is significant. It has involved positive action and good will from many people, including college principals, because some 20 per cent of our higher education is delivered by the college sector. We had almost 280,000 higher education students in Scotland in 2008-09—a rise of 20,000 in less than a decade—and nearly 85,000 HE qualifications were obtained. In the first 10 years of devolution, expenditure on higher education rose 78 per cent in cash terms and 37 per cent in real terms. With its 20 higher education institutions, Scotland has more universities per head of population than most other countries.

Our higher education tradition is distinguished and it is acknowledged across the globe. That tradition is based on access that is determined by ability to learn, not ability to pay. In the 18th century, Daniel Defoe observed that in Scotland even

“the poorest people have their children taught and instructed”.

Our history is full of the successes of the lads an lasses o pairs—

George Foulkes (Lothians) (Lab): Oh no!

Michael Russell: —of which Lord Foulkes is not one. Consequently, we reject the socially divisive view that students and graduates should be forced to take charge of their own education through tuition fees, as does this Parliament, which has rejected fees twice this year. We believe that adopting such an approach in Scotland would discriminate against the poorest, would place barriers in the way of learning and would, over time, massively diminish the potential of Scottish society. It would also directly contradict our long-standing national belief in the commonweal and fatally undermine the social contract that citizens in Scotland have with the state.

Undoubtedly, every aspect of our national life faces difficulties at this time. We must consider how, in these most problematic of times, we can continue to support our universities properly. As much as we will be guided by the rejection of tuition fees by this Parliament, we will also be guided by the essential need—which we fully understand—to ensure that the sector remains competitive not just within the United Kingdom, where the issue of parity with England is key, but globally. We have five universities in the top 150 in the world. That is a remarkable achievement, and it must be preserved and perhaps even improved upon. Critically, we must also consider how we do that in the fairest possible way. A properly funded system should recognise the wide benefits that higher education provides for our society, economy, health and culture. A sustainable system has to find the correct balance for sharing the costs of higher education fairly among all those who benefit. Achieving that fair balance is essential. That is exactly what this Scottish National Party Government will do.

As far as I am concerned, the Westminster coalition's position is inappropriate for Scotland in three respects. It is wrong because it abdicates the state's responsibility as the primary funder of higher education; it is wrong because it is based on a mistaken belief that the only beneficiary of higher education is the individual; and it is wrong because, when it is considered alongside other moves that are being made on the levels of financial support for students—such as the abolition of the education maintenance allowance in England—it will reduce the opportunities for those from the least well-off backgrounds to improve their life chances by continuing to study once they leave school.

There is no doubt that individuals benefit from higher education, but in truth we all benefit from having a world-class higher education sector in this country. It is because of that greater good that we believe that the state must bear the prime

responsibility for funding our universities. After all, higher education is one of our most valuable national assets, and it would be wrong of us not to protect its value and enhance its reputation.

That is why the state assuming the prime funding responsibility, coupled with the Parliament's rejection of tuition fees, lies at the heart of the green paper that I am launching today. That does not have to mean that the state is the only funder, but it does mean that any other contribution must be truly progressive and tied to genuine financial benefit and, crucially, it must not create barriers to participation for those from low-income backgrounds.

Those issues of funding are important and may command most of the news headlines, but I stress that the green paper is about much more than who pays. That is a crucial point. This debate is actually about what higher education is for, how that purpose can be fulfilled and how, in the 21st century, we can preserve and enhance our world-class higher education sector. Therefore, it is not just about money; it is about who we are and what we seek to be.

In that context, there are many issues to consider. For example, we must consider how we can make our institutional funding and student support systems more attuned to the needs of the learner. We must ask questions about the learning journey from school through to university, and seek all ideas on how that might be improved. We must continue to focus on improving access for all, we must encourage flexible routes and patterns of study, and we must celebrate the unique and world-leading innovations that define our system, such as the quality enhancement framework and the Scottish credit and qualifications framework.

We must consider how we might build further on the best of what we have to offer, encouraging more pooling of excellence and the prioritisation of interdisciplinary and intradisciplinary collaboration. We must underline how important it is for institutions to work together to promote Scottish higher education overseas.

We must ensure that student support is fair and adequate from the point of view of sustaining involvement and securing the best environment for successful study. We must ask hard questions about the nature and number of institutions, and we must cast a critical eye on governance, duplication of provision and the sharing of back and front-office services. Our funding structures also need careful examination, as do the involvement of business and alumni, and the proper place of philanthropy and commercialisation.

We must, of course, encourage others to study here and encourage more of our students to study

abroad, but we must never become a cheap option—our excellence must be our beacon, not our price.

There are many questions and many ideas in the paper that I am publishing today. The issue is multifaceted, and its complexity demands a thoughtful approach. The issues within the paper have been shaped by intensive discussion and research, and moulded by past experience and future ambition. Not all the ideas are supported by this Government or would ever be implemented by it, but they are designed to move forward the process of decision making and to focus creativity and innovation. They provide the raw materials for a sustainable long-term future for higher education in Scotland.

I stress the diversity of issues in the paper for a vital reason: along with the sector, I am convinced that there is no simplistic, single silver bullet that will provide our Scottish solution. The solution will, I am certain, consist of several components, and those parts may not be entirely the same for all our universities. However, the timescale is simple. The English reforms will see major changes taking place in the 2012-13 academic year. Scottish universities must be able to respond to any new challenges at the same time.

I would like to build a consensus on these issues, but even if that were impossible, I would still wish there to be absolute clarity on the various solutions that are offered by the parties at the elections next May. That is particularly important because it is, alas, becoming obvious that the Labour Party is once again intent on finding a patch of long grass in which to hide on the issue of Scottish higher education funding and the provision of support to students. Well, today's publication of the green paper means that the grass just got a lot shorter, and it is going to get shorter still.

I have established a short-life technical working group with Universities Scotland to analyse and report on the perceived gap between universities north and south of the border. Knowing the exact size of that gap and the likely financial effect of the six potential areas of additional funding for universities that are identified in the green paper are the final missing elements in the task of constructing a complete and successful solution. I will reconvene the all-party summit on higher education before the end of February to receive that information from the short-life working group. I hope that we can agree on a consensual approach for implementation in the second half of 2011, but each of us, fully aware of all the facts, must ultimately choose the policy that we want to espouse and offer it openly to the Scottish people in our manifestos.

I make a clear commitment that the Government will do just that. If successfully re-elected, the Government will legislate in the second half of 2011 to allow implementation within the agreed timeframe. We will ensure that a sustainable long-term future is secured for Scottish higher education. We will offer the young people of this country continued access to excellence, and we will do so through world-class institutions that champion access to education that is based on the ability to learn, not on the ability to pay.

There are three clear questions that a Scottish solution must answer. First, how can higher education play an even greater role in support of Scotland's future success? Secondly, how can we use our current resources ever more effectively? Thirdly, how do we increase funding to the sector to ensure that it remains nationally and internationally competitive?

The paper that is being launched today is a major step forward in the process of answering those questions. It will lead us, in a clear and achievable timescale, to the prize that we should all be seeking—a long-term, sustainable solution to the funding of universities in Scotland for the greater good of our people, our economy, our culture and our society.

Des McNulty (Clydebank and Milngavie) (Lab): Last weekend, sources close to the First Minister told several newspapers that the Scottish National Party wants to make free higher education the cornerstone of its election campaign in May. Neither Mike Russell nor John Swinney believe that higher education can be sustained without some sort of graduate contribution. Mike Russell has made that clear on a number of occasions. However, having been sat on by Alex Salmond—which must have been painful—who is desperate for anything to reverse the electoral slump that his party has fallen into, they are prepared to go along with a pledge that cannot be delivered without seriously damaging our universities and national competitiveness.

For months, Mike Russell told the universities, industry and commerce, students and other stakeholders that he wanted to see a Scottish solution and that his green paper would map the way forward. Well, this paper does not pass that test. It contains no models, no worked-out options and very few numbers. It could have been produced months ago. It takes us not an inch further forward. As Universities Scotland has said, cuts to the Scottish block make it difficult to see how public funding alone can sustain universities' contribution to Scotland. As the green paper effectively recognises, the reality is that the Government has no Scottish solution. It will damage Scottish universities if it considers that that will serve its party interests.

In that context, and for the avoidance of doubt, will the cabinet secretary confirm today whether he has ruled in or out a fair graduate contribution as part of the funding framework? If he has ruled it out, how much will be needed to fund higher education without some sort of graduate contribution in each of the next three years? John Swinney has the figures; will Mike Russell tell us what they are?

The Deputy Presiding Officer: I now call Elizabeth Smith. *[Interruption.]*

I am sorry, minister. Sorry Elizabeth. Minister, you can answer.

Michael Russell: I do not like to say that I did not recognise a question that was worthy of an answer there, but I will give one.

The green paper comprises 51 pages. It contains more information, analysis, questions and answers than anything that has been published since devolution. It is a great pity that Mr McNulty did not acknowledge that and try to move the issue forward with us.

For the avoidance of doubt, I place on record the fact that agreement to seek the work with Universities Scotland to look at the funding gap and the six sources of income was reached when Ken Macintosh was present at the all-party summit. He was fully aware of it and he knew the timescale, as did the other spokespeople.

What we need in this debate is an honest agreement that we will offer the Scottish people a choice. So far, I am the only one to have offered a choice. I note that Mr McNulty has not done so—*[Interruption.]*—though I notice that Lord Foulkes is bellowing like a sea lion, as ever.

George Foulkes: On a point of order, Presiding Officer. Again and again, instead of answering specific questions that are put to them, ministers simply abuse other people. Even if the Presiding Officer is unable to do so, surely you, Deputy Presiding Officer, can make ministers actually answer the questions that are put to them.

The Deputy Presiding Officer: That is not a point of order, Lord Foulkes. You know that I am not responsible for the answers, but you have your point on the record and perhaps the ministers will take note.

Elizabeth Smith (Mid Scotland and Fife) (Con): We currently have world-class universities and world-class students. The cabinet secretary made it plain in a letter to the Scottish Further and Higher Education Funding Council that the Scottish Government expects that world-class reputation to be maintained and that it will raise academic standards and maintain student numbers. He has also made a pledge that the

Scottish Government will preserve the principle of free higher education.

First, with his preferred option 1—vague and uncosted as it is—the cabinet secretary has said that the state should have prime responsibility for funding higher education. If prime responsibility does not mean sole responsibility, does the Scottish Government's preferred option—option 1—mean that graduates will now have to make a contribution? If so, how much?

Secondly, why has it taken the Government three years to produce what is no more than a discussion paper when the university sector and my party were warning of the urgent need for solutions to address the issue all that time ago?

Michael Russell: Perhaps we were simply not aware how much damage the Conservatives could do in a few short months in government.

I acknowledge that Elizabeth Smith has an ideological position. It is the same position as her party's: she wants to move the responsibility for funding higher education from the state to individual students. I recognise that, but I believe that it is utterly wrong. I believe that it is based on false principles and would be enormously damaging to Scottish higher education and Scotland. However, I recognise the position.

The paper lays out six sources of funding for higher education. It makes it clear that those six need to be considered and costed in a process that is outlined and agreed with Universities Scotland not just by me but by the Opposition spokespeople who were present at the meeting. Given that, I would have thought that the fair thing to do would be to acknowledge that the six options need to be properly costed.

I noted that on Radio Scotland this morning Elizabeth Smith admitted that she had not even had her preferred option costed. It is therefore a bit rich to criticise an agreement that all parties reached with Universities Scotland in a process that was clearly understood.

I challenge the Conservatives, as I do everybody else, to commit themselves to their preferred option and put it in front of the Scottish people. If the Conservatives' option is to move responsibility from the state to the student, I know what the reaction of Scotland will be.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): We thank the cabinet secretary for the advance copy of the statement and the questions that the statement poses. We will scrutinise the answers when the Government brings them forward.

Over the past decade, there has been a different system of funding and a different system for students and universities in Scotland. Scotland

has benefited over the decade from excellence in our universities, students have benefited from the move by Liberal Democrats—supported by others—to abolish fees in Scotland, and graduates have benefited from not having the equivalent of £4 billion of debt. The challenge now is to retain those hard-fought gains for Scotland and to go further over the next decade.

We will work with the Scottish Government and other parties to help to deliver the right way forward for universities and students, but there are key issues over the next decade that cause us to pause for thought. There was not much in the cabinet secretary's statement about these two points, so I want to ask him about them.

First, even with university places being free in Scotland, only one in five young people from the most deprived backgrounds study for a higher education qualification compared with four out of five from the most affluent backgrounds. We will work with the Scottish Government and others to produce proper proposals to support young people, students and institutions.

My second point relates to finance, and may help the other Opposition parties to have the information. John Swinney told Parliament that the Government will publish longer-term figures in January, ahead of the stage 1 debate on the budget. Can the Cabinet Secretary for Education and Lifelong Learning confirm that those figures will include forward figures on longer-term funding for the funding council proposals, to allow us to consider the funding options in the future?

Michael Russell: That is a helpful contribution. I will deal with the second point first. Whatever figures Mr Swinney announces, he has made a commitment to discuss them with the Opposition spokespeople in the run-up to stage 1 of the budget. As an Opposition finance spokesperson, Mr Purvis will be party to that discussion. Even if the full figures for the funding council were to be published, however, they would not be complete, because we recognise—as the paper explicitly recognises—that there will need to be additional sources of finance. The paper lists six additional sources of finance, and the work with Universities Scotland on putting them into place and understanding the contribution that each of them could make is well advanced and will be part of the cross-party summit. So, within the overall package, that must be factored in as well.

We need to know the size of the supposed gap, and work is being done on that. That work could not be started until we knew what was going to happen south of the border, and even some of the figures on that remain remarkably vague. It is difficult to know what the average fee will be south of the border, because we do not know what the institutions are going to charge or what the take-up

will be. Work remains to be done on that, and that complex set of figures needs to be considered.

On Mr Purvis's first point, there has been a slow and sustained improvement in access under all Administrations over the past 10 years. However, I am strongly of the view that, to improve access to higher and further education, the work must be done at the school gate rather than at the university gate—indeed, it may well have to be done at the nursery school gate. In those circumstances, much of the work that we are doing on access is moving its focus towards early intervention and work in schools. Some interesting work that has been done in other countries shows how important that is.

We continue to work on access to university, but there are important interventions that must be made much earlier. A great deal depends on socioeconomic group, and we need to change that substantially. Some people say that the number of young people who are going to university should be stabilised, but in reality well over 50, 60 or 70 per cent of certain socioeconomic groups go to university and equalising access is important.

Christina McKelvie (Central Scotland) (SNP): Regardless of the desirability of introducing a graduate contribution, does the cabinet secretary agree with the Browne review's finding that the practical difficulties of a graduate tax would be almost insurmountable and would mean no substantial revenue for 30 years—a finding that matches our experience of Labour's graduate endowment, which cost graduates more than £26 million but had raised only £57,000 by the time it was abolished in favour of free education by the SNP Government?

Michael Russell: Yes. The SNP Government has been consistent in its principles and will continue to be so. I discussed the issues with Lord Browne and believe that there are major difficulties. Nevertheless, I would like the Scottish Parliament to be free to make its own decisions. A range of possibilities that we might have considered are ruled out because of the Parliament's inadequate powers and, indeed, the further inadequacies of the so-called Calman-minus proposals that are coming to the Parliament. It would have been good to have had greater flexibility in that regard. The six options in the paper—the six sources of funding—are where the action will be, and that is where the work requires to take place.

Claire Baker (Mid Scotland and Fife) (Lab): The cabinet secretary will be aware that Scottish students are offered the lowest level of student support in the UK and that our drop-out rate is one of the worst. I welcome the fact that, through the green paper, the Scottish Government finally acknowledges that the current student support

system is unsustainable and that too many students live in hardship and depend on commercial debt. However, the paper says that any solution for student support must use "the current resources". Within those imposed financial constraints, how does he plan to deliver the significant improvement in student support that students need?

Michael Russell: As kindly as I can, I point out to Claire Baker that when her party was in power, its record on this matter was considerably worse than the record of this Government. The work that we are trying to do with the National Union of Students and others—*[Interruption.]*

Presiding Officer, constant irritating sounds are coming from my left. Could something possibly be done about that? Perhaps we should examine the ventilation system. It is a constant irritation, and it is difficult to concentrate.

Scottish students have the lowest level of debt of any students in these islands. I want to see a substantial improvement. That is why student support is at the heart of the green paper, and why it contains important items and proposals. I would have hoped that Claire Baker would join us in welcoming those proposals and declare that she would work with us on them rather than simply complaining. However, I am used to Labour complaints, which are going on even now.

Murdo Fraser (Mid Scotland and Fife) (Con): Universities Scotland has told us that it supports a graduate contribution, as has the Scottish National Party's hand-picked Council of Economic Advisers. Why can the cabinet secretary not tell us whether he supports a graduate contribution, in principle? Why can he not give us a simple yes or no answer to that question?

Michael Russell: Because, unlike Mr Fraser, I am not hidebound by ideology. I am looking for the best solution for Scottish higher education and the best solution for Scottish universities. That requires us to honour the agreement that we have reached with Universities Scotland, which was agreed to by the parties' spokespeople, to ensure that the six options are costed and put into the mix.

The paper that I have announced examines higher education in greater depth and detail than any initiative that has been implemented under devolution. It should provide an enormous step forward. I would have thought that the Opposition spokespeople would want to join us in getting to the stage at which we can understand precisely what will benefit Scotland's students. Unfortunately, Mr Fraser is locked into the right-wing ideology from whence he came and to which he cleaves, even though it appears to have virtually no electoral support in Scotland.

Alasdair Allan (Western Isles) (SNP): People who are still at school are one group who lack the effective lobby groups that are available to students and universities. Will the cabinet secretary ensure that the green paper's consultation stage will include outreach to young people who are in the midst of making the big decisions about their lives, to ensure that they, too, are consulted fully?

Michael Russell: That is an important suggestion, and I would be happy to do so.

I am sure that those young people will also be influenced by this Government's commitment to the education maintenance allowance, which has been abolished south of the border but which I think provides a useful contribution, as yesterday's figures proved.

Karen Whitefield (Airdrie and Shotts) (Lab): I welcome the cabinet secretary's recognition of the contribution that Scotland's colleges make to delivering higher education. Can Mr Russell confirm that Scotland's colleges will be part of the short-life working group? Will further consideration be given to how we can ensure that future funding to colleges and universities is equitable in terms of the Government's contribution for each student? Finally, can the cabinet secretary assure me that the future funding formula will address the inequity that means that, at present, for every £5 that is invested in Glasgow's colleges by the funding council, only £2 is invested in Lanarkshire?

Michael Russell: There are a variety of reasons for any supposed inequity—and I think that it is a supposed inequity rather than an actual inequity. I acknowledge the contribution that Scotland's colleges make—I acknowledged it up front in my statement. They provide around 20 per cent of our higher education. That important issue is addressed in the green paper, and some interesting questions arise from it. For example, as the paper indicates, there are those who suggest that a greater proportion of undergraduate delivery should be undertaken by colleges. That needs to be considered, because if it is not it will tend to rule out certain types of skills-based or vocation-based higher education.

Hugh O'Donnell (Central Scotland) (LD): The cabinet secretary notes that 20 per cent of our higher education is delivered by colleges. However, I gently point out that, as far as I can see, having had a brief opportunity to consider the paper, there is no mention of the funding for colleges. Where will that figure in the issues that are under discussion?

Michael Russell: The issue in question is not the funding for colleges per se, but the future of higher education. However, there are, of course, implications for colleges, and those will be well

factored into the final decisions on the six options. Although funding for higher education delivery through colleges is delivered differently through a different formula, it is extremely important and will be factored into the discussions.

Robin Harper (Lothians) (Green): One of the 62 subjects for discussion in the paper that the cabinet secretary has presented to us is the funding that we get from students from abroad. Some universities are more dependent on that than others; it makes up closer to 20 per cent than 11 per cent of their funding.

Is the cabinet secretary aware—I am sure he is—that the UK Border Agency is now imposing restrictions that are causing many universities and colleges in Scotland a great deal of angst in relation to their ability to recruit not only students but staff? Will he be able to do anything about that?

Michael Russell: I have made constant representations, from the period when I was Minister for Culture, External Affairs and the Constitution when we had a Labour Government in Westminster, to the present situation in which we have a coalition Government. The Labour Government took and the coalition has taken an incredibly negative view of the issue, which has been exceptionally unhelpful to Scotland. That point has been made not only by me, but by Universities Scotland, college principals and university principals, all of whom have joined me in making representations. We need to keep making those representations, but it would be far better if we had control of the policy ourselves, so that we could tune it to what we need in Scotland. University principals in particular have been outraged at some of the decisions that have been made, and the policy is causing academic as well as financial damage.

Ken Macintosh (Eastwood) (Lab): I thank the cabinet secretary for agreeing to Labour's suggestion of a working group that was made at the higher education summit. Will he tell members who is on that working group, and whether the group will comment on the long-term sustainability of each of the funding options?

Michael Russell: To be entirely accurate, although Mr Macintosh was involved in the discussions and suggested that a working group would be useful, the original group was proposed by Universities Scotland. The group is a joint group between Universities Scotland and Scottish Government officials, and it will report by the end of February to the reconvened cross-party summit. I am sure that Mr Macintosh will be at the summit, and I hope that he will be part of that process.

The group's remit is to examine the gap: we need to understand its exact nature, and the

information on that is changing all the time. Despite Elizabeth Smith's view that it could all have been done and dusted even before her destructive Government was elected south of the border, the decisions are changing day on day as far as we can see.

In addition, the group will examine the options in the green paper, and will comment on them and consider the contribution that they could make to the gap. I am sure that that will include the issue of sustainability, but the issues that the paper raises are important and central, and they do not focus only on the question of whether graduates should contribute, which is such a short-sighted and narrow view that it could have come only from the Conservatives.

Kenneth Gibson (Cunninghame North) (SNP): The cabinet secretary will be aware of the many shameful and biased comments that have been made by the London-based media about alleged discrimination against English students in Scotland. Will he confirm that while English students will have to pay increased fees in Scotland, the same will pertain to Scottish students who choose to study in England—something that the inflammatory English media have so far ignored?

Michael Russell: I point out to anyone who is covering that point that the cross-border flow amounts to just over 22,000 students coming to Scotland from England, Wales and Northern Ireland, and just over 11,000 going out. If one looks at the relative level of fees that are paid, one can see that the subsidy flows out of Scotland, not into Scotland. Students who go out of Scotland have to borrow the money to pay their fees, which are about to rise very massively indeed. In all those circumstances, I am keen to encourage cross-border flow, to encourage students in Scotland to study elsewhere and to see students coming here. However, it must be on the basis not that Scottish education is a cheap option, but that it is the best option for students.

The decision to equalise fees and payments was made in 1998, and it was renewed thereafter by this Parliament. It was agreed previously, and I am sure that there will be continued agreement that it is the right thing for Scottish higher education. I am sure that fair-minded journalists north and south of the border will see it in that way.

Margo MacDonald (Lothians) (Ind): I speak as someone who has never been to university. I support the cabinet secretary when he says that it is wrong to go for paid further and higher education because of—I paraphrase—the mistaken belief that only graduates benefit from higher education. I also completely endorse the statement that higher and further education is

about who we are and what we seek to be. As a result, I wonder whether he thinks that the options can be anything other than a wish list without total control of the fiscal and monetary levers in the economy to allow the Government to move as much money as is required around in favour of an idealistic and, if we like, ideologue's idea of what education should be. I do not think that he can do it and I do not think that anybody else can. We should get that into perspective.

Michael Russell: I am delighted to see that if we scratch Margo MacDonald, there is still a strong nationalist there—but I think that we all knew that.

The reality of the situation is that it would, of course, be much better for this Parliament to have full powers—particularly financial powers. There are constraints, but within the powers that we have I believe that we can make substantial progress on this issue—although not on all issues—and I am working hard on it with my colleagues and with Universities Scotland. I had hoped that we could work on it across the chamber but, alas, I am often disappointed, and I have again been disappointed today, particularly by Labour and the Tories. I hope that we can take the issue forward in a way that benefits Scotland's students, because that is what it is about.

Antisocial Behaviour Framework

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-7605, in the name of Fergus Ewing, on the antisocial behaviour framework.

15:32

The Minister for Community Safety (Fergus Ewing): In March 2009, we published our antisocial behaviour framework, "Promoting Positive Outcomes", which followed a review of national antisocial behaviour policy. The framework recognised that prevention and early and effective intervention and diversion should be at the heart of our approach. In April 2009, Parliament agreed with that; parliamentarians agreed that to tackle successfully the blight of antisocial behaviour in Scotland we must focus more on preventing it from happening in the first place, on intervening early when it does happen and on diverting those who have behaved antisocially.

I very much welcome the measure of cross-party support that was given to the approach. Parliament agreed that we need to address the causes of antisocial behaviour, including drink, drugs and deprivation, and to improve life chances for individuals, but Parliament also recognised the need to punish bad behaviour in a proportionate, appropriate and timely fashion because—let us be in no doubt—antisocial behaviour can, in some cases, blight and sour the daily lives of its victims.

I wish to update Parliament on the progress that has been made so far on implementing the framework. I was able to update a number of members earlier this month when I invited members to a briefing session in the Parliament, although I know that the weather worked against us and only a few could attend. I also want to highlight and acknowledge a range of initiatives that are contributing to a safer, stronger Scotland.

Prevention is better than cure, and long-term positive outcomes will be delivered only if we tackle the causes of antisocial behaviour, rather than focus only on its symptoms. We can promote positive behaviour by creating more choices and chances. However, we recognise, equally, that focusing solely on punishment will not prevent offending.

Working together as partners is key to our approach and our success. We must—and, indeed, do—work together with local authorities, the police, fire and rescue services and the third sector. We must—and do—work with and for the communities whom we serve. We are more successful when we share resources, information and outcomes and when we reassure, support and

empower our communities. Much progress has been made but, of course, much more remains to be made.

James Kelly (Glasgow Rutherglen) (Lab): As the minister said, the framework was launched in April 2009 and now, 20 months later, we have the annual report. Why is it going to take until 2012 to fully evaluate the framework?

Fergus Ewing: It was always intended to present this work 12 months from round about last autumn. In fact, this debate would have taken place earlier had the Parliamentary Bureau not agreed to hold a debate on another issue at the request of, among others, the Labour Party. I had hoped to have this debate slightly earlier, but that has not happened. Be that as it may, we are on track to evaluate the progress of our work.

We must use evidence to communicate positive messages and measure success. All members in the chamber will recognise that—understandably, perhaps—media reporting all too often portrays a negative picture, which can fuel an entirely false and unfair image of our young people. The vast majority of children in Scotland are a credit to themselves, their parents, their schools and their communities and it is absolutely right that I as minister underscore and emphasise that.

At the end of November, we published the first annual report on our progress in implementing the framework. In this, the first year of a two-year implementation, we have concentrated on providing direct practical support to the front line. For example, we have provided funding for the community wellbeing champions initiative, which is a series of projects that provide communities with real decision-making powers over how resources are used locally. We have laid the foundations for sustained future support by developing the safer communities programme to support partners and practitioners working on the ground and we have commenced the development of a knowledge hub, which we are delivering in partnership with the Scottish community safety network. As we move into the second year of implementation, we will continue the good work, endorsed by Parliament, of those who are tackling antisocial behaviour.

However, the causes of antisocial behaviour are not only being dealt with through the implementation of promoting positive outcomes. We are also funding programmes to divert young people from antisocial behaviour and are working with others including the police, the fire service and the Army on extending their excellent diversionary work. I have seen many examples of that work, which has been effective in diverting many young people away from a life of crime and antisocial behaviour. Initiatives across Government complement that approach and

support the aim of achieving a safer, stronger Scotland for all.

We have also, as members might be aware, delivered more bobbies on the beat and are working across the political spectrum to deliver the road to recovery drugs strategy. I also suggest that the Cabinet Secretary for Justice, who is sitting beside me, could not have given a stronger lead in the efforts to tackle alcohol abuse in our country.

We have committed a £20 million investment in our communities through the cashback for communities initiative, which will provide free activities for around 300,000 young people to divert them from becoming involved in antisocial behaviour. This year, we are investing a further £400,000 in our safer streets campaign to ensure that all members of our communities feel safer when they are out and about enjoying themselves.

We are working towards draft legislation on high hedges, which some people view as a form of antisocial behaviour. Many members will be aware of that; in September I held a briefing for members that many either attended or were represented at. I was very pleased with the evident consensus on my proposals across all the parties that were represented.

As we all know, in these financially frugal times there is a temptation for partners to defend budgets and retrench. We recognise that changes will be needed to deliver savings and maintain services. We are confident that the focus on prevention, intervention and diversion is right.

Duncan McNeil (Greenock and Inverclyde) (Lab): Will the minister take an intervention?

Fergus Ewing: I am on my final paragraph.

The Deputy Presiding Officer: There is time to take an intervention if the minister wishes to do so.

Fergus Ewing: I am happy to do so.

Duncan McNeil: There has certainly been good progress on partnership working in my constituency, with the Inverclyde initiative, which the minister will know well. There has been significant investment in that initiative, which has reduced by 50 per cent calls to the police about antisocial behaviour. However, we should not be complacent—I know that the minister is not—about there being fewer calls to the police; there are still 800 a month about antisocial behaviour. Does the minister share my concern and that of the sheriff, police and other agencies that that option is not a cheap option and that cuts in investment and the money that is available to the Inverclyde initiative will mean that the gains that we have made will be lost in future years?

Fergus Ewing: I certainly agree that progress has been made in Inverclyde, as it has been throughout Scotland. For example, according to official Strathclyde statistics, knife carrying in Inverclyde reduced by 35 per cent from June 2009 to October 2010, and the handling of offensive weapons in Scotland has been reduced by 30 per cent. I mention that because I am aware of the close interest that Mr McNeil rightly takes in those issues—I think that all members are aware of his close interest in them.

As he invited me to respond to his question, I should say that cuts have had to be made because of the package with which the Westminster Government presented us. There are deep cuts and difficult decisions to make, which is why I hope that Duncan McNeil will support our excellent budget proposals, which Mr Swinney has so prudently brought forward.

As I said, we are confident that the focus on prevention, intervention and diversion is right, and that working with partners effectively is the right way to address antisocial behaviour successfully. However, we are not now and never shall be complacent about these matters, because we are acutely aware of how some types of antisocial behaviour can ruin and blight the lives of too many people throughout Scotland. I think that all members would agree that that is entirely unacceptable.

I very much look forward to the debate, which will, I am sure, be a positive one with constructive contributions from all members.

I move,

That the Parliament notes the publication of the first annual report of progress made in implementing the antisocial behaviour framework, Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland, which shifts the emphasis onto prevention and early, effective intervention while recognising that enforcement measures are appropriate in some circumstances; welcomes the support for this approach from the Convention of Scottish Local Authorities (COSLA), the Society of Local Authority Chief Executives (SOLACE), the Association of Chief Police Officers in Scotland (ACPOS), the Chief Fire Officers Association in Scotland (CFOAS), the Scottish Children's Reporter Administration (SCRA), the Association of Directors of Social Work (ADSW), the Crown Office and Procurator Fiscal Service (COPFS), Youthlink, the Judicial Studies Committee, Victim Support Scotland, Safeguarding Communities Reducing Offending (SACRO), the Scottish Youth Parliament, academia and the third sector; further welcomes the £20 million being invested in Scotland's communities through the Cashback for Communities initiative, which provides free activities for young people, and further notes the progress made across a range of areas in improving community safety.

15:42

James Kelly (Glasgow Rutherglen) (Lab): I welcome the opportunity to take part in the debate.

There is no doubt that antisocial behaviour blights the lives of too many people. According to the Scottish policing performance report, 240,000 antisocial behaviour offences have been committed in Scotland in the past year. The number of antisocial behaviour fixed-penalty notices has increased from 49,000 to 61,000. That demonstrates the extent to which antisocial behaviour impacts on many people in Scotland. It is not just about the statistics; it is also about the way that antisocial behaviour has impacted on and blighted the lives of many people throughout Scotland.

I pay tribute to the good practice in different areas. In recent days, thanks to powers under the Antisocial Behaviour etc (Scotland) Act 2004, police have been able to introduce dispersal orders to take action against rowdy gangs in the north of Glasgow.

Stewart Stevenson (Banff and Buchan) (SNP): I wonder whether the member welcomes, as I do, the successful introduction of fixed-penalty notices, and whether he has been out with the police, as I have been. Five years ago, when I was out with the police, an incident took two hours to deal with; such an incident can now be dealt with in 10 minutes. Does he think that that is a useful advance?

James Kelly: Of course I welcome anything that speeds up the justice process, but the figures demonstrate the scale of the challenge that we still face in relation to antisocial behaviour.

I pay tribute to the campaigns that have taken place throughout Scotland to combat antisocial behaviour, such as the Association of Chief Police Officers in Scotland's national anti-violence campaign. I compliment the work to combat antisocial behaviour that takes place in the Overton scheme in my constituency, which is highlighted in the annual report. I know the scheme well, as I grew up in the area next to Overton and I work closely with the Middlestown and Overton tenants and residents association to fight against the blight of antisocial behaviour. It is absolutely appropriate that we pay tribute to those who are involved at the sharp end.

In my opinion, however, the Scottish National Party Government's attitude on the issue has been complacent. To an extent, there is a read-over from the weather issues that occurred last week. At least Stewart Stevenson could see the snow when he looked out of the window at St Andrew's house, but when I look at the annual report, I wonder whether Fergus Ewing can adequately

view the ravages of the antisocial behaviour that is taking place in communities throughout Scotland.

I welcome the debate, but I regret the fact that it has been 20 months since our previous debate on antisocial behaviour. In that time, we have debated many justice issues. We had full afternoon debates on the sheriff and jury procedure and on the tribunal system. Those are obviously important matters, but the minister will remember that, in the tribunal debate, for the last 35 minutes, he and I had to talk the debate out until 5 o'clock. It is therefore regrettable that this important debate, which is on an issue that affects many people throughout Scotland, is being squeezed into the final hour and a half of parliamentary time this week.

The minister's motion quotes a lot of endorsers and there are a lot of letters to back that up, but large parts of "Promoting Positive Outcomes" speak the language of chief executives and senior managers and not the language of those on the ground and at the sharp end of antisocial behaviour. The document reminds me of ones that I used to come across in my previous occupation before I became an MSP. Companies would employ consultants, who would write up an approach and fill the pages and then hand over the bill at the end of the day. Large parts of the document do not speak properly and appropriately to the people of Scotland. Terms such as "vision" and "strategic direction" might be okay round the Cabinet table, but what sort of language is that to use to a residents group or community council?

The minister did not answer the question that I asked in my earlier intervention. Why is it that the framework was launched in 2009 and it has taken 20 months to get an annual report, which now tells us on page 36 that it will be 2012 before the work is fully evaluated?

Robert Brown (Glasgow) (LD): I am interested in what the member has to say, but will he tell us whether he thinks antisocial behaviour is getting better or worse and, whichever way he thinks it is going, what the contributory factors are? That is the central issue.

James Kelly: I cite to the member freedom of information requests that the Labour Party has submitted and which have shown that complaints to local authorities have risen to 219,000. That shows that the problem is growing. Several measures are required to tackle that, but the point that I was making is that we need direct leadership from the SNP Government, and in my opinion that is not happening.

The document talks about a communication strategy and a knowledge database that is being set up only now, 20 months after the framework was launched. However, we should not be

surprised about that, given other aspects of how the SNP has tackled crime, such as the introduction in February next year of the presumption against sentences of three months or less. South Lanarkshire Council's antisocial behaviour strategy, which is quoted in the report, tells us that it believes that domestic housebreaking and minor assaults are elements of antisocial behaviour, but those who are guilty of those crimes will be freed under SNP plans that are to be introduced next year.

For the stressed-out pensioner, the model citizen who has been threatened with a gun for reporting incidents to the police and those who have young families, the answers are not coming from the SNP. What is required is for it to listen to what is happening on the ground, and that is why the Labour Party conducted a tour of major cities in Scotland during the summer. We were not closeted in St Andrew's house; we were out listening to people in their communities. What is required is leadership and direction, and there is a need to give a voice to communities. That is why we support a policy of giving community councils and properly constituted residents groups the right to apply—

Fergus Ewing: Will the member take an intervention?

James Kelly: I am sorry, but I am running out of time.

The Deputy Presiding Officer: You can take the intervention if you wish, Mr Kelly.

James Kelly: I will take it.

Fergus Ewing: On that last point, is it Labour policy that community councils and properly constituted residents groups should have the power to require a local authority to apply an antisocial behaviour order? How much will that cost?

James Kelly: They would not have the power to require the local authority to apply an ASBO. They would have the power to make an application, and so I do not expect that the costs involved would be high.

This debate is a wake-up call for the SNP. Antisocial behaviour is unacceptable. The SNP is standing by and letting our communities down. It is time to stand up and be counted. Enough of the SNP dithering—it is time for action.

I move amendment S3M-7605.3, to leave out from "which shifts" to end and insert:

“; regrets, however, that it has taken 20 months to publish the report and that it will be 2012 before a proper evaluation of the framework is complete; believes that this demonstrates a complacent attitude on the part of the Scottish Government toward antisocial behaviour; recognises that antisocial behaviour continues to blight the

lives of many throughout Scotland, as witnessed by the 240,696 antisocial behaviour offences recorded in the Scottish Policing Performance Framework annual report of 2009-10; regrets that the number of antisocial behaviour orders (ASBO) granted fell from 437 in 2006-07 to 249 in 2009-10 despite the number of complaints increasing, and calls on the Scottish Government to adopt a more proactive attitude in tackling antisocial behaviour and to listen to the views of local people and support a policy of giving community councils and properly constituted residents groups the power to apply to local authorities for an ASBO.”

15:52

John Lamont (Roxburgh and Berwickshire) (Con): I welcome the opportunity to discuss the Government's first annual report on the antisocial behaviour framework. It is undoubtedly a good thing that the Government is required to report annually on progress on implementing the framework as it provides a regular opportunity to hold the Government to account on its progress.

It is important to make it clear that the Scottish Conservatives supported the legislation in 2004, in committee and at stages 1 and 3. We did that with some reservations, particularly about the use of dispersal orders, as we believed—and still believe—that the police already have enough powers at their disposal to deal with such problems.

Stewart Stevenson: Will the member take an intervention?

John Lamont: I want to make some progress.

Nevertheless, on balance, we supported the legislation as we believe that communities should not be blighted by antisocial behaviour and crime.

I turn to the report. The principle of regular reporting to the Parliament on progress is a good one because it allows more and better accountability. The principles that are espoused in the report are also good. Prevention, integration, engagement and communication are all important in ensuring that we tackle crime and antisocial behaviour as effectively as possible. As James Kelly pointed out, the problem is that it is too easy to get lost in a sea of platitudes, fuzzy rhetoric and local government buzzwords, and to lose sight of any meaningful progress that has been or is being made.

The psychobabble and socialworkspeak stand in contrast to the commonsense approach that the SNP took in opposition. Indeed, its 2007 election manifesto stated:

“Labour say vandalism is anti-social behaviour, we believe it is a crime. We believe anti-social behaviour orders should not be used when the criminal justice system is a more appropriate way of dealing with offenders.”

I agree. If a crime has been committed, the police should be involved and criminals should face the

full force of the law. Anything less does a disservice to our communities and sends the wrong message about what is acceptable behaviour.

The SNP manifesto went on to say:

“Putting more police into local communities and our new focus on tough community punishments will help move the focus more effectively onto police deterrence and strong action against low level criminal activities that reduce the quality of life for too many people across Scotland.”

I am pleased that the SNP, however reluctantly, was persuaded to make good its pledge on police numbers. However, it is a pity that the commonsense approach that it took while it was in opposition has been abandoned since it got into government. Despite the tough talk in its manifesto, for three years the SNP has eroded confidence in our criminal justice system. It has called for six-month sentences to be all but abolished, extended home detention curfews and increased the number of offences for which fixed-penalty fines can be issued.

Although we want to avoid people ending up on the path of crime, those who blight our communities with antisocial behaviour should face up to the consequences of their actions. Fines must be enforced, community service must be swift, effective and efficient, and those who are sentenced to prison must serve the sentence that the judge passes down.

Stewart Stevenson: Will the member take an intervention?

Richard Baker (North East Scotland) (Lab): Will the member give way?

Mike Pringle (Edinburgh South) (LD): Will the member give way?

John Lamont: I will take an intervention from Mr Stevenson.

Stewart Stevenson: When I lodged amendment 95 to the Antisocial Behaviour etc (Scotland) Bill in June 2004, which added reporting to the bill, the Tories were the only party that opposed it. Do they regret that now? The member should ask Mr Aitken, as he was the one who did it.

John Lamont: As the member will recall, I was not present in the Parliament in 2004. I welcome the opportunity to discuss the report that we are debating today.

I welcome the areas of success that the report highlights. For example, Scottish Borders Council is praised for the work of its safer communities team in effective prevention and early intervention approaches to antisocial behaviour. I know from experience that the team works well because of the effective partnership between council staff and

local police officers. As a constituency member in the Borders, I have regular dealings with the team and know that it works extremely hard to do what it can to find solutions to local problems of antisocial behaviour. Scottish Borders Council is recognised as an example of best practice. That is demonstrated by the fact that it has seen a marked reduction in complaints about, and reported incidents of, antisocial behaviour.

The four pillars for dealing with antisocial behaviour are helpful. However, as I said when we last debated the framework, another pillar—that of enforcement—seems to be missing. We cannot ignore the fact that antisocial behaviour is happening. I am sure that all MSPs get letters from beleaguered constituents who live in daily fear of such behaviour. When measures are taken, they must be robustly enforced or they are pointless.

Therein lies the heart of the matter. We should do what we can to encourage people not to engage in crime and antisocial behaviour. Unfortunately, some people will inevitably choose to break the rules, so preventive measures will achieve only so much. As in other areas of the criminal justice system, we need effective means of redress when there are problems, and we need protection for victims, punishment for wrongdoers and help to ensure that they are rehabilitated in order to minimise the risk of reoffending.

I move amendment S3M-7605.1, to leave out from “the progress made” to end and insert:

“that, while progress is being made across a range of areas in improving community safety, the public must continue to be encouraged to report antisocial behaviour and that where examples of good practice exist these should be replicated as widely as possible.”

15:58

Robert Brown (Glasgow) (LD): I begin by stating what should be obvious: there is no simple solution to the challenge of antisocial behaviour. It is a complex phenomenon that is deeply rooted in fractured cultural attitudes, alienation, lack of motivation, family and community breakdown and issues of personal responsibility. In many ways, levels of antisocial behaviour are an indication of the coherence and direction of wider society in our country.

Liberal Democrats have long advocated a positive approach to tackling antisocial behaviour. When we were in Government, we insisted that the Antisocial Behaviour Act etc (Scotland) 2004 be backed up by £130 million of support for the legislation and for community safety. Visible, effective and targeted community policing is important. I warmly support the realignment of police resources to the community, which has led to a major enhancement of community policing in

my home area of Rutherglen and Cambuslang and, more broadly, across Strathclyde.

One must concede that there is a certain tone of psychobabble in the document. Nevertheless, the Scottish Government's antisocial behaviour framework provides for an important shift of emphasis away from short-term enforcement measures towards tackling the root causes of crime and antisocial behaviour. I am glad that the gist of today's motion supports that, even if the rhetoric from other parties is often at odds with it.

Labour's obsession with antisocial behaviour orders is unhelpful. Richard Baker and Paul Martin roundly condemned the antisocial behaviour strategy when it was originally launched. ASBOs are certainly a tool in the toolbox, but Labour should leave councils to decide what is right for their areas. James Kelly gave the game away on Labour's new policy of allowing communities to make decisions when he said that what would be involved was not a requirement but only a request. That admission is important to the debate.

Bill Butler (Glasgow Anniesland) (Lab): With the best will in the world, Robert Brown has misunderstood. He knows full well that local authorities and registered social landlords have the right to apply to a court. Labour suggests that community councils should be able to ask local authorities to act as a conduit for an application, on which it would be up to the court to decide. Does he agree with that?

Robert Brown: Yes—I agree entirely. However, the point is that that can be done already—it does not require legislation or formal rights to make that happen. If formal rights have no substance, make no difference and cannot be enforced, the activity is a pointless, simplistic and tokenistic waste of time.

Research evidence suggests that the acceptable behaviour contracts that Liberal Democrats have piloted in Islington are a more flexible, satisfactory and successful approach in many instances, and that measures to remotivate young people and divert them from antisocial behaviour are much more fundamental.

The work that has been done under the antisocial behaviour framework is beginning to bear fruit. One key aspect is building on the wealth of good practice and encouraging the best models throughout Scotland. The policy area has sometimes suffered from too many pilots, too many initiatives and too few consistent approaches that are rolled out nationwide based on what it has been established works. The knowledge database, the safer communities programme, the developments on the back of the Inverclyde initiative—to which Duncan McNeil was right to refer—and the cashback for communities

initiative, together with the personal development partnership project to widen choices and chances for young people, all have parts to play.

Duncan McNeil: Will Robert Brown take an intervention?

Robert Brown: I had better make a little progress, if Duncan McNeil does not mind.

I return to community policing, which is seriously threatened by the ill-developed proposals for a single Scottish police force that are emerging from the sustainable policing project, which is backed and chaired by the Scottish Government. The Scottish policing board last met on 6 December, when it had before it a report that said in effect that moving to a single police force was a jolly good idea that would save up to £197 million a year. However, the report, its basis of reference and its lack of analytical rigour were all roundly condemned by people across the board who range from the highly respected chief constable of Lothian and Borders Police to the Convention of Scottish Local Authorities, a variety of police board conveners and the Improvement Service. That has an important link with antisocial behaviour.

Fergus Ewing: The Government has not decided on its position on a national police force. However, even if half the £200 million could be saved and diverted to pay for police on the front line, would not it be sensible to explore the proposal thoroughly?

Robert Brown: That would be the position, if that were the case. However, I will try to demonstrate that it is highly dubious whether that is the case.

COSLA asked how structure options could be considered without examining what the 21st century police service should look like and the outcomes that it should deliver. It said that the caveats to the report and the claimed savings meant that the project team was not confident that the figures were "reliable or valid". It pointed out that half the claimed savings came from a reduction in "local policing costs" and that the cost of change had not been considered. It said that there was a

"lack of consideration of how local communities will be able to engage in functions that will be withdrawn from local policing eg roads, anti-social behaviour",

and it pointed to the unhelpful experience of the Scottish Police Services Agency, not least on information technology.

Chief Constable Strang described the statement that a single police force was the best option for efficiency and effectiveness as being

"irresponsibly misleading and ... not supported by the evidence in the paper".

Colin Mair of the Improvement Service said that the supporting evidence for the savings claim was “caveated almost to the point of parody”.

He pointed out that the move to consider a single police force had been driven by unrealistic planning for cuts of 9 per cent in 2011-12, as opposed to the actual 2.7 per cent.

Richard Baker: Will Robert Brown take an intervention?

Robert Brown: I am sorry—I cannot do so at this point.

In any event, any change in structure could not be legislated on or implemented before 2013. Colin Mair talked about

“an obsession with cost and structural reform and almost no interest at all in the future purpose and role of policing in Scotland.”

He said that there was

“not a shred of evidence”

that reorganisation would obtain rapid cost savings and that the claims for democratic accountability in the new structure—that goes back to the antisocial behaviour issue—were confused and not thought through. He said that the most important failing was the

“utterly premature and flawed attempt to provide indicative evidence of the benefits behind options.”

I have so far omitted to mention that the documents also say that similar work in England concluded:

“no compulsory mergers should take place as it was not better value for money and British policing works best when it is strongly grounded at a local level.”

James Kelly: I will try to be helpful and get the member back on to the motion that we are debating. In relation to antisocial behaviour, does he believe that his party’s support for the presumption against three-month sentences has undermined the fight against antisocial behaviour, by allowing people who would currently go to prison under such sentences to be freed into the community?

Robert Brown: James Kelly knows well that I do not accept that for a minute. That approach focuses the attention of the criminal justice system on effective remedies, not populist and tokenistic approaches to criminal justice that are backed up by no evidence.

The issue around the policing report and policing reforms is fundamental, given the linkages back to community policing. I have seldom, if ever, seen such a comprehensive assault on and destruction of a government case through official papers. My question to the minister is to ask where all this is going—whether he can give us

some assurance on that and whether he perhaps now feels that the whole process of moving towards a single police force, given its effects not least on community policing and on the antisocial behaviour strategy, should now be binned and begun again from a different perspective.

I make no apology for focusing on this issue during a debate on antisocial behaviour strategy. It is clear that the hard-won progress on community policing, which is evidenced day by day in all our communities, is put at risk by an obsession with structural reform; that local democratic accountability and engagement will be undermined; that the financial savings that are prayed in aid are, to put it mildly, unreliable; and that the proposal for a single police force remains ill-digested and half-baked. Richard Baker and James Kelly will clearly need their Alka-Seltzers.

Richard Baker: I do not need an Alka-Seltzer right now—perhaps a bit later, or next week.

If we are unnecessarily investing in structures, which we believe to be the case at the moment, investment is not going to front-line policing or to protection of the models of community policing that the member is right to discuss. Surely that should be a priority for investment—not maintaining unnecessary structures.

Robert Brown: The priority has to be a focus on the effective fighting of crime and community policing. If the structures serve that, well and good, but the indications from all the evidence that I have been putting before the chamber are that they do not. I hope that the justice secretary will change his mind on all of that.

I move the Liberal Democrat amendment S3M-7605.2, to insert at end:

“; believes that local policing is key to community safety; notes the work underway through the Sustainable Policing Project on protecting frontline policing and the delivery of outcomes for communities, and believes that community safety is unlikely to benefit from the establishment of a single Scottish police force.”

The Deputy Presiding Officer (Alasdair Morgan): We now move to the open debate, with speeches of up to seven minutes.

16:07

Nigel Don (North East Scotland) (SNP): I am grateful that we have a little bit of time for a change, and that we can consider things a bit more widely.

I start by going back to the Antisocial Behaviour etc (Scotland) Act 2004; I will look at one or two of the issues that emerge from it, and consider the successes and the not-so-much successes. The 2004 act starts, in section 1, by looking for strategies. Although strategies tend to cover bits of

paper with words unnecessarily, I will not complain about somebody thinking about what strategies should be. That is surely the preliminary to doing anything. I am therefore grateful that the Government has actually pursued a strategy, which is progress from the 2004 act—for better or worse. It has considered the difference between carrots and sticks—and that might turn out to be the theme of what I have to say.

Antisocial behaviour orders come under part 2. Clearly they are relevant, they have their place and they have had some achievements, but they are not the answer to every question. I notice that noise nuisance was enthusiastically pursued by local communities. As a local councillor, I put a noise team into the west of Dundee, and those provisions were widely used and widely respected.

I endorse the view that Robert Brown has spoken about, on acceptable behaviour contracts. Those have been derived from the legislation, and they certainly have a place and a value.

Part 9 contains provision for parenting orders. I have asked the question and, as far as I can establish, we have no evidence that any parenting order has ever been applied for or made. I do not particularly hold that against anyone although, if we had looked through the bill—members will appreciate that I was not here at the time—I would have thought that some research would have indicated that they were unlikely to be effective, or perhaps there needed to be a model beforehand. Everything in the bill was not quite perfect.

Part 11 concerns fixed-penalty notices, which have been discussed. They have been a huge success, and they have saved a vast amount of police time. They were an extremely good thing. In two phrases, I have come across one thing that turned out to be a complete waste of time—although I am not blaming anybody for it—and something that was a wonderfully good idea, on which we can build. The other part of the message needs to be: let us work with what is good and live with the realities of what is bad.

Richard Baker: Does Nigel Don not agree that, if a mechanism has not been applied for or put to the test, we cannot decide whether it is successful? It must be used before we can make that judgment.

Nigel Don: That is a view, but I am not sure that many people will see it that way, to be honest.

I will put the rest of my remarks in the current context. In my days as a councillor, I thought that the introduction of community wardens was an extremely good idea and I commend their use for the future.

We have seen—possibly as a result of a Justice Committee inquiry, but possibly not—a huge move

towards community policing, which the Government has encouraged. It has made a significant difference on our streets and required no legislation. It simply required people to think about what the strategy was and to implement it.

The net result, attribute it as members will, is that crime figures are at a 32-year low. Knife crime is falling, which is wonderful, and offence referrals to the children's panels have dropped 40 per cent in the past four years. We can give credit for that in any direction that members like, but some things are clearly going in the right direction.

What I like and commend about the strategy is that it is not the Government telling people what to do; it is built from the ideas of experts and stakeholders. It is about finding things that will really work, not grabbing headlines.

James Kelly: On his point about finding things that will work effectively, does Nigel Don not think that it is somewhat remiss that it will take until 2012—three years after its publication—to evaluate the strategy's effectiveness?

Nigel Don: To be honest, it is not at all surprising. I do not expect anything to be evaluated quickly because we are talking about changes in attitudes. We are probably looking for annual statistics and we need several sets of them to be able to work out properly what is going on. We cannot simply come along with a strategy that says what we will do now, expect everything to turn and off we go. It just does not work like that outside the military.

I am, actually, surprised that we think that we can get anything meaningful out of an evaluation on the timescale proposed. I am not sure that many researchers would be terribly excited by that.

We have a long-term attitude towards, and strategy on, alcohol. I find it disappointing that we failed to take the recent opportunity to sort out minimum pricing, because that would have been a step in the right direction. I regret that that failed.

I hope that members have seen the Scottish social attitudes survey that was published recently, although, of course, the figures are for 2009. The survey points out that most people are aware of litter and rubbish as an issue but, generally speaking, do not have other problems—although some people have many problems, of course. The interesting point that emerged from the survey is that a major determinant of people's perceptions is what they see in the media rather than with their own eyes. The Government has to work on that—as, indeed, do we all—because, if we are putting out the wrong messages, people may be listening to them, which would be a mistake.

I commend the cashback for communities scheme, which has been a hugely significant way of putting money into the right places. Small sums of money going to organisations can do great things. Just up the road, in Forfar, the Drugs Initiative Group Forfar's Pitstop youth cafe has made a significant difference and did not cost a fortune.

A couple of years ago, I visited the Grampian Fire and Rescue Service in Aberdeen, which is where I stay, and talked to the people there about their work with the local community on the Gramps, which will mean something up there but will probably not mean anything to anybody else. There were major difficulties with youth fire raising on open ground, all of which have been brought under some kind of control by a serious education intervention. That is precisely the kind of thing that we need to do.

I also commend the Dundee co-ordinated anti-crime network—DUNCAN—project in Dundee. As a city councillor, I was well aware of that project, which considerably improved what was going on in the city centre.

Grampian Police's operation Whalsay reminds us that an awful lot of antisocial behaviour when we are out can be avoided by the way in which we behave. I hesitate to mention it all, but one way of summarising what they are reminding folk is a good idea, particularly at this time of the year, would be: on nights out, plan what you are up to, stay together, look after your property, think about what you are doing and do not drink too much.

16:15

Bill Butler (Glasgow Anniesland) (Lab): I rise to support the amendment in the name of my colleague James Kelly, on a serious issue that is of great importance to people across Scotland.

Every member in the chamber recognises that the antisocial behaviour of a small minority of people of all ages and all backgrounds can, and does, make the daily lives of a significant percentage of Scotland's citizens a misery. That is why I was content to support the passage of the Antisocial Behaviour etc (Scotland) Act 2004. I did so in the full knowledge that its provisions did not constitute a panacea, but they were nonetheless important as part of the then Scottish Executive's package of measures to support communities and create neighbourhoods that are free from fear and harassment. Unhappily, antisocial behaviour remains a significant issue for many of our constituents across Scotland. Robert Brown was right to say that this is a complex problem. That is a truism.

I regret the fact that it has taken so long for the Government to publish the first annual report of

progress made on the implementation of the antisocial behaviour framework. I would have hoped that Parliament could have seen the finished report before now. Delay in matters of such significance is never a good thing. I must also record my unhappiness that a proper evaluation of the framework will not be complete until 2012. That is far too long an interval; these matters need to be addressed and improvements need to be developed and implemented sooner rather than later.

Lest I am accused of being overly partisan, let me welcome the fact that ASB offences that relate to environmental damage are down 15 per cent in the period 2008-09 to 2009-10. Again, during that period, there was a fall in ASB offences that relate to misuse of public space of 25 per cent. The figures are taken directly from the "Scottish Policing Performance Framework: Annual Report, 2009-10". For completeness, I should say that I also recognise the continued investment in communities across Scotland via the cashback for communities initiative. That is a good thing. The Government has rightly continued the programme. That is a recognition of the solid worth of that imaginative policy, which the previous Labour-led Executive initiated.

Having said all that, I am very concerned that the same evidence-based report highlights clearly some very worrying trends. Antisocial behaviour that is classified as

"Disregard for community and personal wellbeing"

is down by only 4 per cent. Even more troubling is the fact that antisocial behaviour that is euphemistically characterised as "Acts directed at people" rose by an alarming 7.26 per cent. That is entirely unacceptable. It shows that there is no room for complacency or self-congratulation. Much more work needs to be done to ensure that the existing legislation is used more widely and effectively and that further measures are developed as a matter of urgency to strengthen the 2004 act.

It cannot be right that, according to a freedom of information request that Scottish Labour made to all local authorities, the number of ASB complaints in 2009-10 was 219,689 and yet the number of ASBOs that were made was 249. That is equivalent to a mere 0.1 per cent of complaints resulting in an order. Clearly, that points to significant weakness in the appropriate enforcement of the existing provisions of the act. That needs to be tackled soon.

Fergus Ewing: I do not accept the member's line of argument. How many ASBOs does the Labour Party think should be issued? In 2006-07, 437 ASBOs were issued. If there were more than 200,000 episodes, is Labour suggesting that

100,000 or 200,000 ASBOs should have been issued? What exactly is the member's prescription?

Bill Butler: It is statistically worrying that of such a significant number of episodes, only 0.1 per cent led to ASBOs. I will not say what number would be most appropriate; as the minister well knows, that is up to the courts. The figure of 0.1 per cent should set alarm bells ringing. I think that most sensible people would agree on that.

As to further measures, the SNP promised on page 60 of its 2007 manifesto to

"consult on giving revamped community councils a greater role in the process of applying for anti-social behaviour orders."

Mr Stevenson will recall that. However, as far as I am aware, with only a few months of the Scottish National Party's tenure of office left, little, if anything, has been done to put the idea into practice. That is a real pity and a real disappointment, because the idea is sensible.

Fergus Ewing: We will be here after May.

Bill Butler: I will always wait for the electorate's verdict—I am old-fashioned that way, minister.

Scottish Labour is committed to putting that imaginative idea into practice. We will give community councils and formally constituted residents groups the right to apply to local authorities for an ASBO, which local authorities will deal with via the courts. That is the proper process. The proposal is a logical development that shows a real desire to engage with communities effectively. Giving community councils and properly constituted residents groups that additional responsibility will enable them to play a more direct and central role in the creation of safer neighbourhoods. What is wrong with that?

I point out to Robert Brown that no one is saying that planning applications should not be considered by community councils. It is a bottom-up process. We are talking about real localism that will offer communities that are frustrated by a lack of action another way in which to deal with local problems.

In conclusion, the SNP's record, although not one of unremitting failure, is patchy and lacking in an appropriate sense of urgency. What the people of Scotland need is not self-congratulatory motions from the SNP but positive action and imaginative policies to improve their communities. If the people will it in May, Labour stands ready to serve.

16:22

Stewart Stevenson (Banff and Buchan) (SNP): It is a very great pleasure to return to a subject in which I was closely involved during the

passage of what became the Antisocial Behaviour etc (Scotland) Act 2004. In the stage 3 debate on the Antisocial Behaviour etc (Scotland) Bill, which I opened for the Opposition, I stated that there was

"a real problem and ... a real casus belli underlying the Executive's determination to pass the bill",

but I also said that there were continuing disagreements about

"whether the remedies that the bill proposes are proportionate and appropriate."—[*Official Report*, 17 June 2004; c 9369.]

An issue on which the then minister, Margaret Curran, and I agreed—I always agree to recognise the wisdom of someone who accepts an amendment from me—was that research and reporting post hoc would be important to inform future generations of legislators as to whether certain provisions about which we disagreed were or were not effective in practice. It is self-evident that some of those provisions have contributed much less than the Labour Party suggested that they would in 2004.

Let me lighten Nigel Don's darkness. In an answer to me in March 2007, Robert Brown said that there had been no parenting orders. In response to the questions that he asked in spring and autumn 2008, John Lamont received the same answer.

James Kelly: The member stresses the importance of reporting and monitoring. Does he share my concern that page 36 of the report that is before us outlines the fact that there will no longer be any requirement for reporting at national level and that monitoring will take place only at local level? Surely that undermines the ability of national Government to assess the statistics on antisocial behaviour.

Stewart Stevenson: One of the clear lessons that emerged from the then Communities Committee's travels around every police area in Scotland was that success in engaging with antisocial behaviour depended on local action. Such engagement was successful when local action was taken.

On the subject of reporting, I identify for members that my amendments 95 and 96 to the Antisocial Behaviour etc (Scotland) Bill, which sought to introduce sections after sections 14A and 20, both specified a reporting period of three years. In accepting an amendment from me, Margaret Curran recognised that three years was an appropriate period to assess what was going on.

Of course, there are still differences between members and parties in the chamber. With some disappointment, I heard Mr Butler suggest that an ASBO being granted is a measure of success in

dealing with antisocial behaviour. I take a fundamentally different view. The issuing of an ASBO is a measure of failure to deal with antisocial behaviour. I worked very closely with Donald Gorrie, a previous member of the Liberal Democrats, and he took the same view.

Bill Butler: An ASBO is simply a court's recognition that an offence has been committed. Does the member not agree?

Stewart Stevenson: That is fundamentally correct, but that it should get to the point at which the last and only remedy available is a court intervention is a measure of possible failure in the process. I do not regard the figure of 0.1 per cent of complaints leading to ASBOs as necessarily a sign of failure. I take a different view and other members will do that, too.

It is worth saying that we have seen the courts make a range of interventions that we regard as helpful. For example, the length of sentences for knife crime has doubled in five years, from an average of 118 days in 2005-06 to 263 days now. Of course the courts have an important role to play in that area, as they do in dealing with the criminal and the antisocial lout. It is important that the courts clearly address the needs of each individual case. I quote Chief Constable David Strang:

"Each offender has a personal background and I think it's absolutely proper that the court, having heard all the circumstances of the offence and of the offender's circumstances, can impose a sentence that is appropriate."

I trust the courts. I might not always agree with them, but they have an expertise that I do not necessarily have.

Robert Brown said that there is no simple solution, and I am happy to agree with him.

Labour's obsession with ASBOs is simply unhelpful, and as it turns out, I agree that Labour's proposal is pointless, simplistic and a waste of time.

James Kelly said that I could look out of St Andrews house and see the snow. My office was actually at Victoria Quay, but we should not quibble about that.

In the past week, I have been delighted to receive, as I often do, an e-mail from a constituent; they welcomed the resolution of a local problem in one area of my constituency as a result of something that I described in a similar way at stage 1 of the bill. I said:

"The councillor had the initiative and the guts—as councillors and members of the Parliament should have—to bring community groups together, to hold public meetings"—[*Official Report*, 10 March 2004; c 6472.]

and to ensure that solutions were obtained. By the way, I was describing and commending the work

of an Edinburgh Labour councillor. Everyone in politics has a shared duty to their constituents.

I close by making an observation about Labour's approach to the debate. There was a glimpse of a proposal from the Labour members, but we now know that it is toothless and it will simply lead to more bumping of gums. There is never a proposal of substance from Labour, never a suggestion for action, never a way forward and nothing but grm and gripe.

If that sounds like an empty phrase from me, I have found a way to measure it. It occurred to me that a word in Labour's amendment sounded familiar. I refer to the first word, which is "regrets". Labour members are no fans, then, of Edith Piaf's "Je ne regrette rien", but serial offenders. There are currently 16 motions before Parliament that contain the word "regrets"; 11 are from Labour, three are from the Green Party, and there is one each from the SNP and Liberal Democrats. There is regret among the Labour members; action is entirely absent.

16:29

Mike Pringle (Edinburgh South) (LD): I rise to support the amendment in the name of my colleague Robert Brown.

Last year, Liberal Democrats welcomed the change in emphasis that the new framework signalled. We believe that a move away from focusing on short-term enforcement measures towards tackling the root causes of crime and antisocial behaviour is a much more positive and effective approach.

The framework and the annual report highlight many examples of great work that is being done with young people to provide them with opportunities and support. I entirely agree with the minister that the vast majority of young people in Scotland are a credit to themselves, their families and all of us. In this debate, we are dealing with very few young people.

I well remember, when I was elected in 2003, my first meeting with the local chief inspector in the southern half of my constituency. I talked to him about the problems in the area and different things. When we turned to young people and antisocial behaviour, I asked how many of the thousands of young people in the area caused him trouble at any one time. He said, "Twenty-two. We know them all very well, and a lot of them, when they get to 16, will get into more serious trouble than they are already in." That is a very small percentage of young people.

The approach has been particularly effective when it is led at local level, such as through community wellbeing champions initiatives, which

have proved that when communities get together to support local young people real change is possible.

I was delighted this morning to speak to my local police inspector in my constituency of Edinburgh South. I asked him about antisocial behaviour and what is happening. He said that antisocial behaviour in Lothian and Borders in general is on the decline and has been for some time, but he was particularly proud to say that the decline in Edinburgh South is even greater than elsewhere. Antisocial behaviour complaints may be going up in James Kelly's area, but that is not happening in my constituency and in Lothian.

Fergus Ewing: They are going down everywhere.

Mike Pringle: I am told by the minister that complaints are going down everywhere. I congratulate Lothian and Borders Police—it is doing a great job.

Let me turn to antisocial behaviour orders, because I asked my inspector about them, too. He said, "Actually, Mike, we don't have too many antisocial behaviour orders in Edinburgh South. We have precious few—and I can't remember the last time we initiated one." Most of the antisocial behaviour orders are initiated and pursued by the council because they relate to a housing issue that is causing a problem to tenants. Other police forces may pursue more antisocial behaviour orders than my police do in my constituency, but they have clearly realised that, as Stewart Stevenson said, if they get to the point at which they have lost the young person and have to apply for an antisocial behaviour order, they have failed.

James Kelly: When we toured Scotland during the summer, we held a meeting in the member's constituency. One of the first comments that a member of the public made was that ASBOs work because they give respite to neighbours in the community that are under stress. Does the member not agree with that?

Mike Pringle: I just said that the successful antisocial behaviour orders are almost inevitably those that are initiated through the council's housing department, because they relate to a neighbourhood in which somebody is causing antisocial behaviour. I said that those ASBOs have been successful; as I have also said, I do not think that the police need to pursue ASBOs.

There is currently a wealth of good practice in tackling antisocial behaviour; the challenge is to make that standard practice across Scotland. The key to doing that is allocating resources correctly, which is why I am strongly opposed to a single centralised police force for Scotland.

I have two primary concerns about a centralised police force. First, there is a risk that a police force with a central base will no longer reflect local circumstances. Young people in rural areas and small towns are among the most vulnerable in Scotland, simply because of the lack of ready opportunities available to them locally—all too often, sadly, that leads to problems of antisocial behaviour.

John Lamont: I note Mr Pringle's concerns about the proposal for a single police force and the issue of local accountability and meeting the needs of local communities. Does he agree with the coalition Government at Westminster that the way in which to address that is by having elected police commissioners represent the views of local communities?

Mike Pringle: Absolutely not. I do not agree with that at all. It is a bad move to have elected police commissioners. Policing is the responsibility of the police, not of people who are elected by us to take on that responsibility. I wonder whether John Lamont agrees with David Cameron, who asks,

"do we benefit from lots and lots of very short sentences? I think it would be better if we could improve community sentences so that they were tough."

Maybe Bill Butler can answer that question when he sums up.

Fergus Ewing: We know that Mike Pringle and Robert Brown are opposed to having a single national police force. Do the Liberal Democrats believe that there should continue to be eight police forces in Scotland?

The Deputy Presiding Officer: Wind up, please.

Mike Pringle: There is an on-going discussion about that. My personal view is that we should continue with the number of police forces that we currently have.

The antisocial behaviour framework has the potential to represent a massive step forward—an end to the soundbite justice policies of the Scottish Conservatives and the Labour Party, which make for good headlines but do not make our communities any safer. We must now ensure that we finish what has been started and not allow structural changes or budget cuts to jeopardise that.

16:36

Bill Aitken (Glasgow) (Con): This has been an interesting debate with, predictably, some interesting speeches. Antisocial behaviour is a serious issue that may come in many forms. It may be simply a noisy party such as most of us have been to in our time, which most of us would

regard as an irritant, but it can be constant disorder, sometimes conducted on a group basis, that blights the lives of many people, especially in our inner cities.

The perpetrators come from all groups, from the tiny terrors who vandalise property to the teenagers who indulge in gang fights and those who are old enough to know better who play loud music at all hours of the day and night. Nevertheless, the minister and Mike Pringle—I always remember his name—did the right thing in underlining the fact that the vast majority of youngsters are not in the least problematical, are highly agreeable and are positive contributors to our society.

Harsh words may follow, but I think that the Government is entitled to claim some credit for the way in which the diversionary schemes that have been brought into play, sometimes using the drugs money that has been seized from those who cause so much damage in communities, have greatly benefited society and contributed to a reduction in antisocial behaviour. Kids have a lot of energy and, as my old granny used to say, the devil will find mischief for idle hands to do. It is amazing what a couple of portable goalposts on a bit of spare ground away from everyone can do to use up that energy in a reasonably constructive way.

There can also be no doubt that the Government is due credit, to some extent, for ensuring that there are 1,000 additional police officers on the streets. Its arm was forced firmly up its back by the Conservatives three years ago, but it produced those additional police officers and is entitled to limited credit for that. We have seen the positive impact of that policy everywhere. The fact that there are communities in Scotland—particularly in my city, Glasgow, as other members will acknowledge—where we are seeing police officers in areas where police officers have not actively patrolled for years has had a very positive impact.

I am particularly pleased to see my old mucker Stewart Stevenson back here in action. He quoted Édith Piaf but, rather than “Non, je ne regrette rien”, the words of Frank Sinatra might be more apposite in his case. Regrets? He certainly has a few. Nevertheless, his speech this afternoon was very able and elegant, and I look forward to crossing swords with him frequently, as I did in the past.

Let us examine the problems with the 2004 act. First, ASBOs are a toothless tiger. It is sometimes not realised in the Parliament that the law of Scotland is very wide and that the common law of Scotland is there to be utilised in its widest form. If an individual is subject to an antisocial behaviour order, that person can be charged with a common-

law breach of the peace and dealt with by the courts. The unnecessary hassle and bureaucracy that are required in order to achieve one of these orders are a negative aspect of the process, and I can quite understand why local authorities have been reluctant to use that tool.

Fergus Ewing: Bill Aitken will be aware of the use of fixed-penalty notices, the number of which increased from 49,000 in 2008 to 62,000 in 2009. Does he agree that that is a more effective and speedier method of dealing with many types of antisocial behaviour?

Bill Aitken: I agree that that is the case, when the fixed penalties are paid. That has been the problem with them. The local neddery, in Glasgow in particular, seems to be remarkably reluctant to part with the money that the police officers, no doubt perfectly correctly, seek. I am reminded of the contribution that was made on this issue by the Labour Party a number of years ago, when Tony Blair suggested that those who were guilty of antisocial behaviour should be frogmarched to an ATM so that they could take out the £50 contribution to public funds. Apart from anything else, the vast majority of the people in question do not have bank accounts, and Mr Blair's comment served only to demonstrate his total lack of realism, under a number of headings.

Where the Government is open to condemnation is in the soft-touch approach that it has imposed on the people of Scotland, in which the wrong message has been sent out time and again. The fact is that the average prisoner now spends only a fraction of his sentence in prison. I think that Stewart Stevenson raised the issue of knife crime and the increase in the number of days spent in prison. Whether that increase is gross or net is unknown, because the sentences that are imposed by sheriffs and High Court judges never end up being the same as the time that is served. That must be remedied also.

The Deputy Presiding Officer: You must wind up now.

Bill Aitken: The Government has made some progress, but an awful lot more progress is necessary before the next report will be received with universal acclamation.

16:43

Richard Baker (North East Scotland) (Lab): This has been a good debate. I warmed to Bill Aitken's contribution towards the end. However, I would say to him that the powers for ASBOs were brought in because, all too often, communities and individuals were being told that the police could not act against the kinds of antisocial behaviour being exhibited. That is what people were telling us, and the legislation was our response. We

believe that those powers are not being used enough and that more needs to be done to tackle the problem as it exists today.

I acknowledge that, on this occasion, the Labour Party is taking a different approach from other parties, and I also acknowledge that the minister has sought to discuss the issues with other parties' justice spokespeople in an effort to seek broad agreement. However, it does not serve the interests of debate in the Parliament or of wider engagement to pretend that there is a consensus where there is not one.

One point of agreement is on the importance of community policing in dealing with a wide range of antisocial behaviour and crime. I hope that Robert Brown will accept that, although we might disagree with some of the analysis and there will need to be further debate on how the structure should be changed—we have a view on a single police force, and there will need to be a wider debate on the mechanisms that might form that—the intention of examining the structure of policing is to protect police on the beat and community policing.

In producing the framework, the minister has quite correctly sought to engage with local authorities and the agencies that are involved in dealing with antisocial behaviour, so that, at the end of the process, we have a document that they have endorsed. However, although it is important to give due consideration to the views of those important stakeholders, it is incumbent on us to take seriously the views of the wider community as well. Labour members have sought to give voice to the experiences of that community, as we hear these problems day after day. We are finding that people are still frustrated by problems of noise, selfish behaviour that intimidates and the actions of individuals that make their lives a misery. We all know of such instances. I know that all of us have to deal with those complaints, but what separates us in the chamber today is our analysis of the action that is required.

It is right that the framework document highlights many projects that engage in prevention and diversionary activities, and we commend those. I note from the document that the Scottish Government has stepped back from introducing a requirement that, at the time of applying for an antisocial behaviour order, local authorities and registered social landlords must demonstrate that an adequate support package has been offered to the offender. We did not believe that that was realistic—it is not undesirable, but it is unrealistic—because, although we should seek to introduce support packages, they can be extremely costly.

The challenge in this financial climate will be to maintain investment in some of the excellent projects to which the report refers and in schemes

such as the Greenock initiative that Duncan McNeil mentioned in his intervention. The report focuses on activities for young people, but I agree with Mike Pringle, Bill Aitken and the minister that the vast, overwhelming majority of young people play a hugely important and constructive role in our society.

We are talking about tiny minorities in any event, and we should not focus excessively on young people in these strategies. The legislation is often described as targeting young people's antisocial behaviour but, in my experience, there have been far more instances in which complaints have been about adults. It is those types of issues that the legislation was designed to address.

Stewart Stevenson: Richard Baker commends, as I would, local initiatives and projects. Does he believe, as I do, that they offer better value for money and a surer outcome in terms of reducing reoffending than the alternative of locking people up?

Richard Baker: The evidence on that is very mixed, to say the least. The emphasis must always be on protecting the community either from antisocial behaviour or from crime.

I welcome Stewart Stevenson in making his first contribution from the back benches during this session of Parliament, and doing so in a positive spirit; I hope that he accepts my welcome in the way that it is intended. We look forward to hearing interesting contributions from him on a range of issues, with which I will not always agree.

On this point, we are, unfortunately, not entirely in agreement. In response to the points that Stewart Stevenson made in his speech, I point out that the figures that we seek to highlight show that there have been an increasing number of complaints about antisocial behaviour, and a declining number of instances in which the orders have been used. That signals a trend, which we are very concerned about. We believe that it fails those communities from which those rising numbers of complaints are coming if we do not respond with the increased use of the powers that are there to be used. Those whom I meet who are suffering from antisocial behaviour do not want the powers to be used less frequently; they want them to be used more often.

That is certainly true of the constituents whom I meet in Aberdeen. Too often I hear from residents—particularly those in the city's high rises, where there was once a peaceful environment—who are finding that their lives are blighted by just a few new tenants who are coming in and behaving antisocially. More needs to be done with those problem tenants. It is true that, sometimes, problems will have arisen because those people have simply been given a tenancy

with no support, and without some of the root causes of their antisocial behaviour being addressed, so that needs to be changed. However, we need to change a situation in which local authorities are not taking action where they should.

That is not just something that we are saying—we are hearing it from people in the community. In Aberdeen, complaints about antisocial behaviour increased last year by more than 30 per cent to nearly 4,000, but Aberdeen City Council has no record of how many antisocial behaviour orders have been implemented. That is simply not good enough for people suffering from such problems. We believe that there needs to be more transparency and more accountability for local authorities in respect of how they deal with complaints of antisocial behaviour. That is why we want a new, formal process to give community councils and formally constituted residents groups the right to apply to local authorities for an ASBO—not simply a meeting or a letter from an MSP or someone else. They should have the right to make a formal request and therefore to receive a clear explanation from the local authority, as part of a formal structure, if it decides not to pursue the request. That is why we make that proposal.

We need to build on the success of the programmes that help to prevent and divert but, important as they are, they can be only part of the approach. We need to use all the tools in the toolbox and, at the moment, we are not doing so. Rather than the current situation, in which authorities are not seeking to use the powers that are there to be used, we need to go further and take more action on antisocial behaviour, because that is what the communities of Scotland need and want in order to improve their lives.

16:51

Fergus Ewing: The debate has been a useful one and interesting contributions have been made by members throughout the chamber. A fairly strong element of consensus has joined us together. I am particularly pleased that all parties have emphasised that it is wrong to suggest that all children are a problem for Scotland and that, in fact, it is only a tiny minority who get into serious trouble and a minority of that minority who present the most serious problems to our society. That starting point is very much to be welcomed and it is right to acknowledge that.

As members know, I always seek—to coin a phrase—where there is discord, to bring harmony. It is good when there is an element of consensus. Lurking beneath occasional rhetorical flourishes from members, whom I will not name, there was the realisation that we must tackle the causes of crime and antisocial behaviour.

The most fundamental point that has emerged from the debate, which has focused largely on the use of, and the place of, the ASBO, is that it is very difficult to see how getting a piece of paper can prevent someone from committing antisocial behaviour and crime when the cause of that behaviour or crime is essentially abuse of alcohol or misuse of drugs. If someone is involved in serious, problematic drug misuse, that person has an addiction to drugs. Getting a letter through the post from the courts will not change that. In fact, I would be surprised if the letter was opened.

Before I return to the ASBO, I will correct some incorrect information that Mr Baker—no doubt inadvertently—gave us. He suggested that the number of complaints in Scotland about antisocial behaviour is increasing. The “Scottish Policing Performance Framework”, from which members have quoted, records that there has been a decline of 28,500 antisocial behaviour crimes and offences over the last year for which statistics are available. It further tells us that

“all forces in Scotland reported a reduction in the number of ASB community crimes and offences being recorded by police in the last year ... resulting in the figure for Scotland showing a reduction of almost 11 per cent.”

Labour wanted a report and it has got a report: antisocial behaviour and crime are down by 11 per cent.

James Kelly: The figures that the minister has quoted still demonstrate that there are almost 250,000 offences of antisocial behaviour in Scotland, which shows the scale of the problem. In addition, the number of complaints to local authorities is rising, whereas the number of ASBOs is falling.

Fergus Ewing: I have read out the factual position, which is that there has been a reduction in ASB and crime. Incidentally, we also know that crime is now at its lowest level for 32 years. I do not claim credit for that, although we have implemented certain decisions and programmes. However, I strongly praise the 1,000 extra police and their colleagues who have brought about that result. I presume that it is just an extraordinary omission, but I have heard no Labour member say, “Don’t you recognise what a great thing it is that Scotland’s police force has seen crime at its lowest level for 32 years?” Should we not all welcome that?

Moving back, however, to the consensual aspects of this debate, I point out that the Scottish household survey, which was published in August, showed Scottish perceptions of most neighbourhood problems to be at their lowest level for 10 years. In a characteristically thoughtful contribution, most of which I understood, Mr Don pointed out the difference between the perception and the reality of serious crime and antisocial

behaviour. As we will all accept, that has been fuelled by negative stereotyping by some of the wilder fringes of the tabloid world.

As for ASBOs—which, although the main issue in this debate, are not, of course, the main part of the approach that I outlined in my opening speech—I think that they can play a role; are a tool in the box; and can, where appropriate, be used by local authorities. On my visit to Stornoway, I found that ASBOs are not actually issued—*[Interruption.]*

The Deputy Presiding Officer: Order. There are too many conversations going on, particularly at the back of the chamber.

Fergus Ewing: Thank you, Presiding Officer. I am surprised that members are not listening more closely because, if they do, they will learn that, on my visit to Stornoway, I found that the authorities, cunningly, do not bother to apply to the court for an ASBO. That would require an investigation and take up a lot of time and money that could be more usefully spent on other things. Instead, they send a letter saying, “If you don’t improve your behaviour, we will apply for an ASBO.” They believe that, rather like a lawyer’s debt letter, that sort of threatening letter has, when used with other measures, some benefit.

The revelation in the debate has been that Labour’s new flagship policy will never really leave the harbour. Over the summer, it said in the press that its policy was for community councils—and now, it seems, registered residents groups—to be able to force local authorities to get an ASBO. Now we learn that its policy is for community councils to be able to ask local authorities to apply for an ASBO. However, they can do that at the moment. That being the case, where is Labour’s policy?

I listened very carefully to Mr Baker’s closing speech, because there was something that Labour has not made absolutely clear in the debate. He said that community councils could make a formal request. Well, they can do that at the moment. Anyone can—an MSP can. However, what do local authorities have to do when they receive that formal request? Are they obliged to carry out an investigation, or are they required to do nothing whatever? The bad news for the Labour Party—and Mr Butler tried to develop this argument as best he could—is that local authorities and COSLA do not want to go down this road. In fact, COSLA says:

“If community councils and other community groups were to be able to apply for ASBOs it could lead to a potential proliferation of expensive enforcement measures that councils ... would find ... unaffordable to implement.”

Not one Labour member has said anything about the cost of this measure, but COSLA has already

made it clear that it would be “unaffordable”. When will we hear how much this measure would cost Scotland? I will give way to anyone who wishes to answer. We simply do not know, because Labour has not told us.

I know that ASBOs have been used for some strange purposes. A 60-year-old man from Northampton was banned from dressing as a schoolgirl; a bid to ban an 18-year-old from wearing low-slung trousers was dropped earlier this year; and, in Peterhead, a slightly deaf man who had a habit of playing Dolly Parton and Johnny Cash throughout the day was given an ASBO for tormenting his neighbours, as well he might. I am not denying that there is some use for ASBOs.

Johann Lamont (Glasgow Pollok) (Lab): Will the minister give way?

The Presiding Officer (Alex Fergusson): No, he has to close.

Fergus Ewing: Perhaps Johann Lamont is a Dolly Parton fan—I do not know.

I commend the approach that is supported by the police, the fire service, social workers, youth representatives and just about every other group in society in Scotland, except our friends in the Labour Party. I commend the motion.

Parliamentary Bureau Motion

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of Parliamentary Bureau motion S3M-7611, amending the Transport, Infrastructure and Climate Change Committee's remit.

Motion moved,

That the Parliament agrees that the remit of the Transport, Infrastructure and Climate Change Committee be amended to—

To consider and report on (a) matters relating to transport and infrastructure falling within the remit of the Cabinet Secretary for Finance and Sustainable Growth and (b) matters relating to climate change falling within the remit of the Cabinet Secretary for Rural Affairs and the Environment.—[*Bruce Crawford.*]

Decision Time

17:00

The Presiding Officer (Alex Fergusson): We come to decision time. There are nine questions to be put as a result of today's business. Members will wish to know that, in relation to the debate on the antisocial behaviour framework, if the amendment in the name of James Kelly is agreed to, the amendment in the name of John Lamont will fall.

The first question is, that amendment S3M-7604.2, in the name of John Swinney, which seeks to amend motion S3M-7604, in the name of Andy Kerr, on winter resilience, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-7604.1, in the name of Jackson Carlaw, which seeks to amend motion S3M-7604, in the name of Andy Kerr, on winter resilience, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-7604.3, in the name of Jeremy Purvis, which seeks to amend motion S3M-7604, in the name of Andy Kerr, on winter resilience, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)

Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Gil (West of Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)

Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 9, Against 62, Abstentions 44.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-7604, in the name of Andy Kerr, on winter resilience, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament acknowledges that lessons have to be learned about how the Scottish Government and its agencies react to exceptional weather conditions; considers that MSPs must now look ahead and work together to ensure that all possible measures are taken to prevent the experience of recent weeks, which saw older people trapped in their homes, schools shut, people stranded on roads, businesses losing money, diesel and food supplies running low, mail undelivered and bins not collected; calls on the Scottish Government to improve communications, ensure closer and effective liaison with all appropriate organisations and consider more robust planning exercises, and, while acknowledging that severe weather will cause disruption and delays, believes that Scotland needs to keep moving regardless of the weather conditions; acknowledges the significant efforts made by a wide range of public service workers, voluntary organisations and people across Scotland to maintain essential services, support their neighbours and keep communities moving through the extreme conditions, and further calls on the Scottish Government to give consideration to a traffic-light style graded system of severe weather warnings.

The Presiding Officer: The next question is, that amendment S3M-7605.3, in the name of James Kelly, which seeks to amend motion S3M-7605, in the name of Fergus Ewing, on the antisocial behaviour framework, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)

Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 42, Against 73, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-7605.1, in the name of John Lamont, which seeks to amend motion S3M-7605, in the name of Fergus Ewing, on the antisocial behaviour framework, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)

Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)

Gordon, Charlie (Glasgow Cathcart) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Abstentions

Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

The Presiding Officer: The result of the division is: For 71, Against 42, Abstentions 2.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-7605.2, in the name of Robert Brown, which seeks to amend motion S3M-7605, in the name of Fergus Ewing, on the antisocial behaviour framework, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Brown, Robert (Glasgow) (LD)
 Finnie, Ross (West of Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Iain (North East Fife) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Allan, Alasdair (Western Isles) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)

Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Annesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Annabel (West of Scotland) (Con)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)

Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 11, Against 104, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-7605, in the name of Fergus Ewing, on the antisocial behaviour framework, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)

Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)

McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 73, Against 42, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament notes the publication of the first annual report of progress made in implementing the antisocial behaviour framework, *Promoting Positive Outcomes: Working Together to Prevent Antisocial Behaviour in Scotland*, which shifts the emphasis onto prevention and early, effective intervention while recognising that enforcement measures are appropriate in some circumstances; welcomes the support for this approach from the Convention of Scottish Local Authorities (COSLA), the Society of Local Authority Chief Executives (SOLACE), the Association of Chief Police Officers in Scotland (ACPOS), the Chief Fire Officers Association in Scotland (CFOAS), the Scottish Children's Reporter Administration (SCRA), the Association of Directors of Social Work (ADSW), the Crown Office and Procurator Fiscal Service (COPFS), Youthlink, the Judicial Studies Committee, Victim Support Scotland, Safeguarding Communities Reducing Offending (SACRO), the Scottish Youth Parliament, academia and the third sector; further welcomes the £20 million being invested in Scotland's communities through the Cashback for Communities initiative, which provides free activities for young people, and further notes that, while progress is being made across a range of areas in improving community safety, the public must continue to be encouraged to report antisocial behaviour and that where examples of good practice exist these should be replicated as widely as possible.

The Presiding Officer: The final question is, that motion S3M-7611, in the name of Bruce Crawford, on a committee remit, be agreed to.

Motion agreed to,

That the Parliament agrees that the remit of the Transport, Infrastructure and Climate Change Committee be amended to—

To consider and report on (a) matters relating to transport and infrastructure falling within the remit of the Cabinet Secretary for Finance and Sustainable Growth and (b) matters relating to climate change falling within the remit of the Cabinet Secretary for Rural Affairs and the Environment.

Support for Children (Kinship Care)

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S3M-7259, in the name of Johann Lamont, on support for children in family and friends care.

Motion debated,

That the Parliament notes that there is estimated to be a minimum of 13,400 children in kinship (family and friends) care in Glasgow and throughout Scotland; understands that three out of four of these families are living in poverty and that kinship care is frequently the best form of early intervention as well as a longer-term option for children requiring non-parental care, particularly for those who have experienced multiple traumas; notes that kinship care is estimated to save the Scottish Government and local authorities £536 million per year in reduced care costs; considers with regret that the Scottish Government, the UK Government and Scottish local authorities have not yet been able to ensure provision of adequate financial, educational and other supports for children looked after by kinship carers; considers that there is currently insufficient joint working across all levels of government, and believes that kinship care provision is best developed with the involvement of kinship carers themselves as part of the decision-making process and that this would ensure that all policies are based on the needs of the child and that there is no discrimination of kinship carers based on their legal status or postcode.

17:07

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to open the debate and I thank the members who have supported the motion in my name. It is important to reflect on the issues that are highlighted in the motion. It is worth noting that a similar motion was lodged in Westminster by my colleague Cathy Jamieson, in recognition of the fact that the challenges that face kinship carers have been and are compounded by decisions or lack of action at every level of government—local, Scottish and United Kingdom.

I acknowledge the powerful role of the kinship carers who have forced the debate into the public domain. Kinship carers in my constituency and far beyond have found a voice and demanded that we listen. We should pledge to ensure that the solutions to the challenges that they face should be developed with and by them, for they know more than anyone what the reality of their experience is, despite the claims by some that their problems have been addressed.

All members recognise the critical role of many kinship carers. Day and daily, grannies and granddads, aunts and uncles, cousins, brothers and sisters and sometimes simply family friends do everything in their power to protect and nurture often very vulnerable children. We should be aware of the degree of sacrifice in time and energy

by families in supporting those children. Sometimes, grannies even give up their beds when they should be putting their feet up after a long working life.

Often, when grandparents look after their grandchildren, the issues are compounded by the emotional involvement that they experience when their son or daughter is the parent who is failing. Such people have spoken to me about their determination to ensure that, having lost one generation to drugs, they will not lose the next one. The final decision to bring a child into their home will often have been preceded by years of anxiety and stress, and fear for the children.

Kinship carers deserve more than pities or congratulations from us, especially when we consider what they save the public purse and the better outcomes that they provide for needy children. Kinship carers need and deserve a proper understanding of the challenges that they face. The debate on the issue is too easily distilled into an argument about financial payments and how those are fixed. I have been struck by the voices of kinship carers who feel frustrated by that description of their plight. First, they say that the financial support that they fight for is not for them, but for the children, to meet their needs. Secondly, the issue is not just about financial support, although many of the families involved live in poverty. It is also about a proper understanding of the emotional, psychological and educational needs of children who have endured hardship and neglect. For kinship carer families, the issue is the rights of the children. It is not a debate about adult entitlement.

Let us imagine that two children make the same journey through abuse and perhaps neglect. Unnurtured, they are denied the normal hugs and sense of security that family life brings, and they are affected and marked by all that goes with living in a family where parents, for example, are drug addicted. The two children end up in the same place, where for their own safety and wellbeing they have to be taken from the family home. It is impossible to understand why the support that is then provided to the two children is defined not by their care needs but by the relationship that they have with the person who takes on the job of caring for them. One child goes into foster care and has access to one level of support. The other child goes to granny, and there starts a battle for that family to get any help at all. That is a simple and irrational injustice for that child and every other child in those circumstances.

There is on-going frustration that there is not equivalence between foster and kinship carers. There is still a postcode lottery in the level of payments in different parts of Scotland, and indeed in some places there are no payments at

all. There is no tackling of the further discrimination against those who take in a child, accepted and sanctioned by social work but in an arrangement not made by social work, where no payment is made because there is no formal measure of care. There is a concern that there is an incentive for social work to encourage family arrangements, rather than making the arrangements more formal, on the ground of cost. In addition, there is still no proper addressing of the problem of the relationship between benefits and kinship care payments.

All those problems remain, and until they are addressed and sorted we are all culpable in celebrating kinship carers' role but not willing the means for their lives to be made a little easier. There is a temptation for us all, of whatever political stripe, to talk up what our own party has done in this regard and leave our sharpest criticisms for the efforts of others, but it is impossible for me to overstate the clear message that I have been given by kinship carers when I meet them at the Poverty Truth Commission, in my constituency or elsewhere. All of us, as politicians, need to stop blaming each other, stop passing the buck, and get together to get this sorted. I say gently to Bob Doris that the amendment that he lodged, presenting his Government's actions as positively as he did, falls absolutely into that category. We have failed these children at every level of Government and we ought not to miss the challenge that that presents to us all.

There are, of course, those who tell us that this is a complex or difficult area, but that is a counsel of despair. If kinship carers can hold traumatised children to them in love, it cannot be beyond the wit of our collective endeavour to find a way to support them in that critical job. There is a lot of talk these days about preventive spend. The reality is that a little support to these children and their carers now will pay dividends in allowing the children to reclaim their childhood, and in the future to achieve their potential. It will also help to sustain those carers through the tough times that they face in dealing with the consequence of the abuse that these children have faced in the past, and help them with what they do out of love.

At every level of government, energy should be put not into saying what we cannot do or justifying the limits to what we have already done, but into working together. I will be interested to hear what the minister has to say about his capacity to work with other levels of government and co-operate in that regard. It is no longer acceptable at any level of government for people to say, "We have done enough." We need to show how we can work together to solve the problem. The fact of the matter is that that co-operation and focus would be a new year's resolution that is worth making, and it

is one that we should all be determined to keep in the future, not only in the interests of kinship carers but, critically, in the interests of their desire for the needs of the children that they support to be properly met.

17:14

Sandra White (Glasgow) (SNP): I congratulate Johann Lamont on securing this evening's debate. I have visited kinship carers and I know that they hold her work in great esteem. I take this opportunity to recognise the invaluable work that kinship carers do in some of the most trying of circumstances. I also recognise the great work of the many support groups that do their utmost to provide advice and assistance to kinship carers. Recently, I visited one such group—the Family Addiction Support Service, based in Glasgow. I put on record the fact that the service is doing a fantastic job. Some of the stories I heard—especially, but not only, from grandparents—at that meeting were absolutely harrowing, but they showed people's great desire to ensure that their families are kept together. We should all be eternally grateful for that.

The benefits system has been highlighted in my meetings with kinship carers. Other members may raise that issue. We must look at it. I do not want to be political about the matter, but in some instances people are worse off if they can access kinship care. I hope that the Minister for Children and Early Years will speak to his Westminster counterpart about the benefits system.

The overarching theme of the meeting was the clear need for information and guidance to maximise the effectiveness of current Scottish Parliament legislation. As Johann Lamont said, that theme is reflected in the motion. It is also reflected in petition PE1365, which calls for a meeting of all parties that are involved in the legislation for and provision of kinship care. Johann Lamont has already mentioned what a postcode lottery kinship care can be. All members of the Public Petitions Committee, from all parties, were supportive of the petition. I understand that the committee is continuing the petition, with the aim of facilitating a meeting between stakeholders. I hope that that approach will be successful in addressing carers' concerns and the concerns that are expressed in the motion. I invite the minister in his summing up to provide us with an update on whether meetings not just with kinship carers but with local authorities and other authorities that deal with kinship care have been arranged.

Some of the accounts that I heard were harrowing. Johann Lamont has already alluded to some of the issues that are involved. For one reason or another, grandparents have had to take in their grandkids. They may get kinship care

support for one grandkid but not for another. That anomaly should not be allowed to continue. Johann Lamont mentioned the issues that arise in relation to payment. I was struck by the differences in access to services. If a child is looked after—for example if they are in foster care—they will have access to facilities such as child psychiatrists; if a child is in kinship care they are not denied access to such facilities, but they are nonetheless unable to access them. That issue, along with anomalies in payments, was highlighted to me in my meeting with kinship carers.

Neither the postcode lottery that has been identified nor the other difficulties that people face should be allowed to continue. People open their houses to look after not just grandchildren but nieces, nephews, brothers and sisters. They put their family first, but it is difficult for them to cope with young kids who have some horrifying backgrounds. Sometimes, people have to give up their beds or to move out of the house because they do not have not enough room.

Johann Lamont mentioned the political aspect of the issue. I do not want to go into that as I agree that we really need to work together, no matter what political party we belong to, and to put the interests of carers and children first. They deserve no less from us.

17:18

Paul Martin (Glasgow Springburn) (Lab): Like other members, I commend Johann Lamont on securing this evening's members' business debate. Along with other representatives in the Parliament, she has championed this cause for many years.

The member referred to the common cliché that we hear from professionals who are involved with the issue—that it is complex and presents them with many challenges. I remind them that it is all very well for them to make that point in their comfort zone, from the headquarters of whatever authority they serve; the issue is also complex for carers, who find themselves—sometimes unexpectedly—having to provide care for the young people they champion. I champion them for making that provision.

We should reflect on the casework that many of us have dealt with and which represent some challenges that kinship carers face. Over the years, I have learned that the commitment of kinship carers to ensuring that children are in a loving environment that gives them a future is a clear feature.

I will mention one person whom it is important to recognise—she will not mind me mentioning her name. She is my constituent Jessie Harvey, who

has been involved in the Poverty Truth Commission. She has been involved in several exchanges with elected representatives and she has been keen to speak her mind several times. We need that in today's debate—not just clear thinking but clear talking about how we can take the issue forward.

We should recognise the point that Jessie Harvey has made several times—that if it were not for the intervention of kinship carers such as her, where would we be and where would local authorities be? We can talk about the costs of child care and of full-time care and about a number of other challenges that would face the children involved if it were not for the interventions. We do not spend time on debating some of those challenges.

One challenge that faces us is the lack of a co-ordinated approach from local authorities when kinship carers take on their role. On many occasions, the approach is informal and the formality that should be attached is not present to ensure that kinship carers receive the support that they should have. Over the years, a number of kinship carers have made the point that they want a charter to be in place to ensure that they receive proper support when they decide to undertake kinship caring.

In my experience, the fact that kinship carers will care for the children is never in question. I have not yet met a kinship carer who said that they did not want to care for the young people and give them a future. However, kinship carers want authorities to give them effective support in the process. They also want to be treated with respect. Kinship carers are not respected when they are given promises of support in the process of taking on the role but that support does not transpire.

We do not debate kinship care enough, which must be a major disappointment to kinship carers. We all need to take responsibility for the fact that we have not debated the issue as often as we should. Let us learn that lesson from today. I hope that we can move forward with a more effective dialogue to make progress.

17:23

Elizabeth Smith (Mid Scotland and Fife) (Con): I, too, thank Johann Lamont for initiating the debate. I pay tribute to her for the outstanding work she has done, which is part and parcel of showing the Parliament at its best. I pledge again our full support for kinship carers. I agree entirely with Paul Martin that perhaps we do not debate the issue often enough, which would allow us to bring everybody together.

It is no secret that my party holds up the family unit as the best possible welfare state while fully acknowledging that the family unit takes many forms. As Sandra White and Paul Martin have said, a loving family will always be better placed to provide social, economic, emotional, educational and moral support than will be any other institution, which—through no one's fault—cannot be expected to provide the same level of individual care. That fact is widely accepted by all parties in the Parliament. The speeches that have preceded mine prove the point: kinship care is the best option when children cannot live with their parents. It provides the child with the best chance of overcoming the often disruptive and stressful circumstances that they face.

Scotland has no shortage of kinship care and it has outstanding examples of it. More than 13,000 children are cared for by grandparents, uncles, aunts or other relatives—that is one in 70 children in some form of kinship care arrangement. We should recognise that such arrangements are saving the taxpayer vast sums of money every year, and that feat is even more remarkable when we consider the age group of many of the people who are doing the caring. About three quarters of kinship carers are the grandparents of the child, and more than a quarter of the children are cared for by a relative who is at least 50 years older than them. That presents a considerable challenge. Figures such as those put the sacrifice and generosity of carers into sharp focus. We cannot thank them enough.

Sacrifice and generosity have already been mentioned in relation to the Scottish Government's commitment to try to achieve by 2011 parity between payments to kinship carers and those to foster carers. My views on the issue are already on record; so, too, are my concerns about having in place a concordat that sets even more of a challenge because while it contains specific national Government targets it also allows councils to set their own priorities. We need to address that issue more fully.

I wish to focus on the sometimes forgotten point about kinship care. It is a dilemma that faces us all in the chamber as we acknowledge that there will be many different reasons for kinship care. We know that the majority of children who fall into that situation are there because of a breakdown in relationships with their parents, which is often fuelled by a number of social ills, including substance abuse, criminality, child neglect or abuse. It is only in a small number of cases that children end up in kinship care because of a family bereavement or very difficult circumstances arising from illness.

While we salute the relatives who take over the caring responsibilities for the children, we also

need to recognise that the other half of the story is often one of family breakdown and of parents proving themselves to be unreliable and irresponsible in some way—a trend that I would argue is becoming more common rather than less common. In other words, kinship care is a double-edged sword of family beneficence on one hand and of family breakdown on the other.

About 137,000 children have no parent in work, 200,000 children are living in poverty, 60,000 children are affected by the drug problem of one or both parents, 100,000 children live with parents who are addicted to alcohol. It might be an inconvenient truth for us, but the Joseph Rowntree Foundation tells us that the gap between rich and poor has widened over the past 10 years, and there is more evidence of the social and financial pressures that are contributing to the rise in the breakdown of Scottish families. Until we get to grips with that as a united Parliament, as has been said such statistics will continue to highlight a very frightening circumstance.

I finish on the need to make a full commitment on this issue, and I again congratulate Johann Lamont on all the work that she does.

17:27

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I thank you, Presiding Officer, for the opportunity to say a few words in this important debate and I, too, congratulate Johann Lamont on securing it.

As Johann Lamont said in her speech, I have tabled an early-day motion on the issue in another place, to highlight the real problems that many kinship carers are facing. That was not about party politics, and I hope that the tone of tonight's debate will continue in the vein of trying to improve the lot of kinship carers, rather than scoring party-political points.

It is important to recognise—as members have done already—that the issue goes across Scotland. All of us will have met individuals who, in very difficult circumstances, have decided that they must take on the responsibility of caring for children. It might be grannies and granddads, but I have also known it to be brothers and sisters who have taken care of their younger siblings. I have known it to be aunts and uncles, and a range of other people.

I did a quick sum: I was trying to calculate how long ago I qualified as a social worker—one of the professionals.

Mr Frank McAveety (Glasgow Shettleston) (Lab): Don't go there.

Cathy Jamieson: People are saying I should not go there, so I will not reveal the year when I

qualified, but one of the things that I learned in my time training as a social worker was that, when there were difficulties in the family, people looked to the extended family as the first port of call for support. I cannot understand why we would move away from that. We know that when we move children and young people into other forms of care, we do not necessarily do it all that well.

There is a real irony here. On the one hand, we talk about early intervention being absolutely important—we need to do the right thing for children and young people. If there are problems, we intervene and try to solve them. On the other hand, when grandparents, aunts and uncles or older siblings step in to do that, they find that they are disadvantaged because they are not necessarily entitled to the support to which they would have been entitled had the whole process of compulsory care been brought into play. That does not seem to be correct.

We also hear from kinship carers the words that are often associated with people who are carers generally: they have to “battle for everything”, “fight to make their voices heard” and they have to “make a nuisance of themselves”. Indeed, some professionals would describe some of them as nuisances—the people that they perhaps do not want to have chapping at the door at 4 o’clock on a Friday afternoon—but they are often the people who come asking for help because they are trying to do the best for the children and young people for whom they care. It is not good enough that we have a postcode lottery. There is an imbalance in the support that we provide if only statutory measures are in place and support provided at the early-intervention stage.

In my last few seconds, I will mention grandparents who want to care for their grandchildren. Many grandparents would care for their grandchildren or provide support if they were given the opportunity to do so, but far too many are denied that opportunity because there are difficult circumstances to do with family break-up; perhaps one of the parents does not allow them access, for example.

Members will be familiar with the organisation Grandparents Apart UK, which does that battling and champions the cause of grandparents—sometimes in a way that is uncomfortable for us politicians. I ask the minister whether, in his closing remarks, he will commit to re-examining the charter for grandchildren to determine whether it is proving to be effective and whether anything more can be done to encourage those positive relationships. It is important that every child has a sense of their history, identity and family. That comes from knowing their family, even if they cannot live with them full time.

The issue must be raised at every level of Government. I would be interested to hear what further discussions the minister has been able to have with the United Kingdom Government, because he was committed to that. I will certainly continue to pursue the issue when I have the opportunity to do so.

17:32

Bob Doris (Glasgow) (SNP): I welcome the fact that Johann Lamont has secured this members’ business debate. As she mentioned, I amended her motion. Peculiarly, I amended it not by deleting a single word but by adding to it. That addition talked about progress since 2007. Whenever I have spoken about such progress, I have said that it has happened because kinship carers lobbied effectively and empowered me and other politicians to promote their message. Therefore, the credit for everything that has been delivered since 2007, whether by the Scottish Government or any other body, goes to the kinship carers who have lobbied relentlessly.

There is consensus, which I welcome. A year or two ago, we had a kinship care debate that was purely party political. It turned off every kinship carer who watched it, and every party that participated in it shares the blame for its being party political. However, things have moved on. We have had a Scottish National Party Government since 2007. We have a Labour Opposition, and the Conservatives are present. I welcome the fact that Elizabeth Smith mentioned the concordat, as imperfect as it certainly is; I will talk about that. We are united across all parties and, I hope, at all levels of government on getting a better deal for kinship carers.

I will give one small example of how that can happen. When I talk about what happened in Glasgow, the praise and credit do not go to the Labour Glasgow City Council or to me as an SNP MSP, but to the kinship carers for telling us to get our act together and deliver. I met Mr Purcell when he was Labour group leader. He was, then, unconvinced about kinship care payments, which it is fair to put on the record. Following that meeting and a working group, £40 per week was paid not only to looked-after children but to all kinship-care children—I say that slightly nervously, because some children have fallen through the cracks; we have to identify them and make sure that they get the money. That was an example of parties working together.

I recently met David Crawford, the executive director of social care services at Glasgow City Council, and Councillor Matthew Kerr, who has taken over the social care remit from Councillor Archie Graham. We spoke about what will happen to kinship care payments, given the cuts. The first

thing they said to me was, “Bob, we know that more than £40 should be paid. We can’t reach the target that should be paid, but the least we expect is some form of increase from the £40.” Even in the face of cutbacks, in Glasgow, Opposition politicians and the Labour Council are working constructively together with me as the local SNP MSP. The issue was not thought of in 2007. We now have a focus of attention because kinship carers have forced all of us to get our act together. I pay tribute to those carers. The issue is not only about money. Of course, the money is important, but we are talking about equality, dignity and tackling poverty, too.

The issue is also about the wider support mechanisms of local authorities and other agencies. I pay tribute to the Notre Dame Centre in the west end of Glasgow for the fantastic job that it does in taking in the vulnerable children who are looked after by kinship carers. The centre does that at a very reduced rate or no rate at all; it deals with the issues that the children present.

It seems that foster carers get a first-class service for their children when compared to kinship carers. That is not equality. There is a disparity between those two sets of carers in respite care and additional support. We are all fighting for equality by raising standards.

I have drawn attention to the money, but the issue goes far wider. In looking to avoid a postcode lottery, of course we have to look at the concordat, which Elizabeth Smith mentioned. The concordat has brought a focus to these issues like never before. There has been progress, but it has not happened quickly enough and it is patchy. That is why we have to come together on a cross-party basis. We need to move forward from May 2011—no matter which Government is in power. We need to stand united for kinship carers not only before the election but after it, too.

17:36

Dr Richard Simpson (Mid Scotland and Fife (Lab)): I congratulate my colleague Johann Lamont on obtaining the debate. I regard this debate as being of considerable importance, not least because I was adopted. I was extremely lucky: I was adopted into an excellent family and had enormous opportunities as a result. Subsequently, I became a medical adviser on adoption and fostering and saw some of the problems that foster and adoptive parents face. The changes that have occurred by way of improved pre-adoptive and post-adoptive support are extremely welcome, as is the improved support for foster carers. The group of carers who look after their kin, essentially on a voluntary basis, is the group that we now really need to address, which is what the motion seeks to do.

As Cathy Jamieson said, we now have a charter for grandparents and grandchildren, albeit that access is extremely patchy. I agree with Cathy Jamieson that we need to look at the matter, including by way of future legislation. We need to ensure that the child is genuinely at the centre of things. Too many children are still being separated from their grandparents.

I welcome the fact that when Wendy Alexander asked the question of the First Minister in 2007, the response was a financial commitment. If I remember correctly, the commitment was for £10 million. According to my rough maths, an allowance of around £150 a week would equal a commitment of about £75 million. The amount of money that the local authorities have for this area is therefore not significant and that, in turn, is reflected in authorities’ responses. Citizens Advice Scotland has helpfully produced its “Relative Value: The experiences of kinship carers using the Scottish CAB Service” report, which includes the example of Ken and Nancy. A projection was done of local authority areas, which showed that a couple in their situation would be better off by £66 in one area but worse off by £22 a week in another. How could they be worse off? It sounds strange, but that is the example that was given and I have no reason to doubt the figures.

This is also a gender issue, given that 87 per cent of kinship carers are women. In our society, women already have lower wages and are disadvantaged in many other ways. Many women kinship carers will wish to adapt their working practices to ensure that their grandchildren, nephews or nieces get a proper experience of child rearing. What do we do to encourage employers to ensure that these individuals can go part time? Very few of such carers can work full time.

The background of such children shows two areas that are of particular interest to me, the first of which is addictions. As Elizabeth Smith said, the number of children affected by addictions is estimated at somewhere around 50,000 for drug addiction and perhaps as many as 100,000 for alcohol addiction, although there will be some overlap between the two. Those are substantial numbers. Pressure will be put on the Parliament to try to move on taking more of those children away from their parents. We now know that if child rearing is not effective in the first three years of childhood, the damage is almost irreversible. Therefore, we need to encourage grandparents to be deeply involved in the provision of partial care, at least, if not of total care, in that time. I would say that we need a far more sophisticated approach to those early years.

The other confusion, as Johann Lamont indicated, is that children who are formally looked

after may receive both support and allowances, but there are many other children who are the subject of informal arrangements. Frankly, I have heard too often of social workers encouraging such arrangements for, I suspect, budgetary reasons, but it is not a good move.

I do not have time to make all the points that I would like to make, so I will make one final one. Clackmannanshire Council was one of the first councils to introduce allowances. It did so at a rate of between £121 and £209 a week, depending on the age of the child. It has had to cut that back and has been subjected to the most outrageous attacks by the Scottish National Party, when the neighbouring Stirling Council, whose residents are also my constituents, has failed to provide a single kinship allowance.

I echo Bob Doris's sentiments. Let us be above party politics on this issue—although, when a local party attacks a council on a basis such as the SNP has attacked Clackmannanshire Council it is, to be frank, disgraceful. We must rise to the challenge and do better.

17:41

Karen Whitefield (Airdrie and Shotts) (Lab):

Like others, I welcome the opportunity to participate in tonight's debate on kinship care, and I thank my colleague Johann Lamont for securing the debate.

I think that we all agree that the removal of a child from their parents is a last resort. Sadly, in some cases it is unavoidable. The recent report by Citizens Advice Scotland, which others have mentioned, found that the three most common factors that lead to kinship care are addiction, bereavement and chronic neglect. Children from such environments will have undergone traumatic formative experiences and will be psychologically and emotionally vulnerable. It is essential that they are made to feel safe and secure and that, where possible, they are placed with relatives with whom they have an established relationship and whom they know and trust.

However, being a relative has a direct and often adverse impact on the help that kinship carers receive. Many of those who become kinship carers do so out of a sense of obligation. They feel that there is an assumption that they will take responsibility, but that that assumption leads to them being taken for granted.

We must remember that to look after a child who is not your own is a momentous task, regardless of the circumstances. Those who do so deserve all the support that society can offer. Some kinship carers have to give up their jobs to meet their care responsibilities; others have to return to work to make ends meet. Time and

money are sacrificed, relationships are placed under strain, and mental and physical health are put to the test.

As Johann Lamont's motion highlights, by preventing children from entering the care system, kinship carers make a financial contribution to society. To deny kinship carers the help that they need is a false economy. Despite the financial hardships that are associated with kinship care, few carers would ignore their responsibilities. Those hardships and the associated stresses and strains of looking after the children should never be underestimated.

The Scottish Government's introduction in 2007 of the kinship carers allowance reflected the need to address those concerns but, as my colleague Richard Simpson has pointed out, not every council pays that allowance. There is no requirement to make those payments, which has given rise to inconsistencies across local authorities, with some councils making full or partial awards to kinship carers and others making none at all. That is simply unacceptable. In addition, the interaction between the payment of kinship carers allowance and the UK benefits system has resulted in some carers who receive the allowance being left worse off. That, too, is just not acceptable.

With almost 13,500 children across Scotland in formal or informal kinship care arrangements, it is clear that the situation cannot be allowed to continue. One of the key principles of getting it right for every child is that all children are entitled to the same high standard of care. However, kinship carers in my constituency of Airdrie and Shotts tell me that the current system is unequal. They feel frustrated and marginalised, and those sentiments are shared by kinship carers across Scotland.

Foster care budgets are protected, but kinship carers have already seen their allowances drastically reduced, and the prospect of further cuts is looming. Furthermore, and as kinship carers have consistently highlighted, it is not just about money. Getting it right for every child recommends taking a holistic approach to child care that takes emotional, educational and psychological welfare into account. However, many kinship carers struggle to access the appropriate services for the children they care for.

What can we do to address those problems? We must formulate a system in which relatives are encouraged—not discouraged—to act as kinship carers, and which recognises them as the primary carers and ensures that they receive the requisite help. The introduction of the kinship carers allowance was welcome, but we must now work to establish consistency of payment across all local authorities and take steps to ensure that kinship

carers who are in receipt of that allowance are not left worse off.

It is essential that we listen to the opinions and experiences of kinship carers, many of whom are present at this debate. They deserve to be included in the decision-making process. Kinship care is as fundamental to child welfare and protection as foster care. Kinship carers only want what is best for the children in their care, and the Scottish Government and all politicians must match that desire and commitment.

17:47

Hugh Henry (Paisley South) (Lab): Johann Lamont gave a powerful statement of some of the problems that face kinship carers right across Scotland, and she made a moving and persuasive argument about our failure to support those people who are doing so much for many young people in our country.

Richard Simpson was right to point out some of the party-political issues. Others have said that they do not want party politics in the debate, but party politics are involved. Part of the problem with the party politics is about the parties that are in power. It is not just about the SNP in power, it is about Labour in power. I was a minister, and I hope that I moved the kinship care agenda forward. I was involved in the discussions on the charter for grandparents, and I am proud of the contribution that I made.

However, Presiding Officer, I remember being very politely lambasted by you on a number of occasions about our failure to do more for kinship carers, and you were right. When we are in government, we often have to make difficult decisions, but more can always be done. The same applies to the current Administration. It can take some satisfaction from what it has done, but it should also recognise that more needs to be done. I hope that out of this debate will come some willingness on the part of all the parties in the Parliament to say in their manifestos what they are going to do to support kinship carers. More than that, I hope that they will meet that manifesto commitment, and that it will not be just another broken promise. Whether the current Administration remains in power or, as I hope, Labour returns to power, I want to see some positive action.

We have a disgraceful situation in this country. For years, when we have discussed health, time and again members of the Parliament have said that they are not prepared to accept a postcode lottery for health. What have we heard tonight? We have a postcode lottery when it comes to kinship care. It is unacceptable that kinship carers are supported better in some areas and not at all

in others. The care is provided no matter where people live.

As Johann Lamont and others have said, we live in a society that in some ways has changed beyond all recognition. Drugs have completely laid waste to many communities and families.

Every member in the Parliament will have had kinship carers come to them in their constituency work. I remember as a minister many people saying, "We thought that at our stage in life it would be time for us to put our feet up, relax and enjoy the fruits of our hard work." What happens? Because of some disaster, tragedy or problematic situation, those people are suddenly lumbered with all the responsibilities of child care at the time of their retirement. They include emotional responsibilities, physical and mental responsibilities and, yes, financial responsibilities.

Those people are doing taxpayers, local authorities and the state a huge favour by taking on the troubles and problems of those children, but they do not see it as trouble or a problem; they see it as their duty and responsibility, because they love those young children. Are we seriously suggesting that they should turn to the children and say, "We can't look after you. You're going into care or foster care, because there is more money to support you there than there is in taking you on ourselves"? No, of course they would not say that, so why should we take advantage of them because they do the right thing for the children they love? It is about time that the Parliament faced up to its responsibilities.

17:51

The Minister for Children and Early Years (Adam Ingram): First, I join others in congratulating Johann Lamont on securing today's debate on children in family and friends' care. We have heard some excellent speeches from all round the chamber and a good many pertinent points—one or two I might take issue with, although I will not do so this evening. I shall endeavour to respond to as many of the points as possible in the limited time available.

Not the least valuable part of the contributions, and indeed the correspondence that I receive from several members, has been the personal testimony of the constituency cases with which they have had direct involvement. I have found many of those accounts troubling, moving and impressive, and they have been reinforced in the many meetings that I have had as an elected member, and now as a minister, with kinship carers. That is why, as our spokesman on the issues in opposition and now as a minister in government, I have been very keen to push the cause of kinship care.

We all know that kinship carers make tremendous efforts in the face of often very difficult circumstances. We owe it to them to work with them to do all that we can for them and the children for whom they care. The Scottish Government's ambition for all children in kinship care—and, indeed, for all looked-after children—is that their opportunities should be the same as those of any child. I am sure that there is no difference between the parties on that point.

The Government moved quickly when we came into power and, in 2007, we published our strategy on "Getting it right for every child in kinship and foster care". That gave us a clear plan of action. Since then, we have implemented the Looked After Children (Scotland) Regulations 2009, which set out the arrangements for kinship care of looked-after children, and we have published guidance and delivered training to front-line staff in every local authority to support those regulations.

We have funded Citizens Advice Scotland to provide better advice and information to kinship carers, particularly on maximising benefit entitlement, and we have commissioned the Child Poverty Action Group to deliver training to front-line workers and social work managers to improve their skills and knowledge of kinship care. On that issue, I take the point made by Paul Martin, who made some very pertinent points on how kinship carers may have been treated by local authorities and others.

We have also funded Who Cares? Scotland to deliver the corporate parent national training programme to elected members and community partners. We want to empower our local representatives on councils to ask the right questions of their senior officials. We have formed the looked-after children strategic implementation group to bring together organisations from across the children's sector to drive forward an ambitious programme of change at the local level. Also, for the first time, we have introduced, through the concordat, systematic financial support for kinship carers of looked-after children.

The Scottish Government has taken explicit action to counter what we know are poor educational outcomes for looked-after children. The Education (Additional Support for Learning) (Scotland) Act 2009 introduces a specific provision that increases the existing duties of local authorities to identify, assess and meet the educational needs of a child with additional learning needs. The provision was introduced on 14 November and the presumption is that all looked-after children require support unless they are assessed otherwise.

Cathy Jamieson: I hear what the minister is saying and do not dispute that what he has described has been done, but the crux of the

matter that we are discussing tonight is the fact that many of the children we are talking about are not looked-after children because their families have stepped in to avoid them being put in that situation. Will the minister say something about them?

Adam Ingram: Yes, indeed. I shall go on to discuss the situation of all kinship carers, including informal kinship carers.

Whether or not they are kinship carers of looked-after children, we know that kinship carers do it for love, not money but, equally, we all know that financial resources—or the lack of them—have an impact on how easy it is to care for a child. We also know that the number of kinship carers has grown more than expected since 2007. There has been an increase of something like 40 per cent in the number of children coming into kinship care, which has been a real concern for local authorities throughout Scotland. However, kinship care is a cost-effective care placement that offers scope for councils to provide a safe, supportive and nurturing environment for children and young people.

To get the best from kinship care, we need to continue to invest. In the face of the worst public expenditure environment in 60 years, we have been working with local government and the UK Government to make a difference for kinship carers. I do not say that we have achieved enough yet, but, working with local authorities and UK Governments spanning the political spectrum, we have achieved significant progress. For example, through our working with the UK Government, since April, kinship carers have received their kinship care allowance free of tax with some benefiting by up to around £25 a week. From October, kinship care payments that are made under section 22 of the Children (Scotland) Act 1995 and, from April, payments that are made under clause 50 of the Children Act 1975 will be fully disregarded for housing and council tax benefit purposes, with some kinship carers benefiting by up to £50 a week.

Those improvements will make a big difference for many carers and are a step in the right direction. However, to my mind, the best sustainable solution is for financial support to be provided by the benefits system. When a child enters a household, the benefits system should help to support that child and that placement. We will, therefore, continue to push the UK Government to change the benefit rules, especially those regarding entitlement to child benefit and child tax credit. That continues to be the basis of our policy on financial support for kinship carers. It is why, at Scotland's first ever children's summit, in June, I announced the agreement of the Scottish Government and the

Convention of Scottish Local Authorities to work together on kinship care to secure further concessions from the UK Government to ensure that the benefits system is the primary source of financial support.

We also agreed to work with COSLA to explore the non-financial support that kinship carers need and to consider whether we can do more for informal kinship carers. I take the points that Karen Whitefield, Cathy Jamieson and others made in that regard. I am pleased to confirm that, as a result of that work and discussions with kinship carers and stakeholders, the Scottish Government will pilot a national training, support and advice service for all kinship carers, from early in the new year.

We will also invite representatives from kinship carer groups across the country to a national forum to ensure that we have a strong dialogue with carers from all across Scotland. An important conversation will be to find out from carers what works for them and the children in their care. That will continue to influence directly the training service that we offer.

Karen Whitefield: Will the member give way?

The Deputy Presiding Officer: I am sorry, but the minister should be finishing.

Adam Ingram: I reassure the chamber that the Scottish Government stands ready to work with our partners, in consultation with carers, to improve further the lives and opportunities of all our children and particularly those in kinship care.

For my part, I would also be keen to build on the parliamentary consensus that we have witnessed in tonight's debate. I will undertake to explore with all the parties' spokespeople ways in which we might work together to further this agenda through policy development and practical action. Perhaps we can meet early in the new year to take that forward.

Meeting closed at 18:02.

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